

HOUSE _____ **AMENDMENT NO.** _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 1211, Page 4, Section 67.2010, Line 16,
2 by inserting after all of said section the following:

3 “71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the
4 governing body of any city, town or village may annex unincorporated areas which are contiguous
5 and compact to the existing corporate limits of the city, town or village pursuant to this section.
6 The term "contiguous and compact" does not include a situation whereby the unincorporated area
7 proposed to be annexed is contiguous to the annexing city, town or village only by a railroad line,
8 trail, pipeline or other strip of real property less than one-quarter mile in width within the city,
9 town or village so that the boundaries of the city, town or village after annexation would leave
10 unincorporated areas between the annexed area and the prior boundaries of the city, town or
11 village connected only by such railroad line, trail, pipeline or other such strip of real property.
12 The term "contiguous and compact" does not prohibit voluntary annexations pursuant to this
13 section merely because such voluntary annexation would create an island of unincorporated area
14 within the city, town or village, so long as the owners of the unincorporated island were also given
15 the opportunity to voluntarily annex into the city, town or village. Notwithstanding the provisions
16 of this section, the governing body of any city, town or village in any county of the third
17 classification which borders a county of the fourth classification, a county of the second
18 classification and the Mississippi River may annex areas along a road or highway up to two miles
19 from existing boundaries of the city, town or village or the governing body in any city, town or
20 village in any county of the third classification without a township form of government with a
21 population of at least twenty-four thousand inhabitants but not more than thirty thousand
22 inhabitants and such county contains a state correctional center may voluntarily annex such
23 correctional center pursuant to the provisions of this section if the correctional center is along a
24 road or highway within two miles from the existing boundaries of the city, town or village.

25 2. (1) When a [verified] notarized petition, requesting annexation and signed by the
26 owners of all fee interests of record in all tracts of real property located within the area proposed
27 to be annexed, or a request for annexation signed under the authority of the governing body of any
28 common interest community and approved by a majority vote of unit owners located within the

1 area proposed to be annexed is presented to the governing body of the city, town or village, the
2 governing body shall hold a public hearing concerning the matter not less than fourteen nor more
3 than sixty days after the petition is received, and the hearing shall be held not less than seven days
4 after notice of the hearing is published in a newspaper of general circulation qualified to publish
5 legal matters and located within the boundary of the petitioned city, town or village. If no such
6 newspaper exists within the boundary of such city, town or village, then the notice shall be
7 published in the qualified newspaper nearest the petitioned city, town or village. For the purposes
8 of this subdivision, the term "common-interest community" shall mean a condominium as said
9 term is used in chapter 448, or a common-interest community, a cooperative, or a planned
10 community.

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

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

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

22 (2) At the public hearing any interested person, corporation or political subdivision may
23 present evidence regarding the proposed annexation.
24

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

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

35 3. If no objection is filed, the city, town or village shall extend its limits by ordinance to
36 include such territory, specifying with accuracy the new boundary lines to which the city's, town's

1 or village's limits are extended. Upon duly enacting such annexation ordinance, the city, town or
2 village shall cause three certified copies of the same to be filed with the county assessor and the
3 clerk of the county wherein the city, town or village is located, and one certified copy to be filed
4 with the election authority, if different from the clerk of the county which has jurisdiction over the
5 area being annexed, whereupon the annexation shall be complete and final and thereafter all
6 courts of this state shall take judicial notice of the limits of that city, town or village as so
7 extended.

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

12 71.014. 1. Notwithstanding the provisions of section 71.015, the governing body of any
13 city, town, or village which is located within a county which borders a county of the first
14 classification with a charter form of government with a population in excess of six hundred fifty
15 thousand, proceeding as otherwise authorized by law or charter, may annex unincorporated areas
16 which are contiguous and compact to the existing corporate limits upon [verified] notarized
17 petition requesting such annexation signed by the owners of all fee interests of record in all tracts
18 located within the area to be annexed.

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

23 71.015. 1. Should any city, town, or village, not located in any county of the first
24 classification which has adopted a constitutional charter for its own local government, seek to
25 annex an area to which objection is made, the following shall be satisfied:

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

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

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

36 (b) That such annexation is reasonable and necessary to the proper development of the

1 city, town, or village;

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

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

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

7 (3) The city, town, or village shall fix a date for a public hearing on the ordinance and
8 make a good faith effort to notify all fee owners of record within the area proposed to be annexed
9 by certified mail, not less than thirty nor more than sixty days before the hearing, and notify all
10 residents of the area by publication of notice in a newspaper of general circulation qualified to
11 publish legal matters in the county or counties where the proposed area is located, at least once a
12 week for three consecutive weeks prior to the hearing, with at least one such notice being not
13 more than twenty days and not less than ten days before the hearing.

