

**As Amended by House Committee**

**As Amended by Senate Committee**

Session of 2011

**SENATE BILL No. 150**

By Committee on Ways and Means

2-8

1 AN ACT concerning cities; relating to ~~incorporation~~ boundaries;  
2 amending K.S.A. **12-519, 12-520b, 12-521, 12-531, 12-532**, 15-116,  
3 15-117 ~~and 15-124~~, **15-124 and 60-2301 and K.S.A. 2010 Supp. 25-**  
4 **432** and repealing the existing sections.

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

7 Section 1. K.S.A. 15-116 is hereby amended to read as follows: 15-  
8 116. (a) When a petition for the incorporation of a city, signed by 50 or  
9 more electors of the territory described therein, and containing the  
10 information hereafter required, is filed with the county clerk if all the  
11 territory is within one county, or the county clerk of the county in which  
12 the greater or greatest area lies if the territory lies in two or more counties,  
13 the requirements and proceedings shall be as hereinafter stated.

14 The petition shall: (1) Be addressed to the board of county  
15 commissioners, or where the territory lies in two or more counties, to the  
16 board of commissioners of the county having the greater or greatest area;  
17 (2) describe the territory by metes and bounds; *and* (3) request the  
18 incorporation of the territory as a city by the name of "the city of  
19 \_\_\_\_\_" (giving name).

20 Each page of signatures shall bear the following heading:

21 "I, whose name appears as one of the signers below, state that I reside  
22 in and am an elector of the territory petitioned to become the city of  
23 \_\_\_\_\_; that I signed my name in my own handwriting; that I  
24 read the description of the metes and bounds of said territory or saw the  
25 map of the territory attached as an exhibit to the petition.

26 *Signatures* *Addresses*

27 ~~If registration for voting purposes is required in all or any part of the~~  
28 ~~area, signers in the registration area must sign their names the same as they~~  
29 ~~are shown on the registration books. The signatures of signers in~~  
30 ~~registration areas shall be checked against the voter registration books by~~  
31 ~~the county election officer in charge of registration. Where all or a part of~~  
32 ~~the territory is not in a registration area, an elector who signs the petition~~  
33 ~~shall make an affidavit that to the best of the elector's knowledge and~~

1 ~~belief, the persons who signed the petition and who are not in a~~  
2 ~~registration area are electors of the territory. The affidavit shall be attached~~  
3 ~~to the petition before the petition is filed.~~ Any person desiring to withdraw  
4 their name from the petition may do so by filing in person with the county  
5 clerk of the county where the petition will be filed, and before the petition  
6 is filed, a statement substantially as follows: "I the undersigned, hereby  
7 withdraw my name as a signer of the petition for the incorporation of the  
8 territory proposed to be called the city of \_\_\_\_\_." The county  
9 clerk shall sign and endorse on the face of the statement the month, day,  
10 year and hour of the filing and, if and when the petition is filed, shall  
11 attach such withdrawal statement thereto.

12 The sufficiency of the number of petitioners shall be determined as of  
13 the day of the filing of the petition by registration books, if any, and as of  
14 the date of the affidavit as to persons in nonregistration area.

15 (b) No territory shall be incorporated as a city except as provided in  
16 subsection (d)(2) unless it has ~~300~~ 250 or more inhabitants or has ~~300~~ 250  
17 or more platted lots each of which is served by water and sewer lines  
18 owned by a nonprofit corporation. The number of inhabitants shall be  
19 determined by an enumeration by a qualified signer of the petition who  
20 shall make an affidavit that an enumeration has been made of the  
21 inhabitants of the territory after the beginning of the circulation of the  
22 petition, and stating the number of inhabitants found, and specifying the  
23 dates when it was begun and when completed. The number of platted lots  
24 served by water and sewer lines owned by a nonprofit corporation shall be  
25 determined by the county engineer, who shall state the findings by  
26 affidavit. ~~Such~~ The affidavits shall be attached to the petition before it is  
27 filed. The board of county commissioners may cause another enumeration  
28 to be made if it believes the number of inhabitants may be less than ~~300~~  
29 250.

