

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 18, Section 37.850, Page 5, Line 35, by
2 inserting after all of said Line the following:

3 "71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the
4 governing body of any city, town or village may annex unincorporated areas which are contiguous
5 and compact to the existing corporate limits of the city, town or village pursuant to this section. The
6 term "contiguous and compact" does not include a situation whereby the unincorporated area
7 proposed to be annexed is contiguous to the annexing city, town or village only by a railroad line,
8 trail, pipeline or other strip of real property less than one-quarter mile in width within the city, town
9 or village so that the boundaries of the city, town or village after annexation would leave
10 unincorporated areas between the annexed area and the prior boundaries of the city, town or village
11 connected only by such railroad line, trail, pipeline or other such strip of real property. The term
12 "contiguous and compact" does not prohibit voluntary annexations pursuant to this section merely
13 because such voluntary annexation would create an island of unincorporated area within the city,
14 town or village, so long as the owners of the unincorporated island were also given the opportunity
15 to voluntarily annex into the city, town or village. Notwithstanding the provisions of this section, the
16 governing body of any city, town or village in any county of the third classification which borders a
17 county of the fourth classification, a county of the second classification and the Mississippi River
18 may annex areas along a road or highway up to two miles from existing boundaries of the city, town
19 or village or the governing body in any city, town or village in any county of the third classification
20 without a township form of government with a population of at least twenty-four thousand
21 inhabitants but not more than thirty thousand inhabitants and such county contains a state
22 correctional center may voluntarily annex such correctional center pursuant to the provisions of this
23 section if the correctional center is along a road or highway within two miles from the existing
24 boundaries of the city, town or village.

25 2. (1) When a [verified] notarized petition, requesting annexation and signed by the owners
26 of all fee interests of record in all tracts of real property located within the area proposed to be
27 annexed, or a request for annexation signed under the authority of the governing body of any
28 common interest community and approved by a majority vote of unit owners located within the area
29 proposed to be annexed is presented to the governing body of the city, town or village, the governing
30 body shall hold a public hearing concerning the matter not less than fourteen nor more than sixty
31 days after the petition is received, and the hearing shall be held not less than seven days after notice
32 of the hearing is published in a newspaper of general circulation qualified to publish legal matters
33 and located within the boundary of the petitioned city, town or village. If no such newspaper exists
34 within the boundary of such city, town or village, then the notice shall be published in the qualified
35 newspaper nearest the petitioned city, town or village. For the purposes of this subdivision, the term
36 "common-interest community" shall mean a condominium as said term is used in chapter 448, or a
37 common-interest community, a cooperative, or a planned community.

Action Taken _____ Date _____

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

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

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

(2) At the public hearing any interested person, corporation or political subdivision may present evidence regarding the proposed annexation.

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

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

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

4. That a petition requesting annexation is not or was not verified or notarized shall not affect the validity of an annexation heretofore or hereafter undertaken in accordance with this section.

5. Any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within five years of the date of adoption of the annexation ordinance.

71.014. 1. Notwithstanding the provisions of section 71.015, the governing body of any city, town, or village which is located within a county which borders a county of the first classification with a charter form of government with a population in excess of six hundred fifty thousand, proceeding as otherwise authorized by law or charter, may annex unincorporated areas which are contiguous and compact to the existing corporate limits upon [verified] notarized petition requesting such annexation signed by the owners of all fee interests of record in all tracts located within the area to be annexed. That a petition requesting annexation is not or was not verified or notarized shall not affect the validity of an annexation heretofore or hereafter undertaken in accordance with this section.

2. Any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within five years of the date of adoption of the annexation ordinance.

71.015. 1. Should any city, town, or village, not located in any county of the first classification which has adopted a constitutional charter for its own local government, seek to annex an area to which objection is made, the following shall be satisfied:

(1) Before the governing body of any city, town, or village has adopted a resolution to annex any unincorporated area of land, such city, town, or village shall first as a condition precedent determine that the land to be annexed is contiguous to the existing city, town, or village limits and that the length of the contiguous boundary common to the existing city, town, or village limit and the proposed area to be annexed is at least fifteen percent of the length of the perimeter of the area proposed for annexation.

