

SECOND REGULAR SESSION

SENATE BILL NO. 845

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS RUPP AND DEMPSEY.

Pre-filed December 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

3502S.011

AN ACT

To repeal section 71.012, RSMo, and to enact in lieu thereof one new section relating to the annexing of certain public land.

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Section A. Section 71.012, RSMo, is repealed and one new section enacted
2 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
2 to 71.920, the governing body of any city, town or village may annex
3 unincorporated areas which are contiguous and compact to the existing corporate
4 limits of the city, town or village pursuant to this section. The term "contiguous
5 and compact" does not include a situation whereby the unincorporated area
6 proposed to be annexed is contiguous to the annexing city, town or village only
7 by a railroad line, trail, pipeline or other strip of real property less than
8 one-quarter mile in width within the city, town or village so that the boundaries
9 of the city, town or village after annexation would leave unincorporated areas
10 between the annexed area and the prior boundaries of the city, town or village
11 connected only by such railroad line, trail, pipeline or other such strip of real
12 property. The term "contiguous and compact" does not prohibit voluntary
13 annexations pursuant to this section merely because such voluntary annexation
14 would create an island of unincorporated area within the city, town or village, so
15 long as the owners of the unincorporated island were also given the opportunity
16 to voluntarily annex into the city, town or village. Notwithstanding the
17 provisions of this section, the governing body of any city, town or village in any
18 county of the third classification which borders a county of the fourth
19 classification, a county of the second classification and Mississippi River may
20 annex areas along a road or highway up to two miles from existing boundaries of
21 the city, town or village or the governing body in any city, town or village in any

22 county of the third classification without a township form of government with a
23 population of at least twenty-four thousand inhabitants but not more than thirty
24 thousand inhabitants and such county contains a state correctional center may
25 voluntarily annex such correctional center pursuant to the provisions of this
26 section if the correctional center is along a road or highway within two miles from
27 the existing boundaries of the city, town or village.

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

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

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

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

57 (2) At the public hearing any interested person, corporation or political
58 subdivision may present evidence regarding the proposed annexation. If, after
59 holding the hearing, the governing body of the city, town or village determines

60 that the annexation is reasonable and necessary to the proper development of the
61 city, town or village, and the city, town or village has the ability to furnish
62 normal municipal services to the area to be annexed within a reasonable time, it
63 may, subject to the provisions of subdivision (3) of this subsection, annex the
64 territory by ordinance without further action.

65 (3) If a written objection to the proposed annexation is filed with the
66 governing body of the city, town or village not later than fourteen days after the
67 public hearing by at least five percent of the qualified voters of the city, town or
68 village, or two qualified voters of the area sought to be annexed if the same
69 contains two qualified voters, the provisions of sections 71.015 and 71.860 to
70 71.920, shall be followed.

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

81 **4. Notwithstanding the provisions of this section to the contrary,**
82 **no governing body of any city, town, or village shall annex state-owned**
83 **land that is primarily used for recreation, resource conservation, or**
84 **natural or cultural resource preservation if the sole purpose of such**
85 **annexation is to render the city, town, or village able to annex land**
86 **that is otherwise not contiguous and compact to the city, town, or**
87 **village except via its proximity to the state-owned land. For purposes**
88 **of this section, it shall be presumed that when a city, town, or village**
89 **proposes to annex such state-owned land in addition to land that is**
90 **contiguous to the state-owned land, the sole purpose of annexing the**
91 **state property is to allow the annexation of the additional land, unless**
92 **the governing body of the city, town, or village justifies otherwise.**