

SENATE BILL No. 301

By Committee on Transportation

1-23

1 AN ACT concerning roads and highways; relating to right-of-ways;
2 annexation by cities; amending K.S.A. 2013 Supp. 12-520 and
3 repealing the existing section.
4

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

6 Section 1. K.S.A. 2013 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 is owned by or held in trust for the city or any agency
12 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, 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 *right-of-way of*
15 *any* highway which has not become part of the city by annexation and
16 which has a common boundary with the city. The notification shall include
17 a legal description and a map identifying the location of the *right-of-way*
18 *of the* highway. The governing body of the city shall certify by ordinance
19 that the certification is correct and declare the *right-of-way of the* highway,
20 or portion of the *right-of-way of the* highway extending to the center line
21 where another city boundary line abuts the opposing side of the *right-of-*
22 *way of the* highway, annexed to the city as of the date of the publication of
23 the ordinance.

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

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

34 Sec. 2. K.S.A. 2013 Supp. 12-520 is hereby repealed.

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