

FIRST REGULAR SESSION

HOUSE BILL NO. 215

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PEARCE.

Read 1st time January 13, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0632L.03I

AN ACT

To repeal section 71.012, RSMo, and to enact in lieu thereof one new section relating to annexation procedures for cities and towns.

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Section A. Section 71.012, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 71.012, to read as follows: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. **Notwithstanding the provisions of this section, the governing body of any city of**
24 **the third classification with more than sixteen thousand two hundred fifty but fewer than**
25 **sixteen thousand three hundred fifty inhabitants may annex areas along a road or highway**
26 **up to two and one-half miles from existing boundaries of the city, town, or village.**

27 2. (1) When a verified petition, requesting annexation and signed by the owners of all
28 fee interests of record in all tracts of real property located within the area proposed to be
29 annexed, or a request for annexation signed under the authority of the governing body of any
30 common interest community and approved by a majority vote of unit owners located within the
31 area proposed to be annexed is presented to the governing body of the city, town or village, the
32 governing body shall hold a public hearing concerning the matter not less than fourteen nor more
33 than sixty days after the petition is received, and the hearing shall be held not less than seven
34 days after notice of the hearing is published in a newspaper of general circulation qualified to
35 publish legal matters and located within the boundary of the petitioned city, town or village. If
36 no such newspaper exists within the boundary of such city, town or village, then the notice shall
37 be published in the qualified newspaper nearest the petitioned city, town or village. For the
38 purposes of this subdivision, the term "common- interest community" shall mean a condominium
39 as said term is used in chapter 448, RSMo, or a common-interest community, a cooperative, or
40 a planned community.

41 (a) A "common-interest community" shall be defined as real property with respect to
42 which a person, by virtue of such person's ownership of a unit, is obliged to pay for real property
43 taxes, insurance premiums, maintenance or improvement of other real property described in a
44 declaration. "Ownership of a unit" does not include a leasehold interest of less than twenty years
45 in a unit, including renewal options;

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

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

51 (2) At the public hearing any interested person, corporation or political subdivision may
52 present evidence regarding the proposed annexation. If, after holding the hearing, the governing

53 body of the city, town or village determines that the annexation is reasonable and necessary to
54 the proper development of the city, town or village, and the city, town or village has the ability
55 to furnish normal municipal services to the area to be annexed within a reasonable time, it may,
56 subject to the provisions of subdivision (3) of this subsection, annex the territory by ordinance
57 without further action.

58 (3) If a written objection to the proposed annexation is filed with the governing body of
59 the city, town or village not later than fourteen days after the public hearing by at least two
60 percent of the qualified voters of the city, town or village, or two qualified voters of the area
61 sought to be annexed if the same contains two qualified voters, the provisions of sections 71.015
62 and 71.860 to 71.920, shall be followed.

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