(2) The governing body of any city, town, or village shall propose an ordinance setting forth the following:

(a) The area to be annexed and affirmatively stating that the boundaries comply with the condition precedent referred to in subdivision (1) above;

(b) That such annexation is reasonable and necessary to the proper development of the city, town, or village;

(c) That the city has developed a plan of intent to provide services to the area proposed for annexation;

(d) That a public hearing shall be held prior to the adoption of the ordinance;

(e) When the annexation is proposed to be effective, the effective date being up to thirty-six months from the date of any election held in conjunction thereto.

(3) The city, town, or village shall fix a date for a public hearing on the ordinance and make a good faith effort to notify all fee owners of record within the area proposed to be annexed by certified mail, not less than thirty nor more than sixty days before the hearing, and notify all residents of the area by publication of notice in a newspaper of general circulation qualified to publish legal matters in the county or counties where the proposed area is located, at least once a week for three consecutive weeks prior to the hearing, with at least one such notice being not more than twenty days and not less than ten days before the hearing.

(4) At the hearing referred to in subdivision (3), the city, town, or village shall present the plan of intent and evidence in support thereof to include:

(a) A list of major services presently provided by the city, town, or village including, but not limited to, police and fire protection, water and sewer systems, street maintenance, parks and recreation, and refuse collection[, etc.];

(b) A proposed time schedule whereby the city, town, or village plans to provide such services to the residents of the proposed area to be annexed within three years from the date the annexation is to become effective;

(c) The level at which the city, town, or village assesses property and the rate at which it taxes that property;

(d) How the city, town, or village proposes to zone the area to be annexed;

(e) When the proposed annexation shall become effective.

(5) Following the hearing, and either before or after the election held in subdivision (6) of this subsection, should the governing body of the city, town, or village vote favorably by ordinance to annex the area, the governing body of the city, town or village shall file an action in the circuit court of the county in which such unincorporated area is situated, under the provisions of chapter 527, praying for a declaratory judgment authorizing such annexation. The petition in such action

1 shall state facts showing:

2 (a) The area to be annexed and its conformity with the condition precedent referred to in
3 subdivision (1) of this subsection;

4 (b) That such annexation is reasonable and necessary to the proper development of the city,
5 town, or village; and

6 (c) The ability of the city, town, or village to furnish normal municipal services of the city,
7 town, or village to the unincorporated area within a reasonable time not to exceed three years after
8 the annexation is to become effective. Such action shall be a class action against the inhabitants of
9 such unincorporated area under the provisions of section 507.070.

10 (6) Except as provided in subsection 3 of this section, if the court authorizes the city, town,
11 or village to make an annexation, the legislative body of such city, town, or village shall not have the
12 power to extend the limits of the city, town, or village by such annexation until an election is held at
13 which the proposition for annexation is approved by a majority of the total votes cast in the city,
14 town, or village and by a separate majority of the total votes cast in the unincorporated territory
15 sought to be annexed. However, should less than a majority of the total votes cast in the area
16 proposed to be annexed vote in favor of the proposal, but at least a majority of the total votes cast in
17 the city, town, or village vote in favor of the proposal, then the proposal shall again be voted upon in
18 not more than one hundred twenty days by both the registered voters of the city, town, or village and
19 the registered voters of the area proposed to be annexed. If at least two-thirds of the qualified
20 electors voting thereon are in favor of the annexation, then the city, town, or village may proceed to
21 annex the territory. If the proposal fails to receive the necessary majority, no part of the area sought
22 to be annexed may be the subject of another proposal to annex for a period of two years from the
23 date of the election, except that, during the two-year period, the owners of all fee interests of record
24 in the area or any portion of the area may petition the city, town, or village for the annexation of the
25 land owned by them pursuant to the procedures in section 71.012. The elections shall if authorized
26 be held, except as herein otherwise provided, in accordance with the general state law governing
27 special elections, and the entire cost of the election or elections shall be paid by the city, town, or
28 village proposing to annex the territory.

29 (7) Failure to comply in providing services to the said area or to zone in compliance with the
30 plan of intent within three years after the effective date of the annexation, unless compliance is made
31 unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be
32 filed in the circuit court by any resident of the area who was residing in the area at the time the
33 annexation became effective.

