

2023 Kansas Statutes

58-3111. Contents of declaration. The declaration shall contain the following particulars:

1. Description of the land submitted to the provisions of this act.
2. Description of the condominium units or apartments which are constructed or are to be constructed.
3. The apartment number of each apartment or condominium unit, and a statement of its location, approximate area, number of rooms, and immediate common area to which it has access, and any other data necessary for its proper identification.
4. Description of the common areas and facilities.
5. Description of the limited common areas and facilities, if any, stating to which apartments or condominium units their use is reserved.
6. The undivided interest in the common areas and facilities appertaining to each apartment or condominium unit and its owner for all purposes, including voting, and the method and formula by which the undivided interests in the common areas and facilities may be reallocated and altered consistent with the provisions of this act.
7. Statement of the purposes for which the building and each of the apartments or condominium units are intended and restricted as to use.
8. The name of a person to receive service of process in the cases hereinafter provided, together with the residence or place of business of such person which shall be within the city or county in which the building or buildings are located.
9. Provision as to the percentage of votes by the apartment owners which shall be determinative of whether to rebuild, repair, restore, or sell the property in the event of damage or destruction of all or part of the property.
10. Any further details in connection with the property which the person executing the declaration may deem desirable to set forth consistent with this act.
11. The method by which the declaration may be amended, consistent with the provisions of this act.
12. If the condominium contains any convertible land the declaration shall also contain the following:
 - (a) A legal description of all convertible land within the condominium.
 - (b) A statement of the maximum number of condominium units that may be created within such convertible land.
 - (c) A statement of the extent to which any structure erected on any convertible land will be compatible with structures on other portions of the submitted land in terms of quality in construction, the principal materials to be used, and architectural style.
 - (d) A description of all other improvements that may be made on all convertible land within the condominium.
 - (e) A statement that any condominium units constructed on all convertible land will be substantially identical to the condominium units on other portions of the submitted land, or a statement describing what other types of units may be created thereon.
 - (f) A description of the declarant's reserved right if any to create limited common areas and facilities within any convertible land.
13. If the condominium is an expandable condominium the declaration shall also contain the following:
 - (a) The reservation of an option to expand the condominium.
 - (b) A statement of any limitations on that option, including, without limitation, a statement as to whether the consent of any condominium unit owners shall be required, and if so, a statement as to the method whereby such consent shall be ascertained; or a statement that there are no such limitations.
 - (c) Time limit, not exceeding seven (7) years from the recording of the declaration, upon which the option to expand the condominium shall expire, together with a statement of the circumstances, if any which will terminate that option prior to the expiration of the time limit so specified.
 - (d) A legal description of all land that may be added to the condominium.
 - (e) A statement as to whether, if any of the additional land is added to the condominium, all of it or any particular portion of it must be added, and if not, a statement of any limitations as to what portions may be added or a statement that

there are no such limitations.

(f) A statement as to whether portions of the additional land may be added to the condominium at different times, together with any limitations, fixing the boundaries of those portions by legal descriptions.

(g) A statement of any limitations as to the locations of any improvements that may be made on any portions of the additional land added to the condominium or a statement that no assurances are made in that regard. A summary statement of the extent to which any structures erected on a portion of the additional land added to the condominium will be compatible with structures on the submitted land in terms of quality of construction, the principal materials to be used, and architectural style, or a statement that no assurances are made in those regards.

(h) A description of all other improvements that will be made on any portion of the additional land added to the condominium, or a statement of any limitations as to what other improvements may be made thereon, or a statement that no assurances are made in that regard.

(i) A statement that any units created on any portion of the additional land added to the condominium will be substantially identical to the units on the submitted land, or a statement of any limitations as to what types of units may be created thereon, or a statement that no assurances are made in that regard.

(j) A description of the declarant's reserve right, if any, to create limited common areas and facilities within any portion of the additional land added to the condominium.

History: L. 1963, ch. 329, § 11; L. 1975, ch. 297, § 4; July 1.