

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND Senate Committee Substitute for Senate Bill No. 326, Page 1, in the Title, Line 3, by  
2 deleting "the authority for counties to decrease their budgets" and inserting in lieu thereof "political  
3 subdivisions"; and

4  
5 Further amend said bill, Section 50.622, Page 2, Line 28, by inserting the following after all of said  
6 line:

7  
8 "67.950. [Any special purpose district formed under the provisions of a statute of this state  
9 requiring approval by the voters of the district, and for which no specific procedure is provided to  
10 terminate or dissolve such a district, may be dissolved in the following manner:

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

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

17 Shall the ..... district be dissolved?

18 (3) If the question receives a majority of the votes cast the district shall be dissolved for all  
19 purposes except the payment of outstanding bonded indebtedness, if any.] 1. A petition describing  
20 the boundaries of the district sought to be dissolved shall be filed with the clerk of the circuit court of  
21 the county wherein the subject district is situate or with the clerk of the circuit court of the county  
22 having the largest acreage within the boundaries of the subject district in the event that the subject  
23 district embraces lands in more than one county. Such petition, in addition to such boundary  
24 description, shall allege that further operation of the subject district is inimicable to the best interests  
25 of the inhabitants of the district; that the district should, in the interest of the public welfare and  
26 safety, be dissolved; and such other information as may be useful to the court in determining whether  
27 the petition should be granted and a decree of dissolution entered. Such petition shall also include a  
28 detailed plan for payment of all debt and obligations of the district at the time of dissolution. Such  
29 petition shall be accompanied by a cash deposit of fifty dollars as an advancement of the costs of the  
30 proceeding, and the petition shall be signed by eight percent or more of the voters of the district.  
31 The petition shall be verified by at least one of the signers thereof and shall be served upon the

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1 governing board of the district. The district shall be a party, and if the governing board in its  
2 discretion determines that such dissolution is not in the public interest, the district shall oppose such  
3 petition and pay all cost and expense thereof.

4 2. Upon the filing of the petition, the same shall be presented to the circuit court, and such  
5 court shall fix a date for a hearing on such petition. Thereupon, the clerk of the court shall give  
6 notice of the filing of the petition in a newspaper of general circulation in the county in which the  
7 proceedings are pending, and if the district extends into any other county or counties, such notice  
8 shall also be published in a newspaper of general circulation in such other county or counties. The  
9 notice shall contain a description of the subject boundary lines of the district and the general  
10 purposes of the petition, and shall set forth the date fixed for the hearing on the petition, which shall  
11 not be less than seven nor more than twenty-one days after the date of the last publication of the  
12 notice and shall be on some regular judicial day of the court wherein the petition is pending. Such  
13 notice shall be signed by the clerk of the circuit court and shall be published in three successive  
14 issues of a weekly newspaper or in twenty successive issues of a daily newspaper.

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

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

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

29 Shall the ..... District be dissolved?

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

36 7. If, upon canvass and declaration, it is found and determined that the question shall have  
37 been assented to by a majority of the votes cast on such proposition, then the court shall, in such  
38 order declaring the result of the election, enter a further order declaring the decree of dissolution to  
39 be final and conclusive. In the event, however, that the court should find that the question has not  
40 been assented to by a majority of the votes cast, the court shall enter a further order declaring such  
41 decree of dissolution to be void and of no effect. No appeal shall lie from any of the aforesaid

1 orders. In the event that the court declares the decree of dissolution to be final, as provided in this  
2 section, the clerk of the circuit court shall file certified copies of such decree of dissolution and of  
3 such final order with the secretary of the state of the State of Missouri, with the recorder of deeds of  
4 the county or counties in which the district is situate, and with the clerk of the county commission of  
5 the county or counties in which the district is situate.

