

FIRST REGULAR SESSION

HOUSE BILL NO. 1057

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KORMAN.

2326H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 67.950, RSMo, and to enact in lieu thereof six new sections relating to the restructuring of special purpose districts.

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

Section A. Section 67.950, RSMo, is repealed and six new sections enacted in lieu thereof, to be known as sections 67.950, 204.475, 204.641, 249.495, 249.809, and 249.1120, to read as follows:

67.950. [Any special purpose district formed under the provisions of a statute of this state requiring approval by the voters of the district, and for which no specific procedure is provided to terminate or dissolve such a district, may be dissolved in the following manner:

(1) Upon the filing with the governing body of the district of a petition containing the signatures of eight percent or more of the voters of the district or upon the motion of a majority of the members of the governing body it shall submit the question to the voters in the district using the same procedure and in the same manner so far as practicable as is provided for the submission of the question for forming the district.

(2) The question shall be submitted in substantially the following form:

Shall the district be dissolved?

(3) If the question receives a majority of the votes cast the district shall be dissolved for all purposes except the payment of outstanding bonded indebtedness, if any.] **1. A petition describing the boundaries of the district sought to be dissolved shall be filed with the clerk of the circuit court of the county wherein the subject district is situate or with the clerk of the circuit court of the county having the largest acreage within the boundaries of the subject district in the event that the subject district embraces lands in more than one**

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 county. Such petition, in addition to such boundary description, shall allege that further
18 operation of the subject district is inimicable to the best interests of the inhabitants of the
19 district; that the district should, in the interest of the public welfare and safety, be
20 dissolved; and such other information as may be useful to the court in determining whether
21 the petition should be granted and a decree of dissolution entered. Such petition shall also
22 include a detailed plan for payment of all debt and obligations of the district at the time of
23 dissolution. Such petition shall be accompanied by a cash deposit of fifty dollars as an
24 advancement of the costs of the proceeding, and the petition shall be signed by eight
25 percent or more of the voters of the district. The petition shall be verified by at least one
26 of the signers thereof and shall be served upon the governing board of the district. The
27 district shall be a party, and if the governing board in its discretion determines that such
28 dissolution is not in the public interest, the district shall oppose such petition and pay all
29 cost and expense thereof.

30 2. Upon the filing of the petition, the same shall be presented to the circuit court,
31 and such court shall fix a date for a hearing on such petition. Thereupon, the clerk of the
32 court shall give notice of the filing of the petition in a newspaper of general circulation in
33 the county in which the proceedings are pending, and if the district extends into any other
34 county or counties, such notice shall also be published in a newspaper of general
35 circulation in such other county or counties. The notice shall contain a description of the
36 subject boundary lines of the district and the general purposes of the petition, and shall set
37 forth the date fixed for the hearing on the petition, which shall not be less than seven nor
38 more than twenty-one days after the date of the last publication of the notice and shall be
39 on some regular judicial day of the court wherein the petition is pending. Such notice shall
40 be signed by the clerk of the circuit court and shall be published in three successive issues
41 of a weekly newspaper or in twenty successive issues of a daily newspaper.

42 3. The court, for good cause shown, may continue the case of the hearing thereon
43 from time to time until final disposition thereof.

44 4. Exceptions to the dissolution of a district may be made by any voter or
45 landowner of the district and by the district as herein provided. Such exceptions shall be
46 filed not less than five days prior to the date set for the hearing on the petition. Such
47 exceptions shall specify the grounds upon which the exceptions are filed and the court shall
48 take them into consideration in passing upon the petition and shall also consider the
49 evidence in support of the petition and in support of the exceptions made. Unless
50 petitioners prove that all debts and financial obligations of the district can be paid in full
51 upon dissolution, the petition shall be dismissed at the costs of the petitioners.