30 (c) The petition shall have attached thereto a statement containing the  
31 following information regarding the proposed city: (1) Quantity of land  
32 embraced, platted and unplatted; (2) a brief description of existing  
33 facilities and services currently received by the area, including water  
34 supply, sewage disposal, fire and police protection; *and* (3) reasons for  
35 desiring city government and services.

36 There shall also be attached to the petition a map of the territory  
37 showing the location of the proposed city within the county or counties  
38 and the more densely built-up area or areas and designating in general the  
39 platted and unplatted areas.

40 There shall also be attached a statement of the assessed valuation of the  
41 platted real property and improvements and unplatted real property and  
42 improvements and the assessed valuation or an estimate thereof of the  
43 tangible personal property for each county in which any area lies, certified

1 by the county clerk or county assessor.

2 (d) No territory shall be incorporated as a city unless:

3 (1) The inhabitants of the territory number ~~300~~ 250 or more ~~or~~ **and 50**  
4 **or more electors of the territory have signed a petition;**

5 (2) the territory contains ~~300~~ 250 or more platted lots each served by  
6 water and sewer lines owned by a nonprofit corporation, and 50 or more  
7 electors of the territory have signed a petition; or

8 ~~(2)~~ (3) the territory has been designated a national landmark by the  
9 congress of the United States.

10 Sec. 2. K.S.A. 15-117 is hereby amended to read as follows: 15-117.  
11 The county clerk shall examine the petition, if such a petition is required,  
12 signatures and attached matter as prescribed by K.S.A. 15-116, as  
13 amended, and if it appears the petition is in proper form, that the  
14 inhabitants of the territory number ~~300~~ 250 or more ~~or~~ **and 50 or more**  
15 **electors of the territory have signed a petition**, that the territory contains  
16 ~~300~~ 250 or more platted lots each served by water and sewer lines owned  
17 by a nonprofit corporation; and that 50 or more electors of the territory  
18 have signed the petition, or that the territory has been designated as a  
19 national landmark, the county clerk shall so report to the board of county  
20 commissioners at its next regular meeting and it shall designate a time and  
21 place for a hearing on the petition, such time to be not less than 30 nor  
22 more than 90 days from the date the petition was filed. The place of the  
23 hearing shall be at a place convenient for most of the inhabitants of the  
24 territory.

25 Sec. 3. K.S.A. 15-124 is hereby amended to read as follows: 15-124.  
26 The city, regardless of the number of inhabitants (~~three hundred (300) or~~  
27 ~~more), 250 or more,~~ at the time of incorporation, shall operate as a mayor-  
28 council city of the third class and the statutes relating thereto and home  
29 rule powers under the constitution until such time as by proper  
30 proceedings the class is changed or form of government changed.

31 **New Sec. 4. When land located outside a city is annexed by such**  
32 **city under K.S.A. 12-521 and 12-521a, and amendments thereto, any**  
33 **homestead rights attributable to such land prior to such annexation**  
34 **shall continue after annexation until such land is sold after**  
35 **annexation.**

36 **New Sec. 5. Except as provided in this section, no land shall be**  
37 **annexed pursuant to paragraphs (1), (4), (5) and (6) of subsection (a)**  
38 **of K.S.A. 12-520, and amendments thereto, if the board of county**  
39 **commissioners determines by resolution adopted within 30 days**  
40 **following the conclusion of the hearing on the proposed annexation**  
41 **that the proposed annexation will have an adverse effect on such**  
42 **county. The board of county commissioners shall deliver a copy of**  
43 **such resolution to the city. If the board of county commissioners fails**

1 to adopt such a resolution within the 30-day period, the annexation  
2 shall be deemed to have been approved by the board of county  
3 commissioners.

4 Sec. 6. K.S.A. 12-519 is hereby amended to read as follows: 12-  
5 519. As used in this act: (a) "Tract" means a single unit of real  
6 property under one ownership, outside the corporate limits of a city,  
7 which may be platted or unplatted, title to which is publicly or  
8 privately held by an owner as defined by subsection (c).

9 (b) "Land" means a part of a tract or one or more tracts.