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

9 204.475. 1. In any common sewer district organized under sections 204.250 to 204.472,  
10 territory included in the district that is not being served by the district may be detached from the  
11 district provided that there are no outstanding general obligation or special obligation bonds and no  
12 contractual obligations of greater than twenty-five thousand dollars for debt that pertains to  
13 infrastructure, fixed assets, or obligations for the purchase of water. If any such bonds or debt is  
14 outstanding, and the written consent of the holders of such bonds or the creditors to such debt is  
15 obtained, then such territory may be detached in spite of the existence of such bonds or debt, except  
16 such consent shall not be required for special obligation bonds if the district has no water or sewer  
17 lines or other facilities located within any of the territory detached. Detachment may be made by the  
18 filing of a petition with the circuit court in which the district was incorporated. The petition shall  
19 contain a description of the tract to be detached and a statement that the detachment is in the best  
20 interest of the district or the inhabitants and property owners of the territory to be detached, together  
21 with the facts supporting such allegation. The petition may be submitted by the district acting  
22 through its board of directors, in which case the petition shall be signed by a majority of the board of  
23 directors of the district. The petition may also be submitted by voters residing in or by landowners  
24 owning land in the territory sought to be detached. If there are more than ten voters and landowners  
25 in such territory, the petition shall be signed by five or more voters or landowners within the  
26 territory; if there are less than ten voters and landowners within such territory, the petition shall be  
27 signed by fifty percent or more of the voters and landowners within the territory. In the event there  
28 are no voters living within such territory proposed to be detached, then the petition may be submitted  
29 by owners of more than fifty percent of the land in the territory proposed to be detached, in which  
30 case said petition shall be signed by the owners submitting the petition. In the event the petition is  
31 not submitted by the district acting through its board of directors, the petitioner shall name the  
32 district as a defendant and serve a copy of the petition upon the district by certified or registered mail  
33 with a return receipt requested at least thirty-five days before the date of the hearing of the petition.

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

1 Such notice shall be substantially as follows:

2 IN THE CIRCUIT COURT OF .....COUNTY, MISSOURI  
3 NOTICE OF THE FILING OF A PETITION FOR TERRITORIAL DETACHMENT FROM  
4 COMMON SEWER DISTRICT ..... OF ..... COUNTY, MISSOURI.

5 To all voters and landowners of land within the boundaries of the above-described district:  
6 You are hereby notified:

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

9 2. That a hearing on said petition will be held before this court in ..... on the ..... day of .....  
10 20 ..., at ....., ....m.

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

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

17 .....  
18 Clerk of the Circuit Court of  
19 ..... County, Missouri

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

22 4. Exceptions or objections to the detachment of such territory may be made by any voter or  
23 landowner within the boundaries of the district, including the territory to be detached. In the event  
24 the petition is not submitted by the district acting through its board of directors, the district may file  
25 exceptions or objections. Exceptions or objections shall be in writing, shall specify the grounds  
26 upon which they are made, and shall be filed not later than five days before the date set for hearing  
27 the petition. In considering the petition for detachment, the court shall take into consideration the  
28 evidence in support of and opposition to the petition, including such exceptions and objections. If  
29 the court finds that the detachment will be in the best interest of the district and the inhabitants and  
30 landowners of the area to be detached will not be adversely affected or if the court finds that the  
31 detachment will be in the best interest of the inhabitants and landowners of the territory to be  
32 detached and will not adversely affect the remainder of the district, it shall approve the detachment  
33 and grant the petition.

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

40 6. A certified copy of the court's order shall be filed in the office of the recorder of deeds and  
41 in the office of the county clerk in each county in which any of the territory of the district prior to

1 detachment is located, and in the office of the secretary of state. Costs of the proceeding shall be  
 2 borne by the petitioner or petitioners.

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

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

37 IN THE CIRCUIT COURT OF .....COUNTY, MISSOURI

38 NOTICE OF THE FILING OF A PETITION FOR TERRITORIAL DETACHMENT FROM

39 REORGANIZED COMMON SEWER DISTRICT ..... OF ..... COUNTY, MISSOURI.

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

41 You are hereby notified:

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

4           2. That a hearing on said petition will be held before this court in ..... on the ..... day of .....  
 5 20 ..., at ....., ....m.

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

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

12           .....

13           Clerk of the Circuit Court of

14           ..... County, Missouri

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

17           4. Exceptions or objections to the detachment of such territory may be made by any voter or  
 18 landowner within the boundaries of the district, including the territory to be detached. In the event  
 19 the petition is not submitted by the district acting through its board of directors, the district may file  
 20 exceptions or objections. Exceptions or objections shall be in writing, shall specify the grounds  
 21 upon which they are made, and shall be filed not later than five days before the date set for hearing  
 22 the petition. In considering the petition for detachment, the court shall take into consideration the  
 23 evidence in support of and opposition to the petition, including such exceptions and objections. If  
 24 the court finds that the detachment will be in the best interest of the district and the inhabitants and  
 25 landowners of the area to be detached will not be adversely affected or if the court finds that the  
 26 detachment will be in the best interest of the inhabitants and landowners of the territory to be  
 27 detached and will not adversely affect the remainder of the district, it shall approve the detachment  
 28 and grant the petition.

