

HOUSE BILL No. 2003

AN ACT concerning cities; relating to annexation; amending K.S.A. 12-520c and K.S.A. 2014 Supp. 12-520 and repealing the existing sections.

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

Section 1. K.S.A. 2014 Supp. 12-520 is hereby amended to read as follows: 12-520. (a) Except as hereinafter provided, the governing body of any city, by ordinance, may annex land to such city if any one or more of the following conditions exist:

- (1) The land is platted, and some part of the land adjoins the city.
- (2) The land *adjoins the city and* is owned by or held in trust for the city or any agency thereof.
- (3) The land adjoins the city and is owned by or held in trust for any governmental unit other than another city except that no city may annex land owned by a county without the express permission of the board of county commissioners of the county other than as provided in subsection (f).
- (4) The land lies within or mainly within the city and has a common perimeter with the city boundary line of more than 50%.
- (5) The land if annexed will make the city boundary line straight or harmonious and some part thereof adjoins the city, except no land in excess of 21 acres shall be annexed for this purpose.
- (6) The tract is so situated that $\frac{2}{3}$ of any boundary line adjoins the city, except no tract in excess of 21 acres shall be annexed under this condition.
- (7) The land adjoins the city and a written petition for or consent to annexation is filed with the city by the owner.

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

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

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

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

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

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

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

Sec. 2. K.S.A. 12-520c is hereby amended to read as follows: 12-520c.

(a) The governing body of any city may by ordinance annex land not adjoining the city if the following conditions exist:

- (1) The land is located within the same county as ~~such the~~ city;
- (2) the owner or owners of the land petition for or consent in writing to the annexation of ~~such the~~ land; and
- (3) the board of county commissioners of the county, *by a 2/3 vote of the members thereof*, find and determine that the annexation of ~~such the~~ land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within ~~such the~~ county.

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

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

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

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

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and was adopted by that body

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.