



STATE OF KANSAS  
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ATTORNEY GENERAL OPINION NO. 2024-7

Mr. Alan M. Boeh  
Troy City Attorney  
206 South Main  
Troy, KS 66087

Re:           Cities and Municipalities—Additions, Vacation and Lot Frontage—  
Annexation by Cities—Definitions—Conditions Which Permit  
Unilateral Annexation—Exceptions

Synopsis:    Absent the consent of the land owner, a city may not annex any un-  
platted tract of agricultural land that is part of a larger tract of land of  
at least 21 acres. Cited herein: K.S.A. 12-519; 12-520.

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As City Attorney for the City of Troy, you ask for our interpretation of K.S.A. 12-520(b), which prohibits the unilateral annexation of any “portion of any unplatted tract of land devoted to agricultural use of 21 acres or more.” You question whether the 21-acre limitation applies only to the size of the parcel being annexed or if it applies to the size of the tract of land from which the city is seeking to annex. We read it as the latter, meaning a city cannot annex any portion of a 21-acre (or greater) tract of unplatted agricultural land absent the consent of the owner.

Statutory interpretation begins with the plain language of the statute. When the statute is unambiguous, courts simply interpret the language as it appears, abstaining from reading language into it that is not readily found there.<sup>1</sup> Courts also read various provisions within an act *in pari materia*, reconciling and bringing those provisions into workable harmony, if possible.<sup>2</sup>

The relevant annexation provisions are unambiguous. “Tract” is defined in part as “a single unit of real property under one ownership, outside the corporate limits of a city.”<sup>3</sup> Incorporating this definition into K.S.A. 12-520(b), a city may not unilaterally annex any “portion” of any “single unit of real property” that is unplatted, agricultural in use, and at least 21 acres in size. The phrase, “21 acres in size” plainly relates to the immediately preceding “tract of land,” from which “[n]o portion” can be annexed. As a result, if the overall tract of land containing the portion of land the city seeks to annex is at least 21 acres in size, then the city may not annex the smaller portion of land.

This office has previously detailed K.S.A. 12-520(b)’s legislative history, noting the Legislature added this restriction in 1974 in response to complaints from farmers that cities were annexing “farm land indiscriminately in order to increase a city’s tax base and protect future expansion needs.”<sup>4</sup> Reading K.S.A. 12-520(b) in a way that would permit cities to successively annex smaller portions of land that are part of a tract of land that is at least 21 acres in size would not only violate the presumption that the Legislature does not intend to enact meaningless legislation, it would also run afoul of the presumption that when the Legislature amends a statute, it intends to change the law from how it existed prior to the amendment.<sup>5</sup> We therefore conclude that a city may not unilaterally annex unplatted agricultural property that is part of a tract of land that is at least 21 acres in size.

Sincerely,

/s/ Kris W. Kobach

Kris W. Kobach  
Attorney General

/s/ Kurtis K. Wiard

Kurtis K. Wiard  
Assistant Solicitor General

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<sup>1</sup> *League of Women Voters of Kan. v. Schwab*, 549 P.3d 363, 375 (Kan. 2024).

<sup>2</sup> *Roe v. Phillips Cty. Hosp.*, 317 Kan. 1, 5–6, 522 P.3d 277 (2023).

<sup>3</sup> K.S.A. 12-519(a).

<sup>4</sup> Att’y Gen. Op. No. 95-91, at 1.

<sup>5</sup> See *Dep’t of Revenue v. Powell*, 290 Kan. 564, 570, 232 P.3d 856 (2010).