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

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

39           249.495. 1. In any sewer district organized under sections 249.430 to 249.663, territory  
 40 included in the district that is not being served by the district may be detached from the district  
 41 provided that there are no outstanding general obligation or special obligation bonds and no

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

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

32 IN THE CIRCUIT COURT OF .....COUNTY, MISSOURI

33 NOTICE OF THE FILING OF A PETITION FOR TERRITORIAL DETACHMENT FROM

34 SEWER DISTRICT ..... OF ..... COUNTY, MISSOURI.

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

36 You are hereby notified:

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

39 2. That a hearing on said petition will be held before this court in ..... on the ..... day of .....,  
 40 20 ..., at ....., ....m.

41 3. Exceptions or objections to the detachment of said tracts from said sewer district may be

1 made by the district or any voter or landowner of land within the district from which territory is  
 2 sought to be detached, provided such exceptions or objections are in writing, specify the grounds on  
 3 which they are made, and are filed with the court not later than five days prior to the date of the  
 4 hearing of the petition.

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

6 .....  
 7 Clerk of the Circuit Court of

8 ..... County, Missouri

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

11 4. Exceptions or objections to the detachment of such territory may be made by any voter or  
 12 landowner within the boundaries of the district, including the territory to be detached. In the event  
 13 the petition is not submitted by the district acting through its board of directors, the district may file  
 14 exceptions or objections. Exceptions or objections shall be in writing, shall specify the grounds  
 15 upon which they are made, and shall be filed not later than five days before the date set for hearing  
 16 the petition. In considering the petition for detachment, the court shall take into consideration the  
 17 evidence in support of and opposition to the petition, including such exceptions and objections. If  
 18 the court finds that the detachment will be in the best interest of the district and the inhabitants and  
 19 landowners of the area to be detached will not be adversely affected or if the court finds that the  
 20 detachment will be in the best interest of the inhabitants and landowners of the territory to be  
 21 detached and will not adversely affect the remainder of the district, it shall approve the detachment  
 22 and grant the petition.

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

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

33 249.809. 1. In any sewer district organized under sections 249.761 to 249.810, territory  
 34 included in the district that is not being served by the district may be detached from the district  
 35 provided that there are no outstanding general obligation or special obligation bonds and no  
 36 contractual obligations of greater than twenty-five thousand dollars for debt that pertains to  
 37 infrastructure, fixed assets, or obligations for the purchase of water. If any such bonds or debt is  
 38 outstanding, and the written consent of the holders of such bonds or the creditors to such debt is  
 39 obtained, then such territory may be detached in spite of the existence of such bonds or debt, except  
 40 such consent shall not be required for special obligation bonds if the district has no water or sewer  
 41 lines or other facilities located within any of the territory detached. Detachment may be made by the



1 filing of a petition with the circuit court in which the district was incorporated. The petition shall  
2 contain a description of the tract to be detached and a statement that the detachment is in the best  
3 interest of the district or the inhabitants and property owners of the territory to be detached, together  
4 with the facts supporting such allegation. The petition may be submitted by the district acting  
5 through its board of directors, in which case the petition shall be signed by a majority of the board of  
6 directors of the district. The petition may also be submitted by voters residing in or by landowners  
7 owning land in the territory sought to be detached. If there are more than ten voters and landowners  
8 in such territory, the petition shall be signed by five or more voters or landowners within the  
9 territory; if there are less than ten voters and landowners within such territory, the petition shall be  
10 signed by fifty percent or more of the voters and landowners within the territory. In the event there  
11 are no voters living within such territory proposed to be detached, then the petition may be submitted  
12 by owners of more than fifty percent of the land in the territory proposed to be detached, in which  
13 case said petition shall be signed by the owners submitting the petition. In the event the petition is  
14 not submitted by the district acting through its board of directors, the petitioner shall name the  
15 district as a defendant and serve a copy of the petition upon the district by certified or registered mail  
16 with a return receipt requested at least thirty-five days before the date of the hearing of the petition.

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

26 IN THE CIRCUIT COURT OF .....COUNTY, MISSOURI  
27 NOTICE OF THE FILING OF A PETITION FOR TERRITORIAL DETACHMENT FROM  
28 SEWER DISTRICT ..... OF ..... COUNTY, MISSOURI.

29       To all voters and landowners of land within the boundaries of the above-described district:  
30       You are hereby notified:

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

33       2. That a hearing on said petition will be held before this court in ..... on the ..... day of .....  
34 20 ..., at ....., ...m.

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

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

41       .....