10 (c) "Owner" means the one who has record title to a tract. In the  
11 event two or more persons have record title to a tract, "owner" shall  
12 be defined as follows: (1) If joint tenants, "owner" means a majority  
13 of the number of joint tenants; (2) if tenants in common, "owner"  
14 means both a majority of the number of tenants in common and the  
15 holders of a majority of the undivided interests in the tract; (3) if the  
16 tract is held by a life tenant and a remainderman, "owner" means the  
17 life tenant; (4) if the tract is held by a tenant under a recorded lease  
18 providing for a lease term of 10 years or longer and a remainderman,  
19 "owner" means both such tenant and remainderman; (5) if one holds  
20 title to the surface and another holds title to the minerals, "owner"  
21 means the surface title holder.

22 (d) "Adjoins" means to lie upon or touch (1) the city boundary  
23 line; or (2) a highway, railway or watercourse which lies upon the city  
24 boundary line and separates such city and the land sought to be  
25 annexed by only the width of such highway, railway or watercourse.

26 (e) "Platted" means a tract or tracts mapped or drawn to scale,  
27 showing a division or divisions thereof, which map or drawing is filed  
28 in the office of the register of deeds by the owner of such tract.

29 (f) "Land devoted to agricultural use" means land which is  
30 devoted to the production of plants, animals or horticultural products,  
31 including but not limited to: Forages; grains and feed crops; dairy  
32 animals and dairy products; poultry and poultry products; beef cattle,  
33 sheep, swine and horses; bees and apiary products; trees and forest  
34 products; fruits, nuts and berries; vegetables; or nursery, floral,  
35 ornamental and greenhouse products. Land devoted to agricultural  
36 use shall not include those lands which are used for recreational  
37 purposes, suburban residential acreages, rural home sites or farm  
38 home sites and yard plots whose primary function is for residential or  
39 recreational purposes even though such properties may produce or  
40 maintain some of those plants or animals listed in the foregoing  
41 definition.

42 (g) "*Qualified elector*" means any person registered to vote who  
43 resides within the area proposed to be annexed under the provisions of

1 *K.S.A. 12-521, and amendments thereto.*

2 *(h) "Area proposed to be annexed" means the area approved for*  
3 *annexation by the board of county commissioners under provisions of*  
4 *K.S.A. 12-521, and amendments thereto.*

5 ~~(g)~~*(i) "Watercourse" means a natural or manmade course where*  
6 *water may flow on a regular or intermittent basis; a watercourse shall*  
7 *not include a natural or manmade lake, pond or other impoundment*  
8 *of five or more acres of surface area.*

9 **Sec. 7. K.S.A. 12-520b is hereby amended to read as follows: 12-**  
10 **520b. (a) The governing body of any city proposing to annex land**  
11 **under the provisions of K.S.A. 12-520, and amendments thereto, shall**  
12 **make plans for the extension of services to the area proposed to be**  
13 **annexed and shall, prior to the adoption of the resolution provided for**  
14 **in K.S.A. 12-520a, and amendments thereto, prepare a report setting**  
15 **forth such plans. The report shall include:**

16 **(1) A sketch clearly delineating the land proposed to be annexed**  
17 **and the area of the city adjacent thereto to show the following**  
18 **information:**

19 **(A) The present and proposed boundaries of the city affected by**  
20 **such proposed annexation;**

21 **(B) the present streets, water mains, sewers and other city utility**  
22 **lines, and the proposed extension thereof; and**

23 **(C) the general land use pattern in the areas to be annexed.(2) A**  
24 **statement setting forth a plan of sufficient detail to provide a**  
25 **reasonable person with a full and complete understanding of the**  
26 **intentions of the city for extending to the area to be annexed each**  
27 **major municipal service provided to persons and property located**  
28 **within the city and the area proposed to be annexed at the time of**  
29 **annexation and the estimated cost of providing such services. The plan**  
30 **shall state the estimated cost impact of providing such services to the**  
31 **residents of the city and the residents of the area proposed to be**  
32 **annexed. The plan shall state the method by which the city plans to**  
33 **finance the extension of such services to such area. Such plan shall**  
34 **include a timetable of the plans for extending each major municipal**  
35 **service to the area annexed. The plan shall state the means by which**  
36 **the services currently provided by a township or special district in the**  
37 **area to be annexed shall be maintained by the city at a level which is**  
38 **equal to or better than the level of services provided prior to**  
39 **annexation. The plan shall state those services which shall be provided**  
40 **immediately upon annexation and those services which may be**  
41 **provided upon petition of the landowners to create a benefit district.**

