

FIRST REGULAR SESSION

SENATE BILL NO. 633

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATORS SHIELDS AND KINDER.

Read 1st time February 26, 2003, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

0885S.021

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, with an expiration date.

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Section A. Section 71.011, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 71.011, to read as follows: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, property of a municipality which abuts another municipality may be concurrently detached from one municipality and annexed by the other municipality by the enactment by the governing bodies of each municipality of an ordinance describing by metes and bounds the property, declaring the property so described to be concurrently detached and annexed, and stating the reasons for and the purposes to be accomplished by the detachment and annexation. One certified copy of each ordinance shall be filed with the county clerk, with the county recorder of deeds, and with the clerk of the circuit court of the county in which the property is located, whereupon the concurrent detachment and annexation shall be complete and final. Thereafter all courts of this state shall take notice of the limits of both municipalities as changed by the ordinances. No declaratory judgment or election shall be required for any concurrent detachment and annexation permitted by this section if there are no residents living in the area or if there are residents in the area and they be notified of the annexation and do not object within sixty days.

2. In a county of the first classification with a charter form of government

containing all or a portion of a city with a population of at least three hundred thousand inhabitants, unimproved property of a municipality which overlaps another municipality may be concurrently detached from one municipality and annexed by the other municipality by the enactment by the governing body of the receiving municipality of an ordinance describing by metes and bounds the property, declaring the property so described to be detached and annexed, and stating the reasons for and the purposes to be accomplished by the detachment and annexation. A copy of said ordinance shall be mailed to the city clerk of the contributing municipality, which shall have thirty days from receipt of said notice to pass an ordinance disapproving the change of boundary. If such ordinance is not passed within thirty days, the change shall be effective and one certified copy of the ordinance shall be filed with the county clerk, with the county recorder of deeds, and with the clerk of the circuit court of the county in which the property is located, whereupon the concurrent detachment and annexation shall be complete and final. Thereafter all courts of this state shall take notice of the limits of both municipalities as changed by the ordinances. No declaratory judgment or election shall be required for any concurrent detachment and annexation permitted by this section if the landowners in the area are notified and do not object within sixty days.

3. Notwithstanding any provision of the law to the contrary, the owner or owners of any contiguous parcel of land located partly within a special charter city with more than twenty-six thousand two hundred but less than twenty-six thousand three hundred inhabitants and partly within any village with more than one thousand two hundred but less than one thousand three hundred inhabitants, may choose to detach such parcel from one municipality and request that it be annexed into the other municipality. The property owner shall petition the governing body of the receiving municipality concerning this request. If the governing body of the receiving municipality is a village it shall, by an ordinance describing by metes and bounds of the property, vote whether to receive the property so described to be annexed, and state the reasons for and the purposes to be accomplished by the detachment and annexation. The governing body shall submit the question of detachment and annexation upon the ballot in the next village election. Where the receiving municipality is a special charter city, the petition from the property owner shall be submitted to the governing body of such special charter city, thereafter the special charter city may consider such annexation in accordance with its charter.

copy of such ordinance shall be mailed to the city clerk of the contributing municipality. The change shall be effective upon adoption of such ordinance by the voters of the receiving municipality in the case of a village, or upon annexation of the parcel by the special charter city in accordance with its charter. One certified copy of the ordinance annexing the parcel shall be filed with the county clerk, the county recorder of deeds, and the clerk of the circuit court of the county in which the property is located, whereupon the concurrent detachment and annexation shall be complete and final. Thereafter, all courts of this state shall take notice of the limits of both municipalities as changed by the ordinances.

4. The provisions of subsection 3 of this section shall terminate December 31, 2008.

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Bill

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