1           Clerk of the Circuit Court of  
2           ..... County, Missouri

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

5           4. Exceptions or objections to the detachment of such territory may be made by any voter or  
6 landowner within the boundaries of the district, including the territory to be detached. In the event  
7 the petition is not submitted by the district acting through its board of directors, the district may file  
8 exceptions or objections. Exceptions or objections shall be in writing, shall specify the grounds  
9 upon which they are made, and shall be filed not later than five days before the date set for hearing  
10 the petition. In considering the petition for detachment, the court shall take into consideration the  
11 evidence in support of and opposition to the petition, including such exceptions and objections. If  
12 the court finds that the detachment will be in the best interest of the district and the inhabitants and  
13 landowners of the area to be detached will not be adversely affected or if the court finds that the  
14 detachment will be in the best interest of the inhabitants and landowners of the territory to be  
15 detached and will not adversely affect the remainder of the district, it shall approve the detachment  
16 and grant the petition.

17           5. If the court approves the detachment, it shall make its order detaching the territory  
18 described in the petition from the remainder of the district, or in the event it shall find that only a  
19 portion of said territory should be detached, the court shall order such portion detached from the  
20 district. The court shall also make any changes in subdistrict boundary lines it deems necessary to  
21 meet the requirements of sections 249.761 to 249.810. Any subdistrict line changes shall not  
22 become effective until the next annual election of a member of the board of directors.

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

27           249.1120. 1. In any consolidated sewer district organized under sections 249.1100 to  
28 249.1118, territory included in the district that is not being served by the district may be detached  
29 from the district provided that there are no outstanding general obligation or special obligation bonds  
30 and no contractual obligations of greater than twenty-five thousand dollars for debt that pertains to  
31 infrastructure, fixed assets, or obligations for the purchase of water. If any such bonds or debt is  
32 outstanding, and the written consent of the holders of such bonds or the creditors to such debt is  
33 obtained, then such territory may be detached in spite of the existence of such bonds or debt, except  
34 such consent shall not be required for special obligation bonds if the district has no water or sewer  
35 lines or other facilities located within any of the territory detached. Detachment may be made by the  
36 filing of a petition with the circuit court in which the district was incorporated. The petition shall  
37 contain a description of the tract to be detached and a statement that the detachment is in the best  
38 interest of the district or the inhabitants and property owners of the territory to be detached, together  
39 with the facts supporting such allegation. The petition may be submitted by the district acting  
40 through its board of directors, in which case the petition shall be signed by a majority of the board of  
41 directors of the district. The petition may also be submitted by voters residing in or by landowners

1 owning land in the territory sought to be detached. If there are more than ten voters and landowners  
2 in such territory, the petition shall be signed by five or more voters or landowners within the  
3 territory; if there are less than ten voters and landowners within such territory, the petition shall be  
4 signed by fifty percent or more of the voters and landowners within the territory. In the event there  
5 are no voters living within such territory proposed to be detached, then the petition may be submitted  
6 by owners of more than fifty percent of the land in the territory proposed to be detached, in which  
7 case said petition shall be signed by the owners submitting the petition. In the event the petition is  
8 not submitted by the district acting through its board of directors, the petitioner shall name the  
9 district as a defendant and serve a copy of the petition upon the district by certified or registered mail  
10 with a return receipt requested at least thirty-five days before the date of the hearing of the petition.

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

20 IN THE CIRCUIT COURT OF .....COUNTY, MISSOURI  
21 NOTICE OF THE FILING OF A PETITION FOR TERRITORIAL DETACHMENT FROM  
22 CONSOLIDATED SEWER DISTRICT ..... OF ..... COUNTY, MISSOURI.

23 To all voters and landowners of land within the boundaries of the above-described district:  
24 You are hereby notified:

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

27 2. That a hearing on said petition will be held before this court in ..... on the ..... day of .....,  
28 20 ..., at ....., ....m.

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

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

35 .....

36 Clerk of the Circuit Court of

37 ..... County, Missouri

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

40 4. Exceptions or objections to the detachment of such territory may be made by any voter or  
41 landowner within the boundaries of the district, including the territory to be detached. In the event

1 the petition is not submitted by the district acting through its board of directors, the district may file  
2 exceptions or objections. Exceptions or objections shall be in writing, shall specify the grounds  
3 upon which they are made, and shall be filed not later than five days before the date set for hearing  
4 the petition. In considering the petition for detachment, the court shall take into consideration the  
5 evidence in support of and opposition to the petition, including such exceptions and objections. If  
6 the court finds that the detachment will be in the best interest of the district and the inhabitants and  
7 landowners of the area to be detached will not be adversely affected or if the court finds that the  
8 detachment will be in the best interest of the inhabitants and landowners of the territory to be  
9 detached and will not adversely affect the remainder of the district, it shall approve the detachment  
10 and grant the petition.

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

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

21  
22 Further amend said bill by amending the title, enacting clause, and intersectional references  
23 accordingly.