42 *(b) A copy of the plan for extension of services shall be sent by*  
43 *certified mail not less than 10 days prior to the public hearing as provided*

1 *in K.S.A. 12-520a, and amendments thereto, to the board of county*  
2 *commissioners.*

3 ~~(b)~~(c) **The preparation of a plan for the extension of services**  
4 **required by subsection (a) shall not be required for or as a**  
5 **prerequisite to the annexation of land of which all of the owners**  
6 **petition for or consent to such annexation in writing.**

7 **Sec. 8. K.S.A. 12-521 is hereby amended to read as follows: 12-**  
8 **521. (a) Whenever the governing body of any city deems it advisable to**  
9 **annex land which such city is not permitted to annex under K.S.A. 12-**  
10 **520, and amendments thereto, or if the governing body of any city is**  
11 **permitted to annex land under K.S.A. 12-520, and amendments**  
12 **thereto, but deems it advisable not to annex thereunder, the governing**  
13 **body may annex such land as provided by this section. The governing**  
14 **body, in the name of the city, may present a petition to the board of**  
15 **county commissioners of the county in which the land sought to be**  
16 **annexed is located. The petition shall set forth a legal description of**  
17 **the land sought to be annexed and request a public hearing on the**  
18 **advisability of such annexation. The governing body of such city shall**  
19 **make plans for the extension of services to the tract of land proposed**  
20 **to be annexed and shall file a copy thereof with the board of county**  
21 **commissioners at the time of presentation of the petition. Such report**  
22 **shall include:**

23 **(1) A sketch clearly delineating the land proposed to be annexed**  
24 **and the area of the city adjacent thereto to show the following**  
25 **information:**

26 **(A) The present and proposed boundaries of the city affected by**  
27 **such proposed annexation;**

28 **(B) the present streets, water mains, sewers and other city utility**  
29 **lines, and the proposed extension thereto; and**

30 **(C) the general land use pattern in the areas to be annexed.**

31 **(2) A statement setting forth a plan of sufficient detail to provide**  
32 **a reasonable person with a full and complete understanding of the**  
33 **intentions of the city for extending to the area to be annexed each**  
34 **major municipal service provided to persons and property located**  
35 **within the city and area proposed to be annexed at the time of**  
36 **annexation and the estimated cost of providing such services. The plan**  
37 **shall state the estimated cost impact of providing such services to the**  
38 **residents of the city and the residents of the area proposed to be**  
39 **annexed. The plan shall state the method by which the city plans to**  
40 **finance the extension of such services to such area. The plan shall**  
41 **include a timetable for the extension of major municipal services to**  
42 **the area proposed to be annexed. The plan shall state the means by**  
43 **which the services currently provided by a township or special district**

1 in the area to be annexed shall be maintained by the city at a level  
2 which is equal to or better than the level of services provided prior to  
3 annexation. The plan shall state those services which shall be provided  
4 immediately upon annexation and those services which may be  
5 provided upon petition of the landowners to create a benefit district.

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

9 ~~(b)~~(c) **The date fixed for the public hearing shall be not less than**  
10 **60 nor more than 70 days following the date of the presentation of the**  
11 **petition requesting such hearing. Notice of the time and place of the**  
12 **hearing, together with a legal description of the land sought to be**  
13 **annexed and the names of the owners thereof, shall be published in a**  
14 **newspaper of general circulation in the city not less than one week and**  
15 **not more than two weeks preceding the date fixed for such hearing.**

16 A copy of the notice providing for the public hearing shall be  
17 mailed by certified mail to each owner of the land proposed to be  
18 annexed not more than 10 days following the date of the presentation  
19 of the petition requesting such hearing. A sketch clearly delineating the  
20 area in such detail as may be necessary to advise the reader of the  
21 particular land proposed to be annexed shall be published with such  
22 notice and a copy thereof mailed to the owner of the property with  
23 such notice.

