

ENROLLED SENATE
BILL NO. 147

By: Barrington of the Senate

and

Holland of the House

An Act relating to incorporation of towns; amending 11 O.S. 2001, Section 3-101, as amended by Section 2, Chapter 329, O.S.L. 2004 (11 O.S. Supp. 2010, Section 3-101), which relates to petitions for incorporation of towns; modifying signature requirements; amending 11 O.S. 2001, Section 41-104, which relates to plats; and clarifying certain requirement.

SUBJECT: Municipal incorporation procedures

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

SECTION 1. AMENDATORY 11 O.S. 2001, Section 3-101, as amended by Section 2, Chapter 329, O.S.L. 2004 (11 O.S. Supp. 2010, Section 3-101), is amended to read as follows:

Section 3-101. A. A petition for incorporation of a town shall be presented to the board of county commissioners of the county in which the proposed town is located, at the time indicated in the notice, as provided for in subsection C of this section, or as soon thereafter as the board can receive and consider it. The petition shall be:

1. In writing; and

2. Signed by at least one-third (1/3) of the registered voters residing in the proposed town as shown by the preceding general election or by at least twenty-five (25) registered voters residing in the proposed town, whichever number is greater. The registered

voters signing the petition must be residents of the proposed town at the time of signing the petition and for the sixty (60) days immediately preceding the signing of the petition.

B. Each petition shall be on a separate sheet and shall be authenticated by the affidavit of at least one credible witness that the signatures are genuine, ~~and that the signers of the petition are registered voters of the proposed town~~ signatures on the petition are in compliance with the provisions of paragraph 2 of subsection A of this section, and that the signatures on the petition were not gathered more than thirty (30) days prior to the petition being presented to the board. The petition shall include:

1. The name of the proposed town;
2. The survey and plat of the proposed town;
3. The resident population including names and addresses of persons residing in the area of the proposed town not more than sixty (60) days prior to presenting the petition to the board of county commissioners;
4. The number and boundaries of the proposed town wards or, if no wards are proposed, the number of positions on the proposed board of trustees;
5. The appropriate documentation to prove that territory within five (5) miles of the corporate limits of a municipality having a population of more than two hundred thousand (200,000) has historically been identified as a community of people residing in compact form, if applicable; and
6. Affidavits verifying the facts contained in the petition.

C. Not less than thirty (30) days before presenting the petition to the board of county commissioners, notice of the intent of the petitioners to apply for incorporation of a town shall be given by leaving the survey, plat, census, and description of wards, if any, in some convenient place in the proposed town for examination by those having an interest in the application.

SECTION 2. AMENDATORY 11 O.S. 2001, Section 41-104, is amended to read as follows:

Section 41-104. When the plat or map is completed, it shall be certified by a registered land surveyor ~~and the owner or agent~~ who has prepared it and the landowner. At or before the time of offering the plat or map for record, the plat or map must be acknowledged before some person authorized to take acknowledgment of deeds. A certificate of such acknowledgment shall be endorsed on the plat or map. The certificate of the survey and acknowledgment shall also be recorded and form a part of the record.

Passed the Senate the 8th day of March, 2011.

Presiding Officer of the Senate

Passed the House of Representatives the 12th day of April, 2011.

Presiding Officer of the House
of Representatives