

As Amended by House Committee

Session of 2015

HOUSE BILL No. 2003

By Representative Houser

12-16

1 AN ACT concerning cities; relating to annexation; amending K.S.A. 12-
2 520c and K.S.A. 2014 Supp. 12-520 and repealing the existing
3 sections.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2014 Supp. 12-520 is hereby amended to read as
7 follows: 12-520. (a) Except as hereinafter provided, the governing body of
8 any city, by ordinance, may annex land to such city if any one or more of
9 the following conditions exist:

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

11 (2) The land *adjoins the city and* is owned by or held in trust for the
12 city or any agency thereof.

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

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

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

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

26 (7) The land adjoins the city and a written petition for or consent to
27 annexation is filed with the city by the owner.

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

31 (c) No city may annex, pursuant to this section, any improvement
32 district incorporated and organized pursuant to K.S.A 19-2753 et seq., and
33 amendments thereto, or any land within such improvement district. The
34 provisions of this subsection shall apply to such improvement districts for
35 which the petition for incorporation and organization was presented on or
36 before January 1, 1987.

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

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

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

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

28 ~~(h)~~^(g) No city may utilize any provision of this section to annex a
29 narrow corridor of land to gain access to noncontiguous tracts of land. The
30 corridor of land must have a tangible value and purpose other than for
31 enhancing future annexations of land by the city.

32 Sec. 2. K.S.A. 12-520c is hereby amended to read as follows: 12-
33 520c. (a) The governing body of any city may by ordinance annex land not
34 adjoining the city if the following conditions exist:

- 35 (1) The land is located within the same county as ~~such~~ the city;
36 (2) the owner or owners of the land petition for or consent in writing
37 to the annexation of ~~such~~ the land; and
38 (3) the board of county commissioners of the county, *by a unanimous*
39 *²/₃ vote of the members thereof*, find and determine that the annexation of
40 ~~such~~ the land will not hinder or prevent the proper growth and
41 development of the area or that of any other incorporated city located
42 within ~~such~~ the county ~~and that the annexation will not cause manifest~~
43 ~~injury to the owners of the land surrounding the land proposed to be~~

1 *annexed.*

2 (b) No land adjoining any land annexed by any city under the
3 provisions of this section shall be deemed to be adjoining the city for the
4 purpose of annexation under any other act or section of this act until ~~such~~
5 *the* adjoining land or the land annexed under this section shall adjoin the
6 remainder of the city by reason of the annexation of the intervening
7 territory.

8 (c) Whenever the governing body of any city deems it advisable to
9 annex land under the provisions of this section ~~such~~, *the* governing body
10 shall by resolution request the board of county commissioners of the
11 county to make a finding as required under subsection (a)(3) ~~of this~~
12 ~~section~~. The city clerk shall file a certified copy of ~~such~~ *the* resolution with
13 the board of county commissioners who shall, within ~~thirty (30)~~ 30 days
14 following the receipt ~~thereof~~ *of the resolution*, make findings and notify
15 the governing body of the city ~~thereof~~ *of the board's decision*. ~~Such~~
16 ~~findings shall be spread at length upon the journal of proceedings of said~~
17 ~~board. The failure of such board to spread such findings upon the journal~~
18 ~~shall not invalidate the same.~~

19 Any owner or city aggrieved by the decision of the board of county
20 commissioners may appeal from the decision of such board to the district
21 court of the ~~same~~ county in the manner and method set forth in K.S.A. 19-
22 223, *and amendments thereto*. Any city so appealing shall not be required
23 to execute the bond prescribed therein.

24 Sec. 3. K.S.A. 12-520c and K.S.A. 2014 Supp. 12-520 are hereby
25 repealed.

26 Sec. 4. This act shall take effect and be in force from and after its
27 publication in the statute book.