

HOUSE Substitute for SENATE BILL No. 254

By Committee on Agriculture and Natural Resources

3-20

9 AN ACT relating to annexation; amending K.S.A. 2008 Supp. 12-520 and
10 repealing the existing section.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 2008 Supp. 12-520 is hereby amended to read as
14 follows: 12-520. (a) Except as hereinafter provided, the governing body
15 of any city, by ordinance, may annex land to such city if any one or more
16 of the following conditions exist:

17 (1) The land is platted, and some part of the land adjoins the city.

18 (2) The land is owned by or held in trust for the city or any agency
19 thereof.

20 (3) The land adjoins the city and is owned by or held in trust for any
21 governmental unit other than another city except that no city may annex
22 land owned by a county without the express permission of the board of
23 county commissioners of the county other than as provided in subsection
24 (f).

25 (4) The land lies within or mainly within the city and has a common
26 perimeter with the city boundary line of more than 50%.

27 (5) The land if annexed will make the city boundary line straight or
28 harmonious and some part thereof adjoins the city, except no land in
29 excess of 21 acres shall be annexed for this purpose.

30 (6) The tract is so situated that $\frac{2}{3}$ of any boundary line adjoins the
31 city, except no tract in excess of 21 acres shall be annexed under this
32 condition.

33 (7) The land adjoins the city and a written petition for or consent to
34 annexation is filed with the city by the owner. *This subsection from and*
35 *after January 1, 2008, may not be utilized by a city to annex a portion of*
36 *an individual's tract of land.*

37 (b) No portion of any unplatted tract of land devoted to agricultural
38 use of 21 acres or more shall be annexed by any city under the authority
39 of this section without the written consent of the owner thereof.

40 (c) No city may annex, pursuant to this section, any improvement
41 district incorporated and organized pursuant to K.S.A 19-2753 et seq.,
42 and amendments thereto, or any land within such improvement district.
43 The provisions of this subsection shall apply to such improvement districts

1 for which the petition for incorporation and organization was presented
2 on or before January 1, 1987.

3 (d) Subject to the provisions of this section and subsection (e) of
4 K.S.A. 12-520a, and amendments thereto, a city may annex, pursuant to
5 this section, any fire district or any land within such fire district.

6 (e) Whenever any city annexes any land under the authority of par-
7 agraph 2 of subsection (a) which does not adjoin the city, tracts of land
8 adjoining the land so annexed shall not be deemed to be adjoining the
9 city for the purpose of annexation under the authority of this section until
10 the adjoining land or the land so annexed adjoins the remainder of the
11 city by reason of the annexation of the intervening territory.

12 (f) No city may annex the right-of-way of any highway under the au-
13 thority of this section unless at the time of the annexation the abutting
14 property upon one or both sides thereof is already within the city or is
15 annexed to the city in the same proceeding. The board of county com-
16 missioners may notify the city of the existence of any highway which has
17 not become part of the city by annexation and which has a common
18 boundary with the city. The notification shall include a legal description
19 and a map identifying the location of the highway. The governing body
20 of the city shall certify by ordinance that the certification is correct and
21 declare the highway, or portion of the highway extending to the center
22 line where another city boundary line abuts the opposing side of the
23 highway, annexed to the city as of the date of the publication of the
24 ordinance.

25 (g) The governing body of any city by one ordinance may annex one
26 or more separate tracts or lands each of which conforms to any one or
27 more of the foregoing conditions. The invalidity of the annexation of any
28 tract or land in one ordinance shall not affect the validity of the remaining
29 tracts or lands which are annexed by the ordinance and which conform
30 to any one or more of the foregoing conditions.

31 (h) *No city may utilize any provision of this section from and after*
32 *January 1, 2008, to annex a narrow corridor of land to gain access to*
33 *noncontiguous tracts of land. The corridor of land must have a tangible*
34 *value and purpose other than for enhancing future annexations of land*
35 *by the city.*

36 Sec. 2. K.S.A. 2008 Supp. 12-520 is hereby repealed.

37 Sec. 3. This act shall take effect and be in force from and after its
38 publication in the Kansas register.