24 The board for good cause shown may continue the hearing beyond  
25 the time specified in the notice without further publication.

26 ~~(e)~~(d) **On the day set for hearing, the board of county**  
27 **commissioners shall hear testimony as to the advisability of such**  
28 **annexation, and a representative of the city shall present the city's**  
29 **proposal for annexation, including the plan of the city for the**  
30 **extension of services to the area proposed to be annexed.**

31 The action of the board of county commissioners shall be quasi-  
32 judicial in nature. The board of county commissioners shall consider  
33 the impact of approving or disapproving the annexation on the entire  
34 community involved, including the city and the land proposed to be  
35 annexed, in order to insure the orderly growth and development of the  
36 community. The board shall make specific written findings of fact and  
37 conclusions determining whether such annexation or the annexation of  
38 a lesser amount of such area causes manifest injury to the owners of  
39 any land proposed to be annexed, or to the owners of land in areas  
40 near or adjacent to the land proposed to be annexed or to the city if  
41 the annexation is disapproved. The findings and conclusions shall be  
42 based upon the preponderance of evidence presented to the board. In  
43 determining whether manifest injury would result from the

1 annexation, the board's considerations shall include, but not be  
2 limited to, the extent to which the following criteria may affect the  
3 city, the area to be annexed, the residents of the city and the area to be  
4 annexed, other governmental units providing services to the area to be  
5 annexed, the utilities providing services to the area to be annexed, and  
6 any other public or private person, firm or corporation which may be  
7 affected thereby:

8 (1) Extent to which any of the area is land devoted to agricultural  
9 use;

10 (2) area of platted land relative to unplatted land;

11 (3) topography, natural boundaries, storm and sanitary sewers,  
12 drainage basins, transportation links or any other physical  
13 characteristics which may be an indication of the existence or absence  
14 of common interest of the city and the area proposed to be annexed;

15 (4) extent and age of residential development in the area to be  
16 annexed and adjacent land within the city's boundaries;

17 (5) present population in the area to be annexed and the  
18 projected population growth during the next five years in the area  
19 proposed to be annexed;

20 (6) the extent of business, commercial and industrial development  
21 in the area;

22 (7) the present cost, methods and adequacy of governmental  
23 services and regulatory controls in the area;

24 (8) the proposed cost, extent and the necessity of governmental  
25 services to be provided by the city proposing annexation and the plan  
26 and schedule to extend such services;

27 (9) tax impact upon property in the city and the area;

28 (10) extent to which the residents of the area are directly or  
29 indirectly dependent upon the city for governmental services and for  
30 social, economic, employment, cultural and recreational opportunities  
31 and resources;

32 (11) effect of the proposed annexation on the city and other  
33 adjacent areas, including, but not limited to, other cities, sewer and  
34 water districts, improvement districts, townships or industrial districts  
35 and, subject to the provisions of K.S.A. 12-521a, *and amendments*  
36 *thereto*, fire districts;

37 (12) existing petitions for incorporation of the area as a new city  
38 or for the creation of a special district;

39 (13) likelihood of significant growth in the area and in adjacent  
40 areas during the next five years; and

41 (14) effect of annexation upon the utilities providing services to  
42 the area and the ability of those utilities to provide those services  
43 shown in the detailed plan.

1       ~~(d)~~-(e) The board of county commissioners shall render a  
2 judgment within seven days after the hearing has been adjourned sine  
3 die. If a majority of the board of county commissioners concludes that  
4 the annexation or any part thereof should be allowed, the board shall  
5 so find and grant the annexation by order; and thereupon the city may  
6 annex the land by ordinance. Orders of the board of county  
7 commissioners denying the petition or a part thereof for annexation  
8 shall require a majority vote of the members of the board. When an  
9 order denying a petition or part thereof is issued, it shall be by  
10 resolution, which shall be sent by certified mail to the city proposing  
11 the annexation. All orders of the board of county commissioners  
12 granting or denying petitions for annexation shall be spread at length  
13 upon the journal of proceedings of the board. The failure of such  
14 board to spread an order granting annexation upon the journal shall  
15 not invalidate such order.

