THE LEAGUE OF KANSAS MUNICIPALITIES

300 SW 8th Avenue, Ste. 100
Topeka, KS 66603-3951
P: (785) 354-9565
F: (785) 354-4186
www.lkm.org

To: Senate Local Government

From: Nathan Eberline - Executive Director
John Goodyear – General Counsel

Date: February 3, 2026

RE: Testimony in Opposition to SB 124

Thank you to Chairwoman Bowers and members of the Local Government Committee for providing the League of Kansas Municipalities with the opportunity to provide information and share our concerns with SB 124. The League supports the ability of local jurisdictions to make their own decisions regarding orderly growth through the current annexation process. SB 124 effectively eliminates unilateral annexations. As such, the cities of the state of Kansas stand firmly opposed.

Purpose and Use of Unilateral Annexation

Unilateral annexation is most often used to address practical governance problems created by the growth of cities, particularly where development leaves areas surrounded by land already inside the city limits. Without unilateral annexation authority, these "donut hole" properties remain outside the city despite being functionally urban. The residents of these properties benefit from nearby city infrastructure and services while avoiding the costs and obligations shared by surrounding city residents.

Cities maintain the roads that serve these properties and are expected to respond to fire, police, and emergency medical calls in close proximity, often without clear jurisdictional boundaries. When a single property remains outside the city solely by refusal, it creates an unsustainable and inequitable system where service delivery becomes fragmented and public-safety responsibilities are unclear.

The consequences extend beyond city operations. Buyers deserve predictability and fairness in neighborhood expectations. Unilateral annexation exists in part to ensure that similarly situated properties are governed by the same rules and contribute equitably to the services that arise from close proximity to the legal boundaries of a city. It also prevents development that exploits

jurisdictional lines, where subdivisions are intentionally built near city limits to access infrastructure, amenities, and emergency services, while avoiding the taxes that support them.

Existing Statutory Limits and Procedural Safeguards

Unilateral annexation is already tightly constrained under Kansas law. Cities are prohibited from annexing agricultural land consisting of 21 acres or more without owner consent, and annexation authority applies only in clearly defined circumstances. These include platted land that adjoins the city, land owned by the city, land largely surrounded by the city with a common perimeter exceeding 50%, and limited tracts not exceeding 21 acres where annexation serves to straighten or harmonize city boundaries. The statute also expressly prohibits unilateral annexation of improvement districts, highway rights-of-way, and narrow corridors used solely to reach noncontiguous property. Taken together, these limitations ensure that unilateral annexation functions as a targeted planning tool, not an unchecked expansion of municipal boundaries.

In order to unilaterally annex a property, a city must show it can extend services to the area proposed to be annexed. Following the preparation of the service extension plan, the city must determine the advisability of the annexation at a public hearing held at a time convenient for the greatest number of interested persons. Cities must mail individual notice to each of the property owners affected by the annexation

In determining whether annexation is advisable, state law requires the city to consider sixteen specific factors:

1. The extent to which the area is devoted to agricultural use.
2. The proportion of platted land compared to unplatted land.
3. Physical characteristics of the area, including topography, natural boundaries, storm and sanitary sewers, drainage basins, transportation links, and other features indicating common interest—or lack thereof—between the city and the area proposed for annexation.
4. The extent and age of residential development within the area and in adjacent areas already within the city.
5. The current population of the area and projected population growth over the next five years.
6. The extent of existing business, commercial, and industrial development.
7. The current cost, methods, and adequacy of governmental services and regulatory controls in the area.

8. The proposed cost, scope, and necessity of municipal services to be provided by the city, including the plan and schedule for extending those services.
9. The tax impact on property both within the city and within the area proposed for annexation.
10. The degree to which residents of the area are directly or indirectly dependent on the city for governmental services and for social, economic, employment, cultural, and recreational opportunities.
11. The effect of the proposed annexation on the city and surrounding jurisdictions, including other cities, water and sewer districts, improvement districts, townships, industrial districts, and—where applicable—fire districts.
12. The existence of petitions to incorporate the area as a new city or to create a special district.
13. The likelihood of significant growth in the area and surrounding areas over the next five years.
14. The effect of annexation on utilities serving the area and their ability to continue providing those services under the service plan.
15. The overall economic impact of the annexation on the area.
16. The potential for wasteful duplication of services.

Consequences and Uncertainty Created by SB 124

Unilateral annexation is being responsibly used within a carefully prescribed statutory framework. It is not a tool cities use casually, but one applied where growth patterns are creating practical governance challenges. SB 124 will cause increased confusion, overlapping service responsibilities, and inefficient use of public resources.

Additionally, the limitation proposed in new subsection (h) adds further ambiguity to the annexation process. Would this limitation still apply if the land owned by the other governmental entity was part of the city? If so, why wouldn't this land be considered contiguous? It seems unreasonable to limit the growth of a city just because another entity may own land within the city near the territorial limits of the city.

The League appreciates the opportunity to provide testimony on SB 124. Current law already strikes a careful balance between protecting property owners and enabling cities to plan responsibly for growth, infrastructure, and service delivery. For these reasons, the League respectfully urges the Committee to take no further action on this bill.