

# SENATE BILL NO. 1786

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BLACK.

7458S.011

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 71.012, RSMo, and to enact in lieu thereof one new section relating to annexation procedures for cities.

*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Section A. Section 71.012, RSMo, is repealed and one new  
2 section enacted in lieu thereof, to be known as section 71.012,  
3 to read as follows:

71.012. 1. **(1)** Notwithstanding the provisions of  
2 sections 71.015 and 71.860 to 71.920, the governing body of  
3 any city, town or village may annex unincorporated areas  
4 which are contiguous and compact to the existing corporate  
5 limits of the city, town or village pursuant to this  
6 section.

7 **(2)** The term "contiguous and compact" does not include  
8 a situation whereby the unincorporated area proposed to be  
9 annexed is contiguous to the annexing city, town or village  
10 only by a railroad line, trail, pipeline or other strip of  
11 real property less than one-quarter mile in width within the  
12 city, town or village so that the boundaries of the city,  
13 town or village after annexation would leave unincorporated  
14 areas between the annexed area and the prior boundaries of  
15 the city, town or village connected only by such railroad  
16 line, trail, pipeline or other such strip of real property.

17           **(3)** The term contiguous and compact shall include a  
18 situation whereby the unincorporated area proposed to be  
19 annexed would be contiguous and compact to the existing  
20 corporate limits of the city, town, or village but for an  
21 intervening state highway or interstate highway as defined  
22 in section 304.001, or railroad right-of-way, regardless of  
23 whether any other city, town, or village has annexed such  
24 state or interstate highway or railroad right-of-way or  
25 otherwise has an easement in such state or interstate  
26 highway or railroad right-of-way.

27           **(4)** The term contiguous and compact does not prohibit  
28 voluntary annexations pursuant to this section merely  
29 because such voluntary annexation would create an island of  
30 unincorporated area within the city, town or village, so  
31 long as the owners of the unincorporated island were also  
32 given the opportunity to voluntarily annex into the city,  
33 town or village.

34           **(5)** Notwithstanding the provisions of this section,  
35 the governing body of any city, town or village in any  
36 county of the third classification which borders a county of  
37 the fourth classification, a county of the second  
38 classification and the Mississippi River may annex areas  
39 along a road or highway up to two miles from existing  
40 boundaries of the city, town or village or the governing  
41 body in any city, town or village in any county of the third  
42 classification without a township form of government with a  
43 population of at least twenty-four thousand inhabitants but  
44 not more than thirty thousand inhabitants and such county  
45 contains a state correctional center may voluntarily annex  
46 such correctional center pursuant to the provisions of this  
47 section if the correctional center is along a road or

48 highway within two miles from the existing boundaries of the  
49 city, town or village.

50 **(6) Notwithstanding any other provision of this**  
51 **section to the contrary, a city with more than seventy-one**  
52 **thousand but fewer than seventy-nine thousand inhabitants**  
53 **that owns and operates an airport that is outside the**  
54 **boundaries of such city may annex such airport regardless of**  
55 **whether the boundaries of such airport are contiguous and**  
56 **compact to the existing corporate limits of such city.**

57 2. (1) When a notarized petition, requesting  
58 annexation and signed by the owners of all fee interests of  
59 record in all tracts of real property located within the  
60 area proposed to be annexed, or a request for annexation  
61 signed under the authority of the governing body of any  
62 common interest community and approved by a majority vote of  
63 unit owners located within the area proposed to be annexed  
64 is presented to the governing body of the city, town or  
65 village, the governing body shall hold a public hearing  
66 concerning the matter not less than fourteen nor more than  
67 sixty days after the petition is received, and the hearing  
68 shall be held not less than seven days after notice of the  
69 hearing is published in a newspaper of general circulation  
70 qualified to publish legal matters and located within the  
71 boundary of the petitioned city, town or village. If no  
72 such newspaper exists within the boundary of such city, town  
73 or village, then the notice shall be published in the  
74 qualified newspaper nearest the petitioned city, town or  
75 village. For the purposes of this subdivision, the term  
76 "common-interest community" shall mean a condominium as said  
77 term is used in chapter 448, or a common-interest community,  
78 a cooperative, or a planned community.

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

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

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

96           (2) At the public hearing any interested person,  
97 corporation or political subdivision may present evidence  
98 regarding the proposed annexation. If, after holding the  
99 hearing, the governing body of the city, town or village  
100 determines that the annexation is reasonable and necessary  
101 to the proper development of the city, town or village, and  
102 the city, town or village has the ability to furnish normal  
103 municipal services to the area to be annexed within a  
104 reasonable time, it may, subject to the provisions of  
105 subdivision (3) of this subsection, annex the territory by  
106 ordinance without further action.

107           (3) If a written objection to the proposed annexation  
108 is filed with the governing body of the city, town or  
109 village not later than fourteen days after the public  
110 hearing by at least five percent of the qualified voters of

111 the city, town or village, or two qualified voters of the  
112 area sought to be annexed if the same contains two qualified  
113 voters, the provisions of sections 71.015 and 71.860 to  
114 71.920, shall be followed.

115         3. If no objection is filed, the city, town or village  
116 shall extend its limits by ordinance to include such  
117 territory, specifying with accuracy the new boundary lines  
118 to which the city's, town's or village's limits are  
119 extended. Upon duly enacting such annexation ordinance, the  
120 city, town or village shall cause three certified copies of  
121 the same to be filed with the county assessor and the clerk  
122 of the county wherein the city, town or village is located,  
123 and one certified copy to be filed with the election  
124 authority, if different from the clerk of the county which  
125 has jurisdiction over the area being annexed, whereupon the  
126 annexation shall be complete and final and thereafter all  
127 courts of this state shall take judicial notice of the  
128 limits of that city, town or village as so extended.

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

133         5. Any action of any kind seeking to deannex from any  
134 city, town, or village any area annexed under this section,  
135 or seeking in any way to reverse, invalidate, set aside, or  
136 otherwise challenge such annexation or oust such city, town,  
137 or village from jurisdiction over such annexed area shall be  
138 brought within five years of the date of adoption of the  
139 annexation ordinance.

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