52 **5. Should the court find that it would not be in the public's best interest to dissolve**
53 **a district, the petition shall be dismissed at the costs of the petitioners. If, however, the**
54 **court should find in favor of the petitioners, the court shall enter its interlocutory decree**
55 **of dissolution. Such decree shall provide for the submission of the question to the voters**
56 **of the district in substantially the following form:**

57 **Shall the District be dissolved?**

58 **6. The decree of dissolution shall not become final and conclusive until it shall have**
59 **been submitted to the voters residing within the boundaries described in such decree and**
60 **until it shall have been assented to by a majority of the votes cast. The decree shall provide**
61 **for the submission of the question and shall fix the date thereof. The returns shall be**
62 **certified by the election authority to the circuit court having jurisdiction in the case, and**
63 **the court shall thereupon enter its order canvassing the returns and declaring the result**
64 **of such election.**

65 **7. If, upon canvass and declaration, it is found and determined that the question**
66 **shall have been assented to by a majority of the votes cast on such proposition, then the**
67 **court shall, in such order declaring the result of the election, enter a further order**
68 **declaring the decree of dissolution to be final and conclusive. In the event, however, that**
69 **the court should find that the question has not been assented to by a majority of the votes**
70 **cast, the court shall enter a further order declaring such decree of dissolution to be void**
71 **and of no effect. No appeal shall lie from any of the aforesaid orders. In the event that the**
72 **court declares the decree of dissolution to be final, as provided in this section, the clerk of**
73 **the circuit court shall file certified copies of such decree of dissolution and of such final**
74 **order with the secretary of the state of the State of Missouri, with the recorder of deeds of**
75 **the county or counties in which the district is situate, and with the clerk of the county**
76 **commission of the county or counties in which the district is situate.**

77 **8. Notwithstanding anything in this section to the contrary, no district shall be**
78 **dissolved until all of its debts shall have been paid, and the court, in its decree of**
79 **dissolution, shall provide for the disposition of the remaining property of the district.**

204.475. 1. In any common sewer district organized under sections 204.250 to
2 **204.472, territory included in the district that is not being served by the district may be**
3 **detached from the district provided that there are no outstanding general obligation or**
4 **special obligation bonds and no contractual obligations of greater than twenty-five**
5 **thousand dollars for debt that pertains to infrastructure, fixed assets, or obligations for the**
6 **purchase of water. If any such bonds or debt is outstanding, and the written consent of the**
7 **holders of such bonds or the creditors to such debt is obtained, then such territory may be**
8 **detached in spite of the existence of such bonds or debt, except such consent shall not be**

9 required for special obligation bonds if the district has no water or sewer lines or other
10 facilities located within any of the territory detached. Detachment may be made by the
11 filing of a petition with the circuit court in which the district was incorporated. The
12 petition shall contain a description of the tract to be detached and a statement that the
13 detachment is in the best interest of the district or the inhabitants and property owners of
14 the territory to be detached, together with the facts supporting such allegation. The
15 petition may be submitted by the district acting through its board of directors, in which
16 case the petition shall be signed by a majority of the board of directors of the district. The
17 petition may also be submitted by voters residing in or by landowners owning land in the
18 territory sought to be detached. If there are more than ten voters and landowners in such
19 territory, the petition shall be signed by five or more voters or landowners within the
20 territory; if there are less than ten voters and landowners within such territory, the petition
21 shall be signed by fifty percent or more of the voters and landowners within the territory.
22 In the event there are no voters living within such territory proposed to be detached, then
23 the petition may be submitted by owners of more than fifty percent of the land in the
24 territory proposed to be detached, in which case said petition shall be signed by the owners
25 submitting the petition. In the event the petition is not submitted by the district acting
26 through its board of directors, the petitioner shall name the district as a defendant and
27 serve a copy of the petition upon the district by certified or registered mail with a return
28 receipt requested at least thirty-five days before the date of the hearing of the petition.

29 2. Such petition shall be filed in the circuit court having jurisdiction and the court
30 shall set a date for hearing on the proposed detachment and the clerk of the circuit court
31 shall give notice of the filing of the petition and the hearing to the district by certified or
32 registered mail with a return receipt requested if the district is not the petitioner, and in
33 a newspaper of general circulation in the county in which the proceedings are pending and
34 in a newspaper of general circulation in the territory proposed to be detached. Such notice
35 shall be published in three consecutive issues of a weekly newspaper, or in lieu thereof, in
36 twenty consecutive issues of a daily newspaper. The last insertion of the notice shall be
37 made not less than seven nor more than twenty-one days before the hearing date. Such
38 notice shall be substantially as follows:

39 IN THE CIRCUIT COURT OFCOUNTY, MISSOURI
40 NOTICE OF THE FILING OF A PETITION FOR TERRITORIAL DETACHMENT
41 FROM COMMON SEWER DISTRICT OF COUNTY, MISSOURI.

