

FIRST REGULAR SESSION

# HOUSE BILL NO. 981

## 99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BRATTIN.

2022H.011

D. ADAM CRUMBLISS, Chief Clerk

### AN ACT

To repeal section 71.011, RSMo, and to enact in lieu thereof one new section relating to the transfer of land between municipalities.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 71.011, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 71.011, to read as follows:

71.011. 1. ~~[Except as provided in subsection 2 of this section,]~~ **Any amount of property of a municipality which ~~[abuts]~~ , if taken as a whole, touches the boundary of another municipality may be concurrently detached from one municipality and annexed by the other municipality ~~[by the enactment by]~~ pursuant to notice and a public hearing as provided under this section:**

**(1) Prior to setting the public hearing and providing notice thereof, the annexing municipality shall prepare a plan of intent to provide services to the area proposed for annexation. The plan of intent shall be filed in the city clerk's office of both municipalities. The plan of intent shall contain the following information:**

**(a) A description and map of the area to be annexed;**

**(b) A statement that such annexation is reasonable and necessary for the proper development of the annexing municipality;**

**(c) A statement that the detachment is reasonable and in the best interest to the detaching municipality;**

**(d) A statement that the annexing municipality can or will, within a reasonable time period, provide services to the area proposed for 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.

(e) A statement that a public hearing shall be held prior to the approval by the participating municipalities of the concurrent detachment and annexation of the area; and

(f) The date when the proposed annexation is to take effect.

(2) After filing the plan of intent in the office of the city clerk of both the detaching municipality and the annexing municipality, a joint public hearing with the governing bodies of both municipalities shall be set as follows:

(a) Notice of the joint public hearing shall be given at least fifteen days but no earlier than thirty days prior to the hearing;

(b) The governing bodies of each municipality shall mutually determine which municipality shall mail notice of the joint public hearing by registered or certified United States mail with a return receipt attached to the addresses of record of each owner of record of real property within the boundaries of the detached and annexed area;

(c) In addition to the notice mailed to affected property owners, the governing body of each municipality may choose up to two of the following methods to give additional notice of the joint public hearing in each respective municipality:

a. Publication in a newspaper of general circulation within the municipality;

b. Posting notice in three public places within the municipality;

c. Posting notice on an official municipal social media website; or

d. Posting notice in an official city newsletter; and

(d) Notice of the joint public hearing shall include:

a. The date, time, and place of the joint public hearing;

b. The boundaries of the area being detached and annexed by street location or, if street locations do not exist, other readily identifiable means;

c. A map illustrating the proposed boundaries;

d. A statement that a copy of the plan of intent is available for review at the office of the city clerk of both municipalities and may be reviewed during normal business hours; and

e. A statement that all interested parties shall be given an opportunity to be heard at the joint public hearing.

2. The governing bodies of both municipalities shall mutually determine the place and time for the joint public hearing. The joint public hearing shall be held at a place reasonably accessible to the public and of sufficient size to accommodate the anticipated attendance and at a time reasonably convenient to the public. A quorum of both governing bodies shall be required to conduct the public hearing. Prior to opening the public hearing, the joint governing bodies shall select a chair to preside over the meeting. If a quorum of both governing bodies does not attend, the joint public hearing may be

53 continued to another date without further notice by a motion entered on the minutes  
54 setting the date, time, and place of the continuance of the joint public hearing.

55 3. (1) If there are no residents living in the area to be detached and annexed or if  
56 less than fifty percent of the residents living in the area file a written objection with the city  
57 clerks of both municipalities within thirty days following the joint public hearing, then the  
58 governing bodies of each municipality ~~[of]~~ **may adopt** an ordinance describing by metes and  
59 bounds the property, declaring the property so described to be concurrently detached and  
60 annexed, and ~~[stating the reasons for and the purposes to be accomplished by the detachment and~~  
61 ~~annexation]~~ **approving the plan of intent**. One certified copy of each ordinance shall be filed  
62 with the county clerk, with the county assessor, with the county recorder of deeds, and with the  
63 clerk of the circuit court of the county in which the property is located, whereupon the concurrent  
64 detachment and annexation shall be complete and final. Thereafter all courts of this state shall  
65 take notice of the limits of both municipalities as changed by the ordinances. ~~[No declaratory~~  
66 ~~judgment or election shall be required for any concurrent detachment and annexation permitted~~  
67 ~~by this section if there are no residents living in the area or if there are residents in the area and~~  
68 ~~they be notified of the annexation and do not object within sixty days.~~

