STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

HOUSE BILL HB2703 By: Mitchell

AS INTRODUCED

An Act relating to cities and towns; amending 11 O.S. 2001, Section 21-103, which relates to city annexation procedure; modifying annexation procedures and requirements; modifying time period for implementation of certain plans; excepting certain farming units from certain ordinances; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 11 O.S. 2001, Section 21-103, is amended to read as follows:

Section 21-103. A. Before the governing body of a city may annex any territory adjacent or contiguous to the city, it must obtain the written consent of the owners of at least ~~a majority~~ seventy-five percent (75%) of the acres to be annexed to the municipality; except that no such consent is needed where~~:~~

~~1. The~~ the territory to be annexed is subdivided into tracts or parcels of less than five (5) acres and contains more than one residence~~; or~~

~~2. Three sides of the territory to be annexed are adjacent or contiguous to the property already within the municipal limits~~.

B. Before any territory is annexed to a municipality, without the written consent of the owners of at least ~~a majority~~ seventy-five percent (75%) of the acres to be annexed to the municipality in accordance with ~~subparagraph~~ subsection A of this section, the governing body of the municipality shall direct that notice of the proposed annexation of the territory be published in a legally qualified newspaper of general circulation in the territory and

shall hold a public hearing on the proposed annexation. Prior to the publication of notice, the municipality shall prepare a plan to extend municipal services appropriate to the territory. The plan shall provide that the municipality complete the implementation of the plan within ~~a reasonable time to be determined at the hearing and set forth in the ordinance annexing the territory~~ twelve (12) months from the date of annexation. If municipal services are not substantially complete within the prescribed time, then the territory shall be detached by the governing body as provided in Section 21-110 of this title. For purposes of this subsection, services may be provided by any method or means available to the municipality to extend municipal services to any other area of the city. 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 locations, 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 when the governing body 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 governing body 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 more than thirty (30) days following the publication and mailing of the notice.

3. The proposed service plan shall be available for inspection and be explained to the property owners of the territory to be annexed at the public hearing. 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.

C. Farming units of ten (10) acres or more within the municipal limits shall be exempt from ordinance restricting land use and building construction.

SECTION 2. This act shall become effective July 1, 2002.

SECTION 3. 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.

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