

FIRST REGULAR SESSION

HOUSE BILL NO. 497

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHIEFFER.

1283L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

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

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Section A. Section 71.012, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 71.012, to read as follows: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" does not prohibit voluntary annexations pursuant to this section merely because such voluntary annexation would create an island of unincorporated area within the city, town or village, so long as the owners of the unincorporated island were also given the opportunity to voluntarily annex into the city, town or village. Notwithstanding the provisions of this section, the governing body of any city, town or village in any **county of the second classification without a township form of government and with more than thirty-eight thousand nine hundred but fewer than thirty-nine thousand inhabitants or in any** county of the third classification which borders a county of the fourth

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 classification, a county of the second classification and **the** Mississippi River may annex areas
19 along a road or highway up to two miles from existing boundaries of the city, town or village or
20 the governing body in any city, town or village in any county of the third classification without
21 a township form of government with a population of at least twenty-four thousand inhabitants
22 but not more than thirty thousand inhabitants and such county contains a state correctional center
23 may voluntarily annex such correctional center pursuant to the provisions of this section if the
24 correctional center is along a road or highway within two miles from the existing boundaries of
25 the city, town or village.

26 2. (1) When a verified petition, requesting annexation and signed by the owners of all
27 fee interests of record in all tracts of real property located within the area proposed to be
28 annexed, or a request for annexation signed under the authority of the governing body of any
29 common interest community and approved by a majority vote of unit owners located within the
30 area proposed to be annexed is presented to the governing body of the city, town or village, the
31 governing body shall hold a public hearing concerning the matter not less than fourteen nor more
32 than sixty days after the petition is received, and the hearing shall be held not less than seven
33 days after notice of the hearing is published in a newspaper of general circulation qualified to
34 publish legal matters and located within the boundary of the petitioned city, town or village. If
35 no such newspaper exists within the boundary of such city, town or village, then the notice shall
36 be published in the qualified newspaper nearest the petitioned city, town or village. For the
37 purposes of this subdivision, the term "common-interest community" shall mean a condominium
38 as said term is used in chapter 448, or a common-interest community, a cooperative, or a planned
39 community.

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

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

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

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

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

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

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