

58-2272. Instruments conveying interest involving wind or solar resources and technologies. (a) Every instrument that conveys any estate or interest created by any lease or easement involving wind or solar resources and technologies to produce and generate electricity shall include:

- (1) A description of the real property subject to the easement and a description of the real property benefitting from the wind or solar lease or easement;
 - (2) a description of the vertical and horizontal angles, expressed in degrees, and distances from the site of the wind or solar power system in which an obstruction to the wind or solar system is prohibited or limited;
 - (3) all terms or conditions under which the lease or easement is granted or may be terminated, except that if the instrument is recorded under K.S.A. 58-2221, and amendments thereto, any compensation received by the owner of the real property may be excluded; and
 - (4) any other provisions necessary or desirable to execute the instrument.
- (b) No person other than the surface owner of a tract of land shall have the right to use such land for the production of wind or solar generated energy unless granted such right by the lawful owner of the surface estate by lease or easement for a definite period.
- (c) The provisions of subsection (b) shall not apply to any lease or easement filed of record prior to July 1, 2011, with the register of deeds of the county in which the tract is located.
- (d) Nothing in this section shall be construed to affect any otherwise enforceable restriction on the use of any tract of land for the production of wind or solar energy whether or not such restriction is in the form of an easement for a definite term.

History: L. 2004, ch. 127, § 2; L. 2011, ch. 52, § 2; July 1.