16       (f) *Within 10 days following the rendering of the judgment of the*  
17 *board of county commissioners granting all or a part thereof of any*  
18 *annexation as provided in subsection (e), the city clerk shall certify to the*  
19 *county election officer a legal description and a map of the area outside*  
20 *the corporate limits of the city proposed to be annexed and the street*  
21 *addresses of all real estate located therein. If there are qualified voters*  
22 *residing in the area proposed to be annexed, then the county election*  
23 *officer shall conduct a mail ballot election under the provisions of K.S.A.*  
24 *25-431 et seq., and amendments thereto, in the area proposed to be*  
25 *annexed within 60 days of such certification. If a majority of the qualified*  
26 *electors residing in the area proposed to be annexed and voting thereon*  
27 *approve the annexation, the city may annex the land by passage of an*  
28 *ordinance. If a majority of the qualified electors residing in the area*  
29 *proposed to be annexed and voting thereon reject the annexation, the*  
30 *lands shall not be annexed and the city may not propose the annexation of*  
31 *any such lands in the proposed area for at least four years from the date of*  
32 *the election, unless the proposed annexation is authorized by paragraphs*  
33 *(2), (3) or (7) of subsection (a) of K.S.A. 12-520, and amendments thereto.*

34       ~~(e)~~-(g) Any owner of land annexed pursuant to this section or the  
35 city aggrieved by the decision of the board of county commissioners  
36 may appeal the decision of the board to the district court of the same  
37 county in the manner and method set forth in K.S.A. 19-223, and  
38 amendments thereto. Nothing in this subsection shall be construed as  
39 granting the owner of land in areas near or adjacent to land annexed  
40 pursuant to this section the right to appeal the decision of the board of  
41 county commissioners. Any city so appealing shall not be required to  
42 execute the bond prescribed therein.

43       Sec. 9. K.S.A. 12-531 is hereby amended to read as follows: 12-

1 531. (a) Five Three years following the annexation of any land  
2 pursuant to K.S.A. 12-520 or 12-521, and amendments thereto, or,  
3 where there has been litigation relating to the annexation, five three  
4 years following the conclusion of such litigation, the board of county  
5 commissioners shall call a hearing to consider whether the city has  
6 provided the municipal services as provided in the timetable set forth  
7 in the plan in accordance with K.S.A. 12-520b or 12-521, and  
8 amendments thereto. The board of county commissioners shall  
9 schedule the matter for public hearing and shall give notice of the  
10 date, hour and place of the hearing to: (1) The city; and (2) any  
11 landowner in the area subject to the service extension plan.

12 (b) At the hearing, the board shall hear testimony as to the city's  
13 extension of municipal services, or lack thereof, from the city and the  
14 landowner. After the hearing, the board shall make a finding as to  
15 whether or not the city has provided services in accordance with its  
16 service extension plan. If the board finds that the city has not provided  
17 services as provided in its service extension plan, the board shall notify  
18 the city and the landowner that such property may be deannexed, as  
19 provided in K.S.A. 12-532, and amendments thereto, if the services are  
20 not provided within 2 1½ years of the date of the board's findings.

21 (c) *If the board of county commissioners refuses to hold the hearing*  
22 *as required, any owner of land living in such area annexed may bring an*  
23 *action under provisions of K.S.A. 60-1201 et seq., and amendments*  
24 *thereto, to compel the board to hold the hearing. The court, upon finding*  
25 *the hearing is required, shall award reasonable attorney fees and costs to*  
26 *the landowner.*

