

As Amended by Senate Committee

{As Amended by House Committee of the Whole}

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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

1 amendments thereto, or any land within such improvement district. The
2 provisions of this subsection shall apply to such improvement districts for
3 which the petition for incorporation and organization was presented on or
4 before January 1, 1987.

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

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

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

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

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

37 *(h) No land shall be annexed pursuant to subsections (a)(1), (4), (5)*
38 *and (6) without express consent of the board of county commissioners by*
39 *resolution adopted within 30 days following the conclusion of the*
40 *hearing on the proposed annexation as required by K.S.A. 12-520a, and*
41 *amendments thereto.*

42 Sec. 2. K.S.A. 12-520c is hereby amended to read as follows: 12-
43 520c. (a) The governing body of any city may by ordinance annex land not

1 adjoining the city if the following conditions exist:

2 (1) The land is located within the same county as ~~such~~ the city;

3 (2) the owner or owners of the land petition for or consent in writing
4 to the annexation of ~~such~~ the land; and

5 (3) the board of county commissioners of the county, *by a ~~unanimous~~*
6 *^{2/3} vote of the members thereof*, find and determine that the annexation of
7 ~~such~~ the land will not hinder or prevent the proper growth and
8 development of the area or that of any other incorporated city located
9 within ~~such~~ the county ~~and that the annexation will not cause manifest~~
10 ~~injury to the owners of the land surrounding the land proposed to be~~
11 ~~annexed.~~

12 (b) No land adjoining any land annexed by any city under the
13 provisions of this section shall be deemed to be adjoining the city for the
14 purpose of annexation under any other act or section of this act until ~~such~~
15 ~~the~~ adjoining land or the land annexed under this section shall adjoin the
16 remainder of the city by reason of the annexation of the intervening
17 territory.

18 (c) Whenever the governing body of any city deems it advisable to
19 annex land under the provisions of this section ~~such~~, the governing body
20 shall by resolution request the board of county commissioners of the
21 county to make a finding as required under subsection (a)(3) ~~of this~~
22 ~~section~~. The city clerk shall file a certified copy of ~~such~~ the resolution with
23 the board of county commissioners who shall, within ~~thirty (30)~~ 30 days
24 following the receipt ~~thereof~~ of the resolution, make findings and notify
25 the governing body of the city ~~thereof~~ of the board's decision. ~~Such~~
26 ~~findings shall be spread at length upon the journal of proceedings of said~~
27 ~~board. The failure of such board to spread such findings upon the journal~~
28 ~~shall not invalidate the same.~~

29 Any owner or city aggrieved by the decision of the board of county
30 commissioners may appeal from the decision of such board to the district
31 court of the ~~same~~ county in the manner and method set forth in K.S.A. 19-
32 223, *and amendments thereto*. Any city so appealing shall not be required
33 to execute the bond prescribed therein.

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

36 Sec. 4. This act shall take effect and be in force from and after its
37 publication in the ~~statute book~~ *Kansas register*.