34 (8) No city, town, or village which has filed an action under this section as this section read
35 prior to May 13, 1980, which action is part of an annexation proceeding pending on May 13, 1980,
36 shall be required to comply with subdivision (5) of this subsection in regard to such annexation
37 proceeding.

38 (9) If the area proposed for annexation includes a public road or highway but does not
39 include all of the land adjoining such road or highway, then such fee owners of record, of the lands
40 adjoining said highway shall be permitted to intervene in the declaratory judgment action described
41 in subdivision (5) of this subsection.

42 2. Notwithstanding any provision of subsection 1 of this section, for any annexation by any
43 city with a population of three hundred fifty thousand or more inhabitants which is located in more
44 than one county that becomes effective after August 28, 1994, if such city has not provided water
45 and sewer service to such annexed area within three years of the effective date of the annexation, a
46 cause of action shall lie for deannexation, unless the failure to provide such water and sewer service
47 to the annexed area is made unreasonable by an act of God. The cause of action for deannexation
48 may be filed in the circuit court by any resident of the annexed area who is presently residing in the

1 area at the time of the filing of the suit and was a resident of the annexed area at the time the
 2 annexation became effective. If the suit for deannexation is successful, the city shall be liable for all
 3 court costs and attorney fees.

4 3. Notwithstanding the provisions of subdivision (6) of subsection 1 of this section, all cities,
 5 towns, and villages located in any county of the first classification with a charter form of government
 6 with a population of two hundred thousand or more inhabitants which adjoins a county with a
 7 population of nine hundred thousand or more inhabitants shall comply with the provisions of this
 8 subsection. If the court authorizes any city, town, or village subject to this subsection to make an
 9 annexation, the legislative body of such city, town or village shall not have the power to extend the
 10 limits of such city, town, or village by such annexation until an election is held at which the
 11 proposition for annexation is approved by a majority of the total votes cast in such city, town, or
 12 village and by a separate majority of the total votes cast in the unincorporated territory sought to be
 13 annexed; except that:

14 (1) In the case of a proposed annexation in any area which is contiguous to the existing city,
 15 town or village and which is within an area designated as flood plain by the Federal Emergency
 16 Management Agency and which is inhabited by no more than thirty registered voters and for which a
 17 final declaratory judgment has been granted prior to January 1, 1993, approving such annexation and
 18 where notarized affidavits expressing approval of the proposed annexation are obtained from a
 19 majority of the registered voters residing in the area to be annexed, the area may be annexed by an
 20 ordinance duly enacted by the governing body and no elections shall be required; and

21 (2) In the case of a proposed annexation of unincorporated territory in which no qualified
 22 electors reside, if at least a majority of the qualified electors voting on the proposition are in favor of
 23 the annexation, the city, town or village may proceed to annex the territory and no subsequent
 24 election shall be required. If the proposal fails to receive the necessary separate majorities, no part of
 25 the area sought to be annexed may be the subject of any other proposal to annex for a period of two
 26 years from the date of such election, except that, during the two-year period, the owners of all fee
 27 interests of record in the area or any portion of the area may petition the city, town, or village for the
 28 annexation of the land owned by them pursuant to the procedures in section 71.012 or 71.014. The
 29 election shall, if authorized, be held, except as otherwise provided in this section, in accordance with
 30 the general state laws governing special elections, and the entire cost of the election or elections shall
 31 be paid by the city, town, or village proposing to annex the territory. Failure of the city, town or
 32 village to comply in providing services to the area or to zone in compliance with the plan of intent
 33 within three years after the effective date of the annexation, unless compliance is made unreasonable
 34 by an act of God, shall give rise to a cause of action for deannexation which may be filed in the
 35 circuit court not later than four years after the effective date of the annexation by any resident of the
 36 area who was residing in such area at the time the annexation became effective or by any nonresident
 37 owner of real property in such area. Except for a cause of action for deannexation under this
 38 subdivision (2) of this subsection, any action of any kind seeking to deannex from any city, town, or
 39 village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or
 40 otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such
 41 annexed area shall be brought within five years of the date of the adoption of the annexation
 42 ordinance."; and

43
 44 Further amend said bill by amending the title, enacting clause, and intersectional references
 45 accordingly.