

SECOND REGULAR SESSION

# HOUSE BILL NO. 2657

## 101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RIGGS.

5110H.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Section A. Section 71.012, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 71.012, to read as follows: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

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

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

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

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

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

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

65 (3) If a written objection to the proposed annexation is filed with the governing body  
66 of the city, town, or village not later than fourteen days after the public hearing by at least five  
67 percent of the qualified voters of the city, town, or village, or two qualified voters of the area  
68 sought to be annexed if the same contains two qualified voters, the provisions of sections  
69 71.015 and 71.860 to 71.920, shall be followed.

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

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

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

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