42 To all voters and landowners of land within the boundaries of the above-described
43 district:

44 You are hereby notified:

45 1. That a petition has been filed in this court for the detachment of the following
46 tracts of land from the above-named common sewer district, as provided by law: (Describe
47 tracts of land).

48 2. That a hearing on said petition will be held before this court in on the day
49 of, 20 ..., at ...,m.

50 3. Exceptions or objections to the detachment of said tracts from said common
51 sewer district may be made by the district or any voter or landowner of land within the
52 district from which territory is sought to be detached, provided such exceptions or
53 objections are in writing, specify the grounds on which they are made, and are filed with
54 the court not later than five days prior to the date of the hearing of the petition.

55 4. The names and addresses of the attorneys for the petitioner are:

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58 Clerk of the Circuit Court of
59 County, Missouri

60 3. The court, for good cause shown, may continue the case or the hearing thereon
61 from time to time until final disposition thereof.

62 4. Exceptions or objections to the detachment of such territory may be made by any
63 voter or landowner within the boundaries of the district, including the territory to be
64 detached. In the event the petition is not submitted by the district acting through its board
65 of directors, the district may file exceptions or objections. Exceptions or objections shall
66 be in writing, shall specify the grounds upon which they are made, and shall be filed not
67 later than five days before the date set for hearing the petition. In considering the petition
68 for detachment, the court shall take into consideration the evidence in support of and
69 opposition to the petition, including such exceptions and objections. If the court finds that
70 the detachment will be in the best interest of the district and the inhabitants and
71 landowners of the area to be detached will not be adversely affected or if the court finds
72 that the detachment will be in the best interest of the inhabitants and landowners of the
73 territory to be detached and will not adversely affect the remainder of the district, it shall
74 approve the detachment and grant the petition.

75 5. If the court approves the detachment, it shall make its order detaching the
76 territory described in the petition from the remainder of the district, or in the event it shall
77 find that only a portion of said territory should be detached, the court shall order such
78 portion detached from the district. The court shall also make any changes in subdistrict
79 boundary lines it deems necessary to meet the requirements of sections 204.250 to 204.472.
80 Any subdistrict line changes shall not become effective until the next annual election of a
member of the board of directors.

81 **6. A certified copy of the court's order shall be filed in the office of the recorder of**
82 **deeds and in the office of the county clerk in each county in which any of the territory of**
83 **the district prior to detachment is located, and in the office of the secretary of state. Costs**
84 **of the proceeding shall be borne by the petitioner or petitioners.**

204.641. 1. In any reorganized common sewer district organized under sections
2 **204.600 to 204.640, territory included in the district that is not being served by the district**
3 **may be detached from the district provided that there are no outstanding general**
4 **obligation or special obligation bonds and no contractual obligations of greater than**
5 **twenty-five thousand dollars for debt that pertains to infrastructure, fixed assets, or**
6 **obligations for the purchase of water. If any such bonds or debt is outstanding, and the**
7 **written consent of the holders of such bonds or the creditors to such debt is obtained, then**
8 **such territory may be detached in spite of the existence of such bonds or debt, except such**
9 **consent shall not be required for special obligation bonds if the district has no water or**
10 **sewer lines or other facilities located within any of the territory detached. Detachment may**
11 **be made by the filing of a petition with the circuit court in which the district was**
12 **incorporated. The petition shall contain a description of the tract to be detached and a**
13 **statement that the detachment is in the best interest of the district or the inhabitants and**
14 **property owners of the territory to be detached, together with the facts supporting such**
15 **allegation. The petition may be submitted by the district acting through its board of**
16 **directors, in which case the petition shall be signed by a majority of the board of directors**
17 **of the district. The petition may also be submitted by voters residing in or by landowners**
18 **owning land in the territory sought to be detached. If there are more than ten voters and**
19 **landowners in such territory, the petition shall be signed by five or more voters or**
20 **landowners within the territory; if there are less than ten voters and landowners within**
21 **such territory, the petition shall be signed by fifty percent or more of the voters and**
22 **landowners within the territory. In the event there are no voters living within such**
23 **territory proposed to be detached, then the petition may be submitted by owners of more**
24 **than fifty percent of the land in the territory proposed to be detached, in which case said**
25 **petition shall be signed by the owners submitting the petition. In the event the petition is**
26 **not submitted by the district acting through its board of directors, the petitioner shall name**
27 **the district as a defendant and serve a copy of the petition upon the district by certified or**
28 **registered mail with a return receipt requested at least thirty-five days before the date of**
29 **the hearing of the petition.**

