

FIRST REGULAR SESSION

HOUSE BILL NO. 447

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HOBBS (Sponsor), ROBB AND SMITH (118) (Co-sponsors).

Read 1st time February 3, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1043.011

AN ACT

To repeal section 71.012, RSMo, and to enact in lieu thereof one new section relating to statutory procedure for proposed annexations.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 71.012, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 71.012, to read as follows:

71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the governing body of any city, town or village may annex unincorporated areas which are contiguous and compact to the existing corporate limits of the city, town or village pursuant to this section. The term "contiguous and compact" does not include a situation whereby the unincorporated area proposed to be annexed is contiguous to the annexing city, town or village only by a railroad line, trail, pipeline or other strip of real property less than one-quarter mile in width within the city, town or village so that the boundaries of the city, town or village after annexation would leave unincorporated areas between the annexed area and the prior boundaries of the city, town or village connected only by such railroad line, trail, pipeline or other such strip of real property. The term "contiguous and compact" does not prohibit voluntary annexations pursuant to this section merely because such voluntary annexation would create an island of unincorporated area within the city, town or village, so long as the owners of the unincorporated island were also given the opportunity to voluntarily annex into the city, town or village. Notwithstanding the provisions of this section, the governing body of any city, town or village in any county of the third classification which borders a county of the fourth classification, a county of the second classification and Mississippi River may annex areas along a road or

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 highway up to two miles from existing boundaries of the city, town or village or the governing
18 body in any city, town or village in any county of the third classification without a township form
19 of government with a population of at least twenty-four thousand inhabitants but not more than
20 thirty thousand inhabitants and such county contains a state correctional center may voluntarily
21 annex such correctional center pursuant to the provisions of this section if the correctional center
22 is along a road or highway within two miles from the existing boundaries of the city, town or
23 village.

24 2. (1) When a verified petition, requesting annexation and signed by the owners of all
25 fee interests of record in all tracts of real property located within the area proposed to be
26 annexed, or a request for annexation signed under the authority of the governing body of any
27 common interest community and approved by a majority vote of unit owners located within the
28 area proposed to be annexed is presented to the governing body of the city, town or village, the
29 governing body shall hold a public hearing concerning the matter not less than fourteen nor more
30 than sixty days after the petition is received, and the hearing shall be held not less than seven
31 days after notice of the hearing is published in a newspaper of general circulation qualified to
32 publish legal matters and located within the boundary of the petitioned city, town or village. If
33 no such newspaper exists within the boundary of such city, town or village, then the notice shall
34 be published in the qualified newspaper nearest the petitioned city, town or village. For the
35 purposes of this subdivision, the term "common-interest community" shall mean a condominium
36 as said term is used in chapter 448, RSMo, or a common-interest community, a cooperative, or
37 a planned community. (a) A "common-interest community" shall be defined as real
38 property with respect to which a person, by virtue of such person's ownership of a unit, is obliged
39 to pay for real property taxes, insurance premiums, maintenance or improvement of other real
40 property described in a declaration. "Ownership of a unit" does not include a leasehold interest
41 of less than twenty years in a unit, including renewal options;

42 (b) A "cooperative" shall be defined as a common-interest community in which the real
43 property is owned by an association, each of whose members is entitled by virtue of such
44 member's ownership interest in the association to exclusive possession of a unit;

45 (c) A "planned community" a common-interest community that is not a condominium
46 or a cooperative. A condominium or cooperative may be part of a planned community.

47 (2) At the public hearing any interested person, corporation or political subdivision may
48 present evidence regarding the proposed annexation. If, after holding the hearing, the governing
49 body of the city, town or village determines that the annexation is reasonable and necessary to
50 the proper development of the city, town or village, and the city, town or village has the ability
51 to furnish normal municipal services to the area to be annexed within a reasonable time, it may,
52 subject to the provisions of subdivision (3) of this subsection, annex the territory by ordinance

53 without further action.

54 (3) **If a written objection to the proposed annexation in a county of the first**
55 **classification without a charter form of government is filed by its county commission not**
56 **later than fourteen days after the public hearing stating as a basis for the objection that**
57 **the proposed annexation is not in compliance with this section, or incompatible with**
58 **regulated land uses in the unincorporated area surrounding the area to be annexed, or that**
59 **there is no written agreement between the county and the city, town, or village for**
60 **providing or coordinating the provision of public services in the area to be annexed, and**
61 **surrounding unincorporated area, then the provisions of sections 71.015 and 71.860 to**
62 **71.920, shall be followed unless the objection is resolved by the county commission and the**
63 **governing body of city, town, or village within ninety days of the filing of such objection,**
64 **or unless a longer time period for resolution is mutually agreed upon in writing by them.**
65 **In any other county,** if a written objection to the proposed annexation is filed with the
66 governing body of the city, town or village not later than fourteen days after the public hearing
67 by at least two percent of the qualified voters of the city, town or village, or two qualified voters
68 of the area sought to be annexed if the same contains two qualified voters, the provisions of
69 sections 71.015 and 71.860 to 71.920, shall be followed.

70 3. If no objection is filed, the city, town or village shall extend its limits by ordinance
71 to include such territory, specifying with accuracy the new boundary lines to which the city's,
72 town's or village's limits are extended. Upon duly enacting such annexation ordinance, the city,
73 town or village shall cause three certified copies of the same to be filed with the clerk of the
74 county wherein the city, town or village is located, and one certified copy to be filed with the
75 election authority, if different from the clerk of the county which has jurisdiction over the area
76 being annexed, whereupon the annexation shall be complete and final and thereafter all courts
77 of this state shall take judicial notice of the limits of that city, town or village as so extended.
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