

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)
CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2812

By: Hefner of the House

and

Easley and Shurden of the
Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to cities and towns; amending 11 O.S. 1991, Section 21-104, which relates to annexation by town board of trustees; modifying procedure for annexing territory; requiring publication and public hearing; requiring town board of trustees to prepare certain plan; setting forth certain guidelines for the notice, hearing, and plan; prohibiting the town board of trustees from annexing certain territory without certain consent; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 11 O.S. 1991, Section 21-104, is amended to read as follows:

Section 21-104. A. The town board of trustees by ordinance may annex lots which are adjacent or contiguous to the town if the lots have been platted and recorded in the office of the county clerk. When the town board of trustees desires to annex any territory adjacent to the town which has not been platted and recorded, the following procedure shall apply:

~~1. The board of trustees shall prepare a petition to the board of county commissioners of the county in which the territory to be annexed is located setting forth the reasons for the annexation together with an accurate map or plat describing by metes and bounds the territory to be annexed, which map or plat shall be verified by affidavit.~~

~~2. At least thirty (30) days' notice shall be given by the board of trustees before presenting the petition to the board of county commissioners. Notice shall be by publication in a newspaper of general circulation in the town, or if there is none, then by posting a copy of the notice in at least five (5) public places in the town. A copy of the notice shall be mailed to all owners of the property to be annexed as shown by the current year's tax rolls in the office of the county treasurer.~~

~~3. The board of county commissioners, upon receipt of the petition or as soon thereafter as practicable, shall hold a hearing on the request for annexation. If the board of county commissioners determines, after inspection of the map and consideration of the testimony for and against annexation, that the request for annexation should be granted, it shall issue an order declaring annexation of the territory to the town. The order shall be filed and recorded in the office of the county clerk, and a copy of the order shall be filed in the archives of the town board of trustees shall direct that notice of the proposed annexation of the territory be published in a legal newspaper of general circulation in the territory and shall hold a public hearing on the proposed annexation. Prior to the publication of notice, the town board of trustees shall prepare a plan to extend appropriate town services to the territory. The plan shall provide that the town board of trustees shall complete the implementation of the plan within a reasonable time to be determined at the hearing and shall set forth such time period in the ordinance annexing the territory. For purposes of this subsection, services may be provided by any method or means available to the town that have been used to extend such services to any other area of the town. Such notice, hearing, and plan shall be subject to the following provisions:~~

1. The notice shall describe the boundaries of the territory proposed to be annexed by reference to a map, geographical location, legal or physical description, or other reasonable designation and shall state that the proposed service plan is available for inspection at a specified location. The notice

shall state the date, time, and place the town board of trustees shall conduct a public hearing on the question of annexing the territory. The notice shall be published in a legal newspaper of general circulation in the territory sought to be annexed within fourteen (14) days following the date the town board of trustees directed the notice to be published. A copy of the notice of annexation shall be mailed by first-class mail to all owners of property to be annexed as shown by the current year's ownership rolls in the office of the county treasurer;

2. The public hearing of such annexation shall be held no earlier than fourteen (14) days nor later than thirty (30) days following the publication and mailing of the notice; and

3. At the public hearing, the proposed service plan shall be available for inspection and be explained to the property owners of the territory to be annexed. The plan may be amended through negotiation at the hearing. The final service plan shall be incorporated into and made part of the ordinance annexing the territory.

B. A town board of trustees shall not annex any territory which has an assessed valuation greater than the assessed valuation of the town without the written consent of the owner or owners of at least a majority of the acres to be annexed to the town.

SECTION 2. This act shall become effective November 1, 1998.

46-2-11783 JAF