30 **2. Such petition shall be filed in the circuit court having jurisdiction and the court**
31 **shall set a date for hearing on the proposed detachment and the clerk of the circuit court**
32 **shall give notice of the filing of the petition and the hearing to the district by certified or**

33 registered mail with a return receipt requested if the district is not the petitioner, and in
34 a newspaper of general circulation in the county in which the proceedings are pending and
35 in a newspaper of general circulation in the territory proposed to be detached. Such notice
36 shall be published in three consecutive issues of a weekly newspaper, or in lieu thereof, in
37 twenty consecutive issues of a daily newspaper. The last insertion of the notice shall be
38 made not less than seven nor more than twenty-one days before the hearing date. Such
39 notice shall be substantially as follows:

40 IN THE CIRCUIT COURT OFCOUNTY, MISSOURI
41 NOTICE OF THE FILING OF A PETITION FOR TERRITORIAL DETACHMENT
42 FROM REORGANIZED COMMON SEWER DISTRICT OF COUNTY,
43 MISSOURI.

44 To all voters and landowners of land within the boundaries of the above-described
45 district:

46 You are hereby notified:

47 1. That a petition has been filed in this court for the detachment of the following
48 tracts of land from the above-named reorganized common sewer district, as provided by
49 law: (Describe tracts of land).

50 2. That a hearing on said petition will be held before this court in on the day
51 of, 20 ..., at,m.

52 3. Exceptions or objections to the detachment of said tracts from said reorganized
53 common sewer district may be made by the district or any voter or landowner of land
54 within the district from which territory is sought to be detached, provided such exceptions
55 or objections are in writing, specify the grounds on which they are made, and are filed with
56 the court not later than five days prior to the date of the hearing of the petition.

57 4. The names and addresses of the attorneys for the petitioner are:

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59 Clerk of the Circuit Court of
60 County, Missouri

61 3. The court, for good cause shown, may continue the case or the hearing thereon
62 from time to time until final disposition thereof.

63 4. Exceptions or objections to the detachment of such territory may be made by any
64 voter or landowner within the boundaries of the district, including the territory to be
65 detached. In the event the petition is not submitted by the district acting through its board
66 of directors, the district may file exceptions or objections. Exceptions or objections shall
67 be in writing, shall specify the grounds upon which they are made, and shall be filed not
68 later than five days before the date set for hearing the petition. In considering the petition

69 for detachment, the court shall take into consideration the evidence in support of and
70 opposition to the petition, including such exceptions and objections. If the court finds that
71 the detachment will be in the best interest of the district and the inhabitants and
72 landowners of the area to be detached will not be adversely affected or if the court finds
73 that the detachment will be in the best interest of the inhabitants and landowners of the
74 territory to be detached and will not adversely affect the remainder of the district, it shall
75 approve the detachment and grant the petition.

76 5. If the court approves the detachment, it shall make its order detaching the
77 territory described in the petition from the remainder of the district, or in the event it shall
78 find that only a portion of said territory should be detached, the court shall order such
79 portion detached from the district. The court shall also make any changes in subdistrict
80 boundary lines it deems necessary to meet the requirements of sections 204.600 to 204.640.
81 Any subdistrict line changes shall not become effective until the next annual election of a
82 member of the board of directors.

83 6. A certified copy of the court's order shall be filed in the office of the recorder of
84 deeds and in the office of the county clerk in each county in which any of the territory of
85 the district prior to detachment is located, and in the office of the secretary of state. Costs
86 of the proceeding shall be borne by the petitioner or petitioners.

