

SECOND REGULAR SESSION

HOUSE BILL NO. 2818

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SHIELDS.

5978H.02I

JOSEPH ENGLER, Chief Clerk

AN ACT

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

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Section A. Section 71.012, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 71.012, to read as follows: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

(2) 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.

(3) 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.

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 (4) The term contiguous and compact does not prohibit voluntary annexations
19 pursuant to this section merely because such voluntary annexation would create an island of
20 unincorporated area within the city, town or village, so long as the owners of the
21 unincorporated island were also given the opportunity to voluntarily annex into the city, town
22 or village.

23 (5) Notwithstanding the provisions of this section, the governing body of any city,
24 town or village in any county of the third classification which borders a county of the fourth
25 classification, a county of the second classification and the Mississippi River may annex areas
26 along a road or highway up to two miles from existing boundaries of the city, town or village
27 or the governing body in any city, town or village in any county of the third classification
28 without a township form of government with a population of at least twenty-four thousand
29 inhabitants but not more than thirty thousand inhabitants and such county contains a state
30 correctional center may voluntarily annex such correctional center pursuant to the provisions
31 of this section if the correctional center is along a road or highway within two miles from the
32 existing boundaries of the city, town or village.

33 (6) **Notwithstanding any other provision of this section to the contrary, a city**
34 **with more than seventy-one thousand but fewer than seventy-nine thousand inhabitants**
35 **that owns and operates an airport that is outside the boundaries of such city may annex**
36 **such airport regardless of whether the boundaries of such airport are contiguous and**
37 **compact to the existing corporate limits of such city.**

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

52 (a) A "common-interest community" shall be defined as real property with respect to
53 which a person, by virtue of such person's ownership of a unit, is obliged to pay for real
54 property taxes, insurance premiums, maintenance or improvement of other real property

55 described in a declaration. "Ownership of a unit" does not include a leasehold interest of less
56 than twenty years in a unit, including renewal options;

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

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

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

70 (3) If a written objection to the proposed annexation is filed with the governing body
71 of the city, town or village not later than fourteen days after the public hearing by at least five
72 percent of the qualified voters of the city, town or village, or two qualified voters of the area
73 sought to be annexed if the same contains two qualified voters, the provisions of sections
74 71.015 and 71.860 to 71.920, shall be followed.

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

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

87 5. Any action of any kind seeking to deannex from any city, town, or village any area
88 annexed under this section, or seeking in any way to reverse, invalidate, set aside, or
89 otherwise challenge such annexation or oust such city, town, or village from jurisdiction over

90 such annexed area shall be brought within five years of the date of adoption of the annexation
91 ordinance.

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