

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 41, Section A, Page 1, Line 2, by inserting
2 the following after all of said Line:
3

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

26 2. (1) When a [verified] notarized petition, requesting annexation and signed by the owners
27 of all fee interests of record in all tracts of real property located within the area proposed to be
28 annexed, or a request for annexation signed under the authority of the governing body of any
29 common interest community and approved by a majority vote of unit owners located within the area
30 proposed to be annexed is presented to the governing body of the city, town or village, the governing
31 body shall hold a public hearing concerning the matter not less than fourteen nor more than sixty
32 days after the petition is received, and the hearing shall be held not less than seven days after notice

Action Taken _____ Date _____

1 of the hearing is published in a newspaper of general circulation qualified to publish legal matters
 2 and located within the boundary of the petitioned city, town or village. If no such newspaper exists
 3 within the boundary of such city, town or village, then the notice shall be published in the qualified
 4 newspaper nearest the petitioned city, town or village. For the purposes of this subdivision, the term
 5 "common-interest community" shall mean a condominium as said term is used in chapter 448, or a
 6 common-interest community, a cooperative, or a planned community.

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

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

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

18 (2) At the public hearing any interested person, corporation or political subdivision may
 19 present evidence regarding the proposed annexation.
 20

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

26 (3) If a written objection to the proposed annexation is filed with the governing body of the
 27 city, town or village not later than fourteen days after the public hearing by at least five percent of
 28 the qualified voters of the city, town or village, or two qualified voters of the area sought to be
 29 annexed if the same contains two qualified voters, the provisions of sections 71.015 and 71.860 to
 30 71.920, shall be followed.

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

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

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

5 71.014. 1. Notwithstanding the provisions of section 71.015, the governing body of any city,
 6 town, or village which is located within a county which borders a county of the first classification
 7 with a charter form of government with a population in excess of six hundred fifty thousand,
 8 proceeding as otherwise authorized by law or charter, may annex unincorporated areas which are
 9 contiguous and compact to the existing corporate limits upon [verified] notarized petition requesting
 10 such annexation signed by the owners of all fee interests of record in all tracts located within the area
 11 to be annexed. That a petition requesting annexation is not or was not verified or notarized shall not
 12 affect the validity of an annexation heretofore or hereafter undertaken in accordance with this
 13 section.

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

18 71.015. 1. Should any city, town, or village, not located in any county of the first
 19 classification which has adopted a constitutional charter for its own local government, seek to annex
 20 an area to which objection is made, the following shall be satisfied:

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

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

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

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

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

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

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

38 (3) The city, town, or village shall fix a date for a public hearing on the ordinance and make
 39 a good faith effort to notify all fee owners of record within the area proposed to be annexed by
 40 certified mail, not less than thirty nor more than sixty days before the hearing, and notify all
 41 residents of the area by publication of notice in a newspaper of general circulation qualified to

1 publish legal matters in the county or counties where the proposed area is located, at least once a
2 week for three consecutive weeks prior to the hearing, with at least one such notice being not more
3 than twenty days and not less than ten days before the hearing.

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

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

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

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

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

15 (e) When the proposed annexation shall become effective.

16 (5) Following the hearing, and either before or after the election held in subdivision (6) of
17 this subsection, should the governing body of the city, town, or village vote favorably by ordinance
18 to annex the area, the governing body of the city, town or village shall file an action in the circuit
19 court of the county in which such unincorporated area is situated, under the provisions of chapter
20 527, praying for a declaratory judgment authorizing such annexation. The petition in such action
21 shall state facts showing:

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

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

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

30 (6) Except as provided in subsection 3 of this section, if the court authorizes the city, town,
31 or village to make an annexation, the legislative body of such city, town, or village shall not have the
32 power to extend the limits of the city, town, or village by such annexation until an election is held at
33 which the proposition for annexation is approved by a majority of the total votes cast in the city,
34 town, or village and by a separate majority of the total votes cast in the unincorporated territory
35 sought to be annexed. However, should less than a majority of the total votes cast in the area
36 proposed to be annexed vote in favor of the proposal, but at least a majority of the total votes cast in
37 the city, town, or village vote in favor of the proposal, then the proposal shall again be voted upon in
38 not more than one hundred twenty days by both the registered voters of the city, town, or village and
39 the registered voters of the area proposed to be annexed. If at least two-thirds of the qualified
40 electors voting thereon are in favor of the annexation, then the city, town, or village may proceed to
41 annex the territory. If the proposal fails to receive the necessary majority, no part of the area sought

1 to be annexed may be the subject of another proposal to annex for a period of two years from the
2 date of the election, except that, during the two-year period, the owners of all fee interests of record
3 in the area or any portion of the area may petition the city, town, or village for the annexation of the
4 land owned by them pursuant to the procedures in section 71.012. The elections shall if authorized
5 be held, except as herein otherwise provided, in accordance with the general state law governing
6 special elections, and the entire cost of the election or elections shall be paid by the city, town, or
7 village proposing to annex the territory.

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

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

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

21 2. Notwithstanding any provision of subsection 1 of this section, for any annexation by any
22 city with a population of three hundred fifty thousand or more inhabitants which is located in more
23 than one county that becomes effective after August 28, 1994, if such city has not provided water
24 and sewer service to such annexed area within three years of the effective date of the annexation, a
25 cause of action shall lie for deannexation, unless the failure to provide such water and sewer service
26 to the annexed area is made unreasonable by an act of God. The cause of action for deannexation
27 may be filed in the circuit court by any resident of the annexed area who is presently residing in the
28 area at the time of the filing of the suit and was a resident of the annexed area at the time the
29 annexation became effective. If the suit for deannexation is successful, the city shall be liable for all
30 court costs and attorney fees.

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

41 (1) In the case of a proposed annexation in any area which is contiguous to the existing city,

1 town or village and which is within an area designated as flood plain by the Federal Emergency
2 Management Agency and which is inhabited by no more than thirty registered voters and for which a
3 final declaratory judgment has been granted prior to January 1, 1993, approving such annexation and
4 where notarized affidavits expressing approval of the proposed annexation are obtained from a
5 majority of the registered voters residing in the area to be annexed, the area may be annexed by an
6 ordinance duly enacted by the governing body and no elections shall be required; and

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

29
30 Further amend said bill by amending the title, enacting clause, and intersectional references
31 accordingly.
32