249.495. 1. In any sewer district organized under sections 249.430 to 249.663,
2 territory included in the district that is not being served by the district may be detached
3 from the district provided that there are no outstanding general obligation or special
4 obligation bonds and no contractual obligations of greater than twenty-five thousand
5 dollars for debt that pertains to infrastructure, fixed assets, or obligations for the purchase
6 of water. If any such bonds or debt is outstanding, and the written consent of the holders
7 of such bonds or the creditors to such debt is obtained, then such territory may be detached
8 in spite of the existence of such bonds or debt, except such consent shall not be required
9 for special obligation bonds if the district has no water or sewer lines or other facilities
10 located within any of the territory detached. Detachment may be made by the filing of a
11 petition with the circuit court in which the district was incorporated. The petition shall
12 contain a description of the tract to be detached and a statement that the detachment is in
13 the best interest of the district or the inhabitants and property owners of the territory to
14 be detached, together with the facts supporting such allegation. The petition may be
15 submitted by the district acting through its board of directors, in which case the petition
16 shall be signed by a majority of the board of directors of the district. The petition may also
17 be submitted by voters residing in or by landowners owning land in the territory sought
18 to be detached. If there are more than ten voters and landowners in such territory, the

19 petition shall be signed by five or more voters or landowners within the territory; if there
20 are less than ten voters and landowners within such territory, the petition shall be signed
21 by fifty percent or more of the voters and landowners within the territory. In the event
22 there are no voters living within such territory proposed to be detached, then the petition
23 may be submitted by owners of more than fifty percent of the land in the territory
24 proposed to be detached, in which case said petition shall be signed by the owners
25 submitting the petition. In the event the petition is not submitted by the district acting
26 through its board of directors, the petitioner shall name the district as a defendant and
27 serve a copy of the petition upon the district by certified or registered mail with a return
28 receipt requested at least thirty-five days before the date of the hearing of the petition.

29 2. Such petition shall be filed in the circuit court having jurisdiction and the court
30 shall set a date for hearing on the proposed detachment and the clerk of the circuit court
31 shall give notice of the filing of the petition and the hearing to the district by certified or
32 registered mail with a return receipt requested if the district is not the petitioner, and in
33 a newspaper of general circulation in the county in which the proceedings are pending and
34 in a newspaper of general circulation in the territory proposed to be detached. Such notice
35 shall be published in three consecutive issues of a weekly newspaper, or in lieu thereof, in
36 twenty consecutive issues of a daily newspaper. The last insertion of the notice shall be
37 made not less than seven nor more than twenty-one days before the hearing date. Such
38 notice shall be substantially as follows:

39 IN THE CIRCUIT COURT OFCOUNTY, MISSOURI
40 NOTICE OF THE FILING OF A PETITION FOR TERRITORIAL DETACHMENT
41 FROM SEWER DISTRICT OF COUNTY, MISSOURI.

42 To all voters and landowners of land within the boundaries of the above-described
43 district:

44 You are hereby notified:

45 1. That a petition has been filed in this court for the detachment of the following
46 tracts of land from the above-named sewer district, as provided by law: (Describe tracts
47 of land).

48 2. That a hearing on said petition will be held before this court in on the day
49 of, 20 ..., at, ...m.

50 3. Exceptions or objections to the detachment of said tracts from said sewer district
51 may be made by the district or any voter or landowner of land within the district from
52 which territory is sought to be detached, provided such exceptions or objections are in
53 writing, specify the grounds on which they are made, and are filed with the court not later
54 than five days prior to the date of the hearing of the petition.