69 ——— 2. In a county of the first classification with a charter form of government containing all  
70 or a portion of a city with a population of at least three hundred thousand inhabitants:

71 ——— (1) ~~Unimproved property of a municipality which overlaps another municipality may be~~  
72 ~~concurrently detached from one municipality and annexed by the other municipality by the~~  
73 ~~enactment by the governing body of the receiving municipality of an ordinance describing by~~  
74 ~~metes and bounds the property, declaring the property so described to be detached and annexed,~~  
75 ~~and stating the reasons for and the purposes to be accomplished by the detachment and~~  
76 ~~annexation. A copy of said ordinance shall be mailed to the city clerk of the contributing~~  
77 ~~municipality, which shall have thirty days from receipt of said notice to pass an ordinance~~  
78 ~~disapproving the change of boundary. If such ordinance is not passed within thirty days, the~~  
79 ~~change shall be effective and one certified copy of the ordinance shall be filed with the county~~  
80 ~~clerk, with the county assessor, with the county recorder of deeds, and with the clerk of the~~  
81 ~~circuit court of the county in which the property is located, whereupon the concurrent detachment~~  
82 ~~and annexation shall be complete and final. Thereafter all courts of this state shall take notice~~  
83 ~~of the limits of both municipalities as changed by the ordinances. No declaratory judgment or~~  
84 ~~election shall be required for any concurrent detachment and annexation permitted by this section~~  
85 ~~if the landowners in the area are notified and do not object within sixty days; or~~

86 ——— (2) ~~An island of unincorporated area within a municipality, which is contiguous to more~~  
87 ~~than one municipality or contiguous to the Missouri River and the Blue River, may be annexed~~  
88 ~~by an abutting municipality by the enactment by the governing body of the municipality of an~~

89 ordinance describing the metes and bounds of the property, declaring the property so described  
90 to be annexed, and stating the reasons for and the purposes to be accomplished by the  
91 annexation. All recording shall be accomplished in the same manner as set out in subdivision  
92 (1) of this subsection and shall be effective unless the governing body of the county passes an  
93 ordinance within thirty days disapproving the annexation. No declaratory judgment or election  
94 shall be required for any annexation permitted by this subdivision. Any annexation permitted  
95 by this subdivision shall exclude any property within the unincorporated area when such property  
96 has been owned by the same family for at least sixty consecutive years and consists of ten acres  
97 or more. The line of ownership from the original settler or buyer may be through children,  
98 grandchildren, siblings, nephews, or nieces, including through marriage or adoption.]

99       **(2) If more than fifty percent of residents in the area to be detached and annexed**  
100 **file a written objection with the city clerks of both municipalities, then both the detaching**  
101 **municipality and the annexing municipality shall put the question of whether to detach and**  
102 **annex to voters of both municipalities at the next available election. The elections shall be**  
103 **held in accordance with the general state law governing elections, and the cost of the**  
104 **elections shall be paid by each municipality. The proposition for detaching and annexing**  
105 **shall require approval by a majority of the total votes cast in both municipalities to take**  
106 **effect. If the proposal fails to receive the necessary majority in either municipality, then**  
107 **no part of the area sought to be detached or annexed shall be concurrently detached and**  
108 **annexed under this section. If the proposal receives the necessary majority in both**  
109 **municipalities, then the governing body of each municipality independently shall adopt an**  
110 **ordinance describing by metes and bounds the property, approving the plan of intent, and**  
111 **declaring the property so described to be concurrently detached or annexed. One certified**  
112 **copy of each ordinance shall be filed with the county clerk, with the county assessor, with**  
113 **the county recorder of deeds, and with the clerk of the circuit court of the county in which**  
114 **the property is located, whereupon the concurrent detachment and annexation shall be**  
115 **complete and final. Thereafter all courts of this state shall take notice of the limits of both**  
116 **municipalities as changed by the ordinances.**

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