

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

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 780, Page 5, Section 67.410, Line 115, by  
2 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.

35 71.015. 1. Should any city, town, or village, not located in any county of the first classification  
36 which has adopted a constitutional charter for its own local government, seek to annex an area to which  
37 objection is made, the following shall be satisfied:

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (c) The ability of the city, town, or village to furnish normal municipal services of the city, town, or  
38 village to the unincorporated area within a reasonable time not to exceed three years after the annexation is to  
39 become effective. Such action shall be a class action against the inhabitants of such unincorporated area  
40 under the provisions of section 507.070.

41 (6) Except as provided in subsection 3 of this section, if the court authorizes the city, town, or  
42 village to make an annexation, the legislative body of such city, town, or village shall not have the power to  
43 extend the limits of the city, town, or village by such annexation until an election is held at which the  
44 proposition for annexation is approved by a majority of the total votes cast in the city, town, or village and  
45 by a separate majority of the total votes cast in the unincorporated territory sought to be annexed. However,  
46 should less than a majority of the total votes cast in the area proposed to be annexed vote in favor of the  
47 proposal, but at least a majority of the total votes cast in the city, town, or village vote in favor of the  
48 proposal, then the proposal shall again be voted upon in not more than one hundred twenty days by both the  
49 registered voters of the city, town, or village and the registered voters of the area proposed to be annexed. If  
50 at least two-thirds of the qualified electors voting thereon are in favor of the annexation, then the city, town,  
51 or village may proceed to annex the territory. If the proposal fails to receive the necessary majority, no part  
52 of the area sought to be annexed may be the subject of another proposal to annex for a period of two years  
53 from the date of the election, except that, during the two-year period, the owners of all fee interests of record

1 in the area or any portion of the area may petition the city, town, or village for the annexation of the land  
2 owned by them pursuant to the procedures in section 71.012. The elections shall if authorized be held,  
3 except as herein otherwise provided, in accordance with the general state law governing special elections,  
4 and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex  
5 the territory.

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

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

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

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

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

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

42 (2) In the case of a proposed annexation of unincorporated territory in which no qualified electors  
43 reside, if at least a majority of the qualified electors voting on the proposition are in favor of the annexation,  
44 the city, town or village may proceed to annex the territory and no subsequent election shall be required.

45  
46 If the proposal fails to receive the necessary separate majorities, no part of the area sought to be annexed may  
47 be the subject of any other proposal to annex for a period of two years from the date of such election, except  
48 that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area  
49 may petition the city, town, or village for the annexation of the land owned by them pursuant to the  
50 procedures in section 71.012 or 71.014. The election shall, if authorized, be held, except as otherwise  
51 provided in this section, in accordance with the general state laws governing special elections, and the entire  
52 cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory.  
53 Failure of the city, town or village to comply in providing services to the area or to zone in compliance with

1 the plan of intent within three years after the effective date of the annexation, unless compliance is made  
2 unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the  
3 circuit court not later than four years after the effective date of the annexation by any resident of the area who  
4 was residing in such area at the time the annexation became effective or by any nonresident owner of real  
5 property in such area.

6 4. Except for a cause of action for deannexation under subdivision (2) of subsection 3 of this  
7 section, any action of any kind seeking to deannex from any city, town, or village any area annexed under  
8 this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or  
9 oust such city, town, or village from jurisdiction over such annexed area shall be brought within five years of  
10 the date of the adoption of the annexation ordinance."; and

11  
12 Further amend said bill by amending the title, enacting clause, and intersectional references  
13 accordingly.