55 **4. The names and addresses of the attorneys for the petitioner are:**

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57 **Clerk of the Circuit Court of**

58 **County, Missouri**

59 **3. The court, for good cause shown, may continue the case or the hearing thereon**
60 **from time to time until final disposition thereof.**

61 **4. Exceptions or objections to the detachment of such territory may be made by any**
62 **voter or landowner within the boundaries of the district, including the territory to be**
63 **detached. In the event the petition is not submitted by the district acting through its board**
64 **of directors, the district may file exceptions or objections. Exceptions or objections shall**
65 **be in writing, shall specify the grounds upon which they are made, and shall be filed not**
66 **later than five days before the date set for hearing the petition. In considering the petition**
67 **for detachment, the court shall take into consideration the evidence in support of and**
68 **opposition to the petition, including such exceptions and objections. If the court finds that**
69 **the detachment will be in the best interest of the district and the inhabitants and**
70 **landowners of the area to be detached will not be adversely affected or if the court finds**
71 **that the detachment will be in the best interest of the inhabitants and landowners of the**
72 **territory to be detached and will not adversely affect the remainder of the district, it shall**
73 **approve the detachment and grant the petition.**

74 **5. If the court approves the detachment, it shall make its order detaching the**
75 **territory described in the petition from the remainder of the district, or in the event it shall**
76 **find that only a portion of said territory should be detached, the court shall order such**
77 **portion detached from the district. The court shall also make any changes in subdistrict**
78 **boundary lines it deems necessary to meet the requirements of sections 249.430 to 249.663.**
79 **Any subdistrict line changes shall not become effective until the next annual election of a**
80 **member of the board of directors.**

81 **6. A certified copy of the court's order shall be filed in the office of the recorder of**
82 **deeds and in the office of the county clerk in each county in which any of the territory of**
83 **the district prior to detachment is located, and in the office of the secretary of state. Costs**
84 **of the proceeding shall be borne by the petitioner or petitioners.**

249.809. 1. In any sewer district organized under sections 249.761 to 249.810,
2 **territory included in the district that is not being served by the district may be detached**
3 **from the district provided that there are no outstanding general obligation or special**
4 **obligation bonds and no contractual obligations of greater than twenty-five thousand**
5 **dollars for debt that pertains to infrastructure, fixed assets, or obligations for the purchase**
6 **of water. If any such bonds or debt is outstanding, and the written consent of the holders**

7 of such bonds or the creditors to such debt is obtained, then such territory may be detached
8 in spite of the existence of such bonds or debt, except such consent shall not be required
9 for special obligation bonds if the district has no water or sewer lines or other facilities
10 located within any of the territory detached. Detachment may be made by the filing of a
11 petition with the circuit court in which the district was incorporated. The petition shall
12 contain a description of the tract to be detached and a statement that the detachment is in
13 the best interest of the district or the inhabitants and property owners of the territory to
14 be detached, together with the facts supporting such allegation. The petition may be
15 submitted by the district acting through its board of directors, in which case the petition
16 shall be signed by a majority of the board of directors of the district. The petition may also
17 be submitted by voters residing in or by landowners owning land in the territory sought
18 to be detached. If there are more than ten voters and landowners in such territory, the
19 petition shall be signed by five or more voters or landowners within the territory; if there
20 are less than ten voters and landowners within such territory, the petition shall be signed
21 by fifty percent or more of the voters and landowners within the territory. In the event
22 there are no voters living within such territory proposed to be detached, then the petition
23 may be submitted by owners of more than fifty percent of the land in the territory
24 proposed to be detached, in which case said petition shall be signed by the owners
25 submitting the petition. In the event the petition is not submitted by the district acting
26 through its board of directors, the petitioner shall name the district as a defendant and
27 serve a copy of the petition upon the district by certified or registered mail with a return
28 receipt requested at least thirty-five days before the date of the hearing of the petition.

29 2. Such petition shall be filed in the circuit court having jurisdiction and the court
30 shall set a date for hearing on the proposed detachment and the clerk of the circuit court
31 shall give notice of the filing of the petition and the hearing to the district by certified or
32 registered mail with a return receipt requested if the district is not the petitioner, and in
33 a newspaper of general circulation in the county in which the proceedings are pending and
34 in a newspaper of general circulation in the territory proposed to be detached. Such notice
35 shall be published in three consecutive issues of a weekly newspaper, or in lieu thereof, in
36 twenty consecutive issues of a daily newspaper. The last insertion of the notice shall be
37 made not less than seven nor more than twenty-one days before the hearing date. Such
38 notice shall be substantially as follows:

39 IN THE CIRCUIT COURT OFCOUNTY, MISSOURI
40 NOTICE OF THE FILING OF A PETITION FOR TERRITORIAL DETACHMENT
41 FROM SEWER DISTRICT OF COUNTY, MISSOURI.

