

HOUSE BILL No. 2580

By Representative Dove

2-6

1 AN ACT concerning cities; relating to annexation of territory; amending
2 K.S.A. 2019 Supp. 12-520 and repealing the existing section.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 2019 Supp. 12-520 is hereby amended to read as
6 follows: 12-520. (a) Except as hereinafter provided, the governing body of
7 any city, by ordinance, may annex land to such city if any one or more of
8 the following conditions exist:

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

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

12 ~~(3)(2) The land adjoins the city and is owned by or held in trust for~~
13 ~~any governmental unit other than another city except that no city may~~
14 ~~annex land owned by a county without the express permission of the board~~
15 ~~of county commissioners of the county other than as provided in~~
16 ~~subsection (f).~~

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

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

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

25 ~~(7)(3) The land adjoins the city and a written petition for or consent~~
26 ~~to annexation is filed with the city by the owner.~~

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

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

36 (d) Subject to the provisions of this section and K.S.A. 12-520a(e),

1 and amendments thereto, a city may annex, pursuant to this section, any
2 fire district or any land within such fire district.

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

16 (f) The governing body of any city by one ordinance may annex one
17 or more separate tracts or lands each of which conforms to any one or
18 more of the foregoing conditions. The invalidity of the annexation of any
19 tract or land in one ordinance shall not affect the validity of the remaining
20 tracts or lands which are annexed by the ordinance and which conform to
21 any one or more of the foregoing conditions.

22 (g) No city may utilize any provision of this section to annex a
23 narrow corridor of land to gain access to noncontiguous tracts of land. The
24 corridor of land must have a tangible value and purpose other than for
25 enhancing future annexations of land by the city.

26 Sec. 2. K.S.A. 2019 Supp. 12-520 is hereby repealed.

27 Sec. 3. This act shall take effect and be in force from and after its
28 publication in the statute book.