27 **Sec. 10. K.S.A. 12-532 is hereby amended to read as follows: 12-**  
28 **532. (a) If, within 2 1½ years following the conclusion of the hearing**  
29 **required by K.S.A. 12-531, and amendments thereto, or, where there has**  
30 **been litigation relating to the hearing, 2 1½ years following the**  
31 **conclusion of such litigation, the city has not provided the municipal**  
32 **services as provided in the timetable set forth in the plan prepared in**  
33 **accordance with K.S.A. 12-520b or 12-521, and amendments thereto,**  
34 **the owner of such land may petition the board of county**  
35 **commissioners to exclude such land from the boundaries of the city.**  
36 **Within 10 days after receipt of the petition, the board shall schedule**  
37 **the matter for public hearing and shall give notice of the date, hour**  
38 **and place of the hearing to: (1) The owner; (2) the city; (3) the**  
39 **township into which the property, if deannexed, would be placed; and**  
40 **(4) the governing body of any fire district, sewer district, water district**  
41 **or other special district governments which have jurisdiction over**  
42 **territory adjacent to the area sought to be deannexed. The notice**  
43 **shall be sent by certified mail no less than 21 days before the date of**

1 the hearing.

2 (b) At the hearing, the board shall hear testimony as to the city's  
3 extension of municipal services, or lack thereof, from both the owner  
4 and representatives of the city. Except as provided by subsection (e),  
5 if the board finds after the hearing that the city has failed to provide  
6 the municipal services in accordance with the plan and consistent with  
7 the timetable therein, the board may enter an order excluding the land  
8 from the boundaries of the city. Any such order shall take effect in the  
9 same manner as provided in K.S.A. 12-523, and amendments thereto,  
10 for the effective date of annexation ordinances. Such land shall not be  
11 annexed again for ~~one~~ *three year* ~~years~~ from the effective date of the  
12 order without the written consent of the owner of the land.

13 (c) The county clerk shall certify a copy of the order to the  
14 register of deeds of the county. The register of deeds shall record the  
15 order in the deed records of the county, and, at the expense of the  
16 ~~owner~~ *city*, the register of deeds also shall record the order of exclusion  
17 on the margin of the recorded plat of such land, giving reference  
18 thereon to the page and book of records where the order is recorded in  
19 the register's office.

20 (d) Except as provided by this subsection, after the effective date  
21 of the order to exclude the land from the city, such land shall not be  
22 liable for any general taxes imposed by the city. Such land shall  
23 remain liable, however, for any taxes or special assessments levied by  
24 the city as are necessary to pay its proportionate share of the interest  
25 on and principal of such bonds or other indebtedness incurred by the  
26 city for improvements to the land which were approved by the city  
27 before the date on which the owner or owners filed a petition for the  
28 exclusion of the land from the city.

29 (e) The board shall not order exclusion of any land if:

30 (1) The service extension plan conditions the extension of certain  
31 improvements or services on the filing of a legally sufficient petition  
32 by the owners of the land for the creation of an improvement district  
33 and to levy special assessments therein to pay a portion of the costs of  
34 such improvements, and a sufficient petition has not been filed;

35 (2) since the annexation, the governing body of the city initiated  
36 the creation of an improvement or benefit district affecting such land  
37 to levy special assessments thereon to pay a portion of the costs of  
38 certain municipal improvements, and the formation of the district was  
39 blocked by the filing of a sufficient protest petition by some or all of  
40 the owners of any land in the proposed district;

41 (3) the exclusion would result in the land being completely  
42 surrounded by other tracts of land located within the city's  
43 boundaries; or

1       **(4) the board finds the exclusion of the land would have an**  
2 **adverse impact on the health, safety and welfare of the residents of the**  
3 **city or such land.**

4       **(f) Any owner or the city aggrieved by the decision of the board**  
5 **may appeal the decision to the district court in the manner provided in**  
6 **K.S.A. 19-223, and amendments thereto. Any city so appealing shall**  
7 **not be required to execute the bond prescribed therein.**

8       *(g) If the board of county commissioners refuses to hold the hearing*  
9 *as required, any owner of land may bring an action under provisions of*  
10 *K.S.A. 60-1201 et seq., and amendments thereto, to compel the board to*  
11 *hold the hearing. The court, upon finding the hearing is required, shall*  
12 *award reasonable attorney fees and costs to the landowner.*