42 **To all voters and landowners of land within the boundaries of the above-described**
43 **district:**

44 **You are hereby notified:**

45 **1. That a petition has been filed in this court for the detachment of the following**
46 **tracts of land from the above-named sewer district, as provided by law: (Describe tracts**
47 **of land).**

48 **2. That a hearing on said petition will be held before this court in on the day**
49 **of, 20 ..., at,m.**

50 **3. Exceptions or objections to the detachment of said tracts from said sewer district**
51 **may be made by the district or any voter or landowner of land within the district from**
52 **which territory is sought to be detached, provided such exceptions or objections are in**
53 **writing, specify the grounds on which they are made, and are filed with the court not later**
54 **than five days prior to the date of the hearing of the petition.**

55 **4. The names and addresses of the attorneys for the petitioner are:**

56

57 **Clerk of the Circuit Court of**

58 **County, Missouri**

59 **3. The court, for good cause shown, may continue the case or the hearing thereon**
60 **from time to time until final disposition thereof.**

61 **4. Exceptions or objections to the detachment of such territory may be made by any**
62 **voter or landowner within the boundaries of the district, including the territory to be**
63 **detached. In the event the petition is not submitted by the district acting through its board**
64 **of directors, the district may file exceptions or objections. Exceptions or objections shall**
65 **be in writing, shall specify the grounds upon which they are made, and shall be filed not**
66 **later than five days before the date set for hearing the petition. In considering the petition**
67 **for detachment, the court shall take into consideration the evidence in support of and**
68 **opposition to the petition, including such exceptions and objections. If the court finds that**
69 **the detachment will be in the best interest of the district and the inhabitants and**
70 **landowners of the area to be detached will not be adversely affected or if the court finds**
71 **that the detachment will be in the best interest of the inhabitants and landowners of the**
72 **territory to be detached and will not adversely affect the remainder of the district, it shall**
73 **approve the detachment and grant the petition.**

74 **5. If the court approves the detachment, it shall make its order detaching the**
75 **territory described in the petition from the remainder of the district, or in the event it shall**
76 **find that only a portion of said territory should be detached, the court shall order such**
77 **portion detached from the district. The court shall also make any changes in subdistrict**

78 boundary lines it deems necessary to meet the requirements of sections 249.761 to 249.810.
79 Any subdistrict line changes shall not become effective until the next annual election of a
80 member of the board of directors.

81 6. A certified copy of the court's order shall be filed in the office of the recorder of
82 deeds and in the office of the county clerk in each county in which any of the territory of
83 the district prior to detachment is located, and in the office of the secretary of state. Costs
84 of the proceeding shall be borne by the petitioner or petitioners.

249.1120. 1. In any consolidated sewer district organized under sections 249.1100
2 to 249.1118, territory included in the district that is not being served by the district may
3 be detached from the district provided that there are no outstanding general obligation or
4 special obligation bonds and no contractual obligations of greater than twenty-five
5 thousand dollars for debt that pertains to infrastructure, fixed assets, or obligations for the
6 purchase of water. If any such bonds or debt is outstanding, and the written consent of the
7 holders of such bonds or the creditors to such debt is obtained, then such territory may be
8 detached in spite of the existence of such bonds or debt, except such consent shall not be
9 required for special obligation bonds if the district has no water or sewer lines or other
10 facilities located within any of the territory detached. Detachment may be made by the
11 filing of a petition with the circuit court in which the district was incorporated. The
12 petition shall contain a description of the tract to be detached and a statement that the
13 detachment is in the best interest of the district or the inhabitants and property owners of
14 the territory to be detached, together with the facts supporting such allegation. The
15 petition may be submitted by the district acting through its board of directors, in which
16 case the petition shall be signed by a majority of the board of directors of the district. The
17 petition may also be submitted by voters residing in or by landowners owning land in the
18 territory sought to be detached. If there are more than ten voters and landowners in such
19 territory, the petition shall be signed by five or more voters or landowners within the
20 territory; if there are less than ten voters and landowners within such territory, the petition
21 shall be signed by fifty percent or more of the voters and landowners within the territory.
22 In the event there are no voters living within such territory proposed to be detached, then
23 the petition may be submitted by owners of more than fifty percent of the land in the
24 territory proposed to be detached, in which case said petition shall be signed by the owners
25 submitting the petition. In the event the petition is not submitted by the district acting
26 through its board of directors, the petitioner shall name the district as a defendant and
27 serve a copy of the petition upon the district by certified or registered mail with a return
28 receipt requested at least thirty-five days before the date of the hearing of the petition.

