

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

Offered By

1 AMEND House Committee Substitute No. 2 for Senate Substitute for Senate Bill No. 704, Page 17, Section  
2 70.370, Line 108, by inserting after all of said section and line the following:

3  
4 "71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the governing  
5 body of any city, town or village may annex unincorporated areas which are contiguous and compact to the  
6 existing corporate limits of the city, town or village pursuant to this section. The term "contiguous and  
7 compact" does not include a situation whereby the unincorporated area proposed to be annexed is contiguous  
8 to the annexing city, town or village only by a railroad line, trail, pipeline or other strip of real property less  
9 than one-quarter mile in width within the city, town or village so that the boundaries of the city, town or  
10 village after annexation would leave unincorporated areas between the annexed area and the prior boundaries  
11 of the city, town or village connected only by such railroad line, trail, pipeline or other such strip of real  
12 property. The term "contiguous and compact" shall include a situation whereby the unincorporated area  
13 proposed to be annexed would be contiguous and compact to the existing corporate limits of the city, town,  
14 or village but for an intervening state highway or interstate highway as defined in section 304.001, or  
15 railroad right-of-way, regardless of whether any other city, town, or village has annexed such state or  
16 interstate highway or railroad right-of-way or otherwise has an easement in such state or interstate highway  
17 or railroad right-of-way. The term contiguous and compact does not prohibit voluntary annexations pursuant  
18 to this section merely because such voluntary annexation would create an island of unincorporated area  
19 within the city, town or village, so long as the owners of the unincorporated island were also given the  
20 opportunity to voluntarily annex into the city, town or village. Notwithstanding the provisions of this  
21 section, the governing body of any city, town or village in any county of the third classification which  
22 borders a county of the fourth classification, a county of the second classification and the Mississippi River  
23 may annex areas along a road or highway up to two miles from existing boundaries of the city, town or  
24 village or the governing body in any city, town or village in any county of the third classification without a  
25 township form of government with a population of at least twenty-four thousand inhabitants but not more  
26 than thirty thousand inhabitants and such county contains a state correctional center may voluntarily annex  
27 such correctional center pursuant to the provisions of this section if the correctional center is along a road or  
28 highway within two miles from the existing boundaries of the city, town or village.

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

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1 common-interest community, a cooperative, or a planned community.

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

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

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

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

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

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

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

31 5. Any action of any kind seeking to deannex from any city, town, or village any area annexed under  
32 this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or  
33 oust such city, town, or village from jurisdiction over such annexed area shall be brought within five years of  
34 the date of adoption of the annexation ordinance."; and

35  
36 Further amend said bill and page, Section 71.015, Lines 4-9, by deleting all of said lines and inserting in lieu  
37 thereof the following:

38 "(1) Before the governing body of any city, town, or village has adopted a resolution to annex any  
39 unincorporated area of land, such city, town, or village shall first as a condition precedent determine that:

40 (a) The land to be annexed is contiguous to the existing city, town, or village limits and that the  
41 length of the contiguous boundary common to the existing city, town, or village limit and the proposed area  
42 to be annexed is at least fifteen percent of the length of the perimeter of the area proposed for annexation; or

43 (b) The land to be annexed would be contiguous and compact to the existing city, town, or village  
44 limits but for an intervening state highway or interstate highway as defined in section 304.001, or railroad  
45 right-of-way, and the shared border of the land to be annexed and existing city, town, or village composes at  
46 least fifteen percent of the total perimeter of the land to be annexed. For purposes of calculating the length of  
47 such border under this paragraph, the border between the land to be annexed and the existing city, town, or  
48 village shall be deemed to be:

49 a. If an intervening state highway or interstate highway, the centerline; or

50 b. If a railroad right-of-way, the midpoint between the outermost rails if there are rails or the best  
51 estimate of the middle of the right-of-way if there are no rails."; and

52  
53 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.