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

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

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

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

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

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

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

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

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

36 (c) The ability of the city, town, or village to furnish normal municipal services of the

1 city, town, or village to the unincorporated area within a reasonable time not to exceed three years
2 after the annexation is to become effective. Such action shall be a class action against the
3 inhabitants of such unincorporated area under the provisions of section 507.070.

4 (6) Except as provided in subsection 3 of this section, if the court authorizes the city,
5 town, or village to make an annexation, the legislative body of such city, town, or village shall not
6 have the power to extend the limits of the city, town, or village by such annexation until an
7 election is held at which the proposition for annexation is approved by a majority of the total
8 votes cast in the city, town, or village and by a separate majority of the total votes cast in the
9 unincorporated territory sought to be annexed. However, should less than a majority of the total
10 votes cast in the area proposed to be annexed vote in favor of the proposal, but at least a majority
11 of the total votes cast in the city, town, or village vote in favor of the proposal, then the proposal
12 shall again be voted upon in not more than one hundred twenty days by both the registered voters
13 of the city, town, or village and the registered voters of the area proposed to be annexed. If at
14 least two-thirds of the qualified electors voting thereon are in favor of the annexation, then the
15 city, town, or village may proceed to annex the territory. If the proposal fails to receive the
16 necessary majority, no part of the area sought to be annexed may be the subject of another
17 proposal to annex for a period of two years from the date of the election, except that, during the
18 two-year period, the owners of all fee interests of record in the area or any portion of the area may
19 petition the city, town, or village for the annexation of the land owned by them pursuant to the
20 procedures in section 71.012. The elections shall if authorized be held, except as herein otherwise
21 provided, in accordance with the general state law governing special elections, and the entire cost
22 of the election or elections shall be paid by the city, town, or village proposing to annex the
23 territory.

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

29 (8) No city, town, or village which has filed an action under this section as this section
30 read prior to May 13, 1980, which action is part of an annexation proceeding pending on May 13,
31 1980, shall be required to comply with subdivision (5) of this subsection in regard to such
32 annexation proceeding.

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

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

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

21 (1) In the case of a proposed annexation in any area which is contiguous to the existing
22 city, town or village and which is within an area designated as flood plain by the Federal
23 Emergency Management Agency and which is inhabited by no more than thirty registered voters
24 and for which a final declaratory judgment has been granted prior to January 1, 1993, approving
25 such annexation and where notarized affidavits expressing approval of the proposed annexation
26 are obtained from a majority of the registered voters residing in the area to be annexed, the area
27 may be annexed by an ordinance duly enacted by the governing body and no elections shall be
28 required; and

29 (2) In the case of a proposed annexation of unincorporated territory in which no qualified
30 electors reside, if at least a majority of the qualified electors voting on the proposition are in favor
31 of the annexation, the city, town or village may proceed to annex the territory and no subsequent
32 election shall be required. If the proposal fails to receive the necessary separate majorities, no part
33 of the area sought to be annexed may be the subject of any other proposal to annex for a period of
34 two years from the date of such election, except that, during the two-year period, the owners of all
35 fee interests of record in the area or any portion of the area may petition the city, town, or village
36 for the annexation of the land owned by them pursuant to the procedures in section 71.012 or

1 71.014. The election shall, if authorized, be held, except as otherwise provided in this section, in
2 accordance with the general state laws governing special elections, and the entire cost of the
3 election or elections shall be paid by the city, town, or village proposing to annex the territory.
4 Failure of the city, town or village to comply in providing services to the area or to zone in
5 compliance with the plan of intent within three years after the effective date of the annexation,
6 unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for
7 deannexation which may be filed in the circuit court not later than four years after the effective
8 date of the annexation by any resident of the area who was residing in such area at the time the
9 annexation became effective or by any nonresident owner of real property in such area. Except
10 for a cause of action for deannexation under this subdivision (2) of this subsection, any action of
11 any kind seeking to deannex from any city, town, or village any area annexed under this section or
12 seeking, in any way, to reverse, invalidate, set aside, or otherwise challenge such annexation or
13 oust such city, town, or village from jurisdiction over such annexed area shall be brought within
14 three years of the date of adoption of the annexation ordinance.”; and
15
16 Further amend said bill by amending the title, enacting clause, and intersectional references
17 accordingly.