

SHORT TITLE: Cities and towns; modifying procedures for town annexation. Emergency.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 990

By: Shurden

AS INTRODUCED

An Act relating to cities and towns; amending 11 O.S.

1991, Section 21-104, which relates to town annexation; transferring certain authority from board of county commissioners to town board of trustees; requiring certain notice and public hearing prior to annexation; requiring notice by certified mail to certain property owners; authorizing board of trustees to adopt ordinance granting annexation; and declaring an emergency.

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.

B. 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~~ a public hearing on the proposed annexation is held by the board. Notice shall be given 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~~ sent by certified mail 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~~ After thirty (30) days' notice has been given, the board of ~~county commissioners, upon receipt of the petition or as soon thereafter as practicable,~~ shall hold a public hearing on the request for annexation. If the board of ~~county commissioners~~ trustees 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~~ adopt an ordinance declaring annexation of the territory to the town. The ~~order~~ ordinance 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.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.