29 2. Such petition shall be filed in the circuit court having jurisdiction and the court
30 shall set a date for hearing on the proposed detachment and the clerk of the circuit court
31 shall give notice of the filing of the petition and the hearing to the district by certified or
32 registered mail with a return receipt requested if the district is not the petitioner, and in
33 a newspaper of general circulation in the county in which the proceedings are pending and
34 in a newspaper of general circulation in the territory proposed to be detached. Such notice
35 shall be published in three consecutive issues of a weekly newspaper, or in lieu thereof, in
36 twenty consecutive issues of a daily newspaper. The last insertion of the notice shall be
37 made not less than seven nor more than twenty-one days before the hearing date. Such
38 notice shall be substantially as follows:

39 IN THE CIRCUIT COURT OFCOUNTY, MISSOURI
40 NOTICE OF THE FILING OF A PETITION FOR TERRITORIAL DETACHMENT
41 FROM CONSOLIDATED SEWER DISTRICT OF COUNTY,
42 MISSOURI.

43 To all voters and landowners of land within the boundaries of the above-described
44 district:

45 You are hereby notified:

46 1. That a petition has been filed in this court for the detachment of the following
47 tracts of land from the above-named consolidated sewer district, as provided by law:
48 (Describe tracts of land).

49 2. That a hearing on said petition will be held before this court in on the day
50 of, 20 ..., at,m.

51 3. Exceptions or objections to the detachment of said tracts from said consolidated
52 sewer district may be made by the district or any voter or landowner of land within the
53 district from which territory is sought to be detached, provided such exceptions or
54 objections are in writing, specify the grounds on which they are made, and are filed with
55 the court not later than five days prior to the date of the hearing of the petition.

56 4. The names and addresses of the attorneys for the petitioner are:

57
58

59 Clerk of the Circuit Court of

..... County, Missouri

60 3. The court, for good cause shown, may continue the case or the hearing thereon
61 from time to time until final disposition thereof.

62 4. Exceptions or objections to the detachment of such territory may be made by any
63 voter or landowner within the boundaries of the district, including the territory to be
64 detached. In the event the petition is not submitted by the district acting through its board

65 of directors, the district may file exceptions or objections. Exceptions or objections shall
66 be in writing, shall specify the grounds upon which they are made, and shall be filed not
67 later than five days before the date set for hearing the petition. In considering the petition
68 for detachment, the court shall take into consideration the evidence in support of and
69 opposition to the petition, including such exceptions and objections. If the court finds that
70 the detachment will be in the best interest of the district and the inhabitants and
71 landowners of the area to be detached will not be adversely affected or if the court finds
72 that the detachment will be in the best interest of the inhabitants and landowners of the
73 territory to be detached and will not adversely affect the remainder of the district, it shall
74 approve the detachment and grant the petition.

75 5. If the court approves the detachment, it shall make its order detaching the
76 territory described in the petition from the remainder of the district, or in the event it shall
77 find that only a portion of said territory should be detached, the court shall order such
78 portion detached from the district. The court shall also make any changes in subdistrict
79 boundary lines it deems necessary to meet the requirements of sections 249.1100 to
80 249.1118. Any subdistrict line changes shall not become effective until the next annual
81 election of a member of the board of directors.

82 6. A certified copy of the court's order shall be filed in the office of the recorder of
83 deeds and in the office of the county clerk in each county in which any of the territory of
84 the district prior to detachment is located, and in the office of the secretary of state. Costs
85 of the proceeding shall be borne by the petitioner or petitioners.

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