13       **Sec. 11. K.S.A. 2010 Supp. 25-432 is hereby amended to read as**  
14 **follows: 25-432. An election shall not be conducted under this act**  
15 **unless:**

16       **(a) Conducted on a date, mutually agreed upon by the governing**  
17 **body of the political or taxing subdivision and the county election**  
18 **officer, not later than 120 days following the date the request is**  
19 **submitted by the political or taxing subdivision; and**

20       **(b) the secretary of state approves a written plan for conduct of**  
21 **the election, which shall include a written timetable for the conduct of**  
22 **the election, submitted by the county election officer; and**

23       **(c) the election is nonpartisan; and**

24       **(d) the election is not one at which any candidate is elected,**  
25 **retained or recalled; and**

26       **(e) the election is not held on the same date as another election in**  
27 **which the qualified electors of that subdivision of government are**  
28 **eligible to cast ballots; and**

29       **(f) the election is a question submitted election at which all of the**  
30 **qualified electors of one of the following subdivisions of government**  
31 **are the only electors eligible to vote:**

32       **(1) Counties;**

33       **(2) cities;**

34       **(3) school districts, except in an election held pursuant to K.S.A.**  
35 **72-7302 et seq., and amendments thereto;**

36       **(4) townships;**

37       **(5) benefit districts organized under K.S.A. 31-301, and**  
38 **amendments thereto;**

39       **(6) cemetery districts organized under K.S.A. 15-1013 or 17-1330,**  
40 **and amendments thereto;**

41       **(7) combined sewer districts organized under K.S.A. 19-27,169,**  
42 **and amendments thereto;**

43       **(8) community college districts organized under K.S.A. 71-1101 et**

- 1 seq., and amendments thereto;
- 2 (9) fire districts organized under K.S.A. 19-3601 or 80-1512, and
- 3 amendments thereto;
- 4 (10) hospital districts;
- 5 (11) improvement districts organized under K.S.A. 19-2753, and
- 6 amendments thereto;
- 7 (12) Johnson county park and recreation district organized under
- 8 K.S.A. 19-2859, and amendments thereto;
- 9 (13) sewage disposal districts organized under K.S.A. 19-27,140,
- 10 and amendments thereto;
- 11 (14) water districts organized under K.S.A. 19-3501 et seq., and
- 12 amendments thereto; ~~or~~
- 13 (15) transportation development districts created pursuant to
- 14 K.S.A. 2010 Supp. 12-17,140 et seq., and amendments thereto; *or*
- 15 (16) *any tract of land annexed pursuant to K.S.A. 15-521, and*
- 16 *amendments thereto.*

17 **Sec. 12. K.S.A. 60-2301 is hereby amended to read as follows: 60-**  
 18 **2301. *Except as provided in section 4, and amendments thereto, a***  
 19 **homestead to the extent of 160 acres of farming land, or of one acre**  
 20 **within the limits of an incorporated town or city, or a manufactured**  
 21 **home or mobile home, occupied as a residence by the owner or by the**  
 22 **family of the owner, or by both the owner and family thereof, together**  
 23 **with all the improvements on the same, shall be exempted from forced**  
 24 **sale under any process of law, and shall not be alienated without the**  
 25 **joint consent of husband and wife, when that relation exists; but no**  
 26 **property shall be exempt from sale for taxes, or for the payment of**  
 27 **obligations contracted for the purchase of ~~said~~ *such* premises, or for**  
 28 **the erection of improvements thereon. The provisions of this section**  
 29 **shall not apply to any process of law obtained by virtue of a lien given**  
 30 **by the consent of both husband and wife, when that relation exists.**

31 **Sec. 413. K.S.A. 12-519, 12-520b, 12-521, 12-531, 12-532, 15-116,**  
 32 **15-117 and ~~15-124~~, 15-124 and 60-2301 and K.S.A. 2010 Supp. 25-432**  
 33 **are hereby repealed.**

34 **Sec. ~~§~~14. This act shall take effect and be in force from and after its**  
 35 **publication in the ~~statute book~~ Kansas register.**