

FIRST REGULAR SESSION

HOUSE BILL NO. 1385

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RIGGS.

0433H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

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

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

Section A. Section 71.012, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 71.012, to read as follows:

71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the governing body of any city, town, or village may annex unincorporated areas which are contiguous and compact to the existing corporate limits of the city, town, or village pursuant to this section. The term "contiguous and compact" does not include a situation whereby the unincorporated area proposed to be annexed is contiguous to the annexing city, town, or village only by a railroad line, trail, pipeline or other strip of real property less than one-quarter mile in width within the city, town, or village so that the boundaries of the city, town, or village after annexation would leave unincorporated areas between the annexed area and the prior boundaries of the city, town, or village connected only by such railroad line, trail, pipeline or other such strip of real property. The term contiguous and compact shall include a situation whereby the unincorporated area proposed to be annexed would be contiguous and compact to the existing corporate limits of the city, town, or village but for an intervening state highway or interstate highway as defined in section 304.001, or railroad right-of-way, regardless of whether any other city, town, or village has annexed such state or interstate highway or railroad right-of-way or otherwise has an easement in such state or interstate highway or railroad right-of-way. The term contiguous and compact does not prohibit voluntary annexations pursuant to this section merely because such voluntary annexation would create an island of unincorporated area within the city,

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.

18 town, or village, so long as the owners of the unincorporated island were also given the
19 opportunity to voluntarily annex into the city, town, or village. Notwithstanding the provisions
20 of this section, the governing body of any city, town, or village in any county of the third
21 classification which borders a county of the fourth classification, a county of the second
22 classification, and the Mississippi River may annex areas along a road or highway up to ~~[two]~~
23 **four** miles from existing boundaries of the city, town, or village; **the governing body of any**
24 **city with a population of at least 17,500 located in two or more counties may annex areas**
25 **along a road or highway up to four miles from existing boundaries of the city;** or the
26 governing body in any city, town, or village in any county of the third classification without a
27 township form of government with a population of at least twenty-four thousand inhabitants but
28 not more than thirty thousand inhabitants and such county contains a state correctional center
29 may voluntarily annex such correctional center pursuant to the provisions of this section if the
30 correctional center is along a road or highway within two miles from the existing boundaries of
31 the city, town, or village.

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

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

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

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

57 (2) At the public hearing any interested person, corporation or political subdivision may
58 present evidence regarding the proposed annexation. If, after holding the hearing, the governing
59 body of the city, town, or village determines that the annexation is reasonable and necessary to
60 the proper development of the city, town, or village, and the city, town, or village has the ability
61 to furnish normal municipal services to the area to be annexed within a reasonable time, it may,
62 subject to the provisions of subdivision (3) of this subsection, annex the territory by ordinance
63 without further action.

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

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

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

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

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