

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 459

94TH GENERAL ASSEMBLY

Reported from the Committee on Ways and Means February 15, 2007 with recommendation that House Committee Substitute for House Bill No. 459 Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

Reported from the Committee on Rules February 21, 2007 with recommendation that House Committee Substitute for House Bill No. 459 Do Pass by Consent.

Perfectured by Consent March 1, 2007.

D. ADAM CRUMBLISS, Chief Clerk

0709L.02P

AN ACT

To repeal sections 71.011 and 71.012, RSMo, and to enact in lieu thereof two new sections relating to municipal land transfers.

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

Section A. Sections 71.011 and 71.012, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 71.011 and 71.012, to read as follows:

71.011. 1. Except as provided in subsection 2 of this section, property of a municipality
2 which abuts another municipality may be concurrently detached from one municipality and
3 annexed by the other municipality by the enactment by the governing bodies of each municipality
4 of an ordinance describing by metes and bounds the property, declaring the property so described
5 to be concurrently detached and annexed, and stating the reasons for and the purposes to be
6 accomplished by the detachment and annexation. One certified copy of each ordinance shall be
7 filed with the county clerk, **with the county assessor**, with the county recorder of deeds, and
8 with the clerk of the circuit court of the county in which the property is located, whereupon the
9 concurrent detachment and annexation shall be complete and final. Thereafter all courts of this
10 state shall take notice of the limits of both municipalities as changed by the ordinances. No
11 declaratory judgment or election shall be required for any concurrent detachment and annexation

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.

12 permitted by this section if there are no residents living in the area or if there are residents in the
13 area and they be notified of the annexation and do not object within sixty days.

14 2. In a county of the first classification with a charter form of government containing all
15 or a portion of a city with a population of at least three hundred thousand inhabitants,
16 unimproved property of a municipality which overlaps another municipality may be concurrently
17 detached from one municipality and annexed by the other municipality by the enactment by the
18 governing body of the receiving municipality of an ordinance describing by metes and bounds
19 the property, declaring the property so described to be detached and annexed, and stating the
20 reasons for and the purposes to be accomplished by the detachment and annexation. A copy of
21 said ordinance shall be mailed to the city clerk of the contributing municipality, which shall have
22 thirty days from receipt of said notice to pass an ordinance disapproving the change of boundary.
23 If such ordinance is not passed within thirty days, the change shall be effective and one certified
24 copy of the ordinance shall be filed with the county clerk, **with the county assessor**, with the
25 county recorder of deeds, and with the clerk of the circuit court of the county in which the
26 property is located, whereupon the concurrent detachment and annexation shall be complete and
27 final. Thereafter all courts of this state shall take notice of the limits of both municipalities as
28 changed by the ordinances. No declaratory judgment or election shall be required for any
29 concurrent detachment and annexation permitted by this section if the landowners in the area are
30 notified and do not object within sixty days.

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

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

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

46 (c) A "planned community" **shall be defined as** a common-interest community that is
47 not a condominium or a cooperative. A condominium or cooperative may be part of a planned
48 community.

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

54 subject to the provisions of subdivision (3) of this subsection, annex the territory by ordinance
55 without further action.

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

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

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