

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 147

By: Barrington

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5
6 AS INTRODUCED

7 An Act relating to incorporation of towns; amending
8 11 O.S. 2001, Section 3-101, as amended by Section 2,
9 Chapter 329, O.S.L. 2004 (11 O.S. Supp. 2010, Section
10 3-101), which relates to petitions for incorporation
11 of towns; modifying signature requirements; amending
12 11 O.S. 2001, Section 41-104, which relates to plats;
13 clarifying certain requirement; and declaring an
14 emergency.

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

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

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

1. In writing; and

1 2. Signed by at least one-third (1/3) of the registered voters
2 residing in the proposed town as shown by the preceding general
3 election or by at least twenty-five (25) registered voters residing
4 in the proposed town, whichever number is greater. The registered
5 voters signing the petition must be residents of the proposed town
6 at the time of signing the petition and for the sixty (60) days
7 immediately preceding the signing of the petition.

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

16 1. The name of the proposed town;

17 2. The survey and plat of the proposed town;

18 3. The resident population including names and addresses of
19 persons residing in the area of the proposed town not more than
20 sixty (60) days prior to presenting the petition to the board of
21 county commissioners;

22 4. The number and boundaries of the proposed town wards or, if
23 no wards are proposed, the number of positions on the proposed board
24 of trustees;

1 5. The appropriate documentation to prove that territory within
2 five (5) miles of the corporate limits of a municipality having a
3 population of more than two hundred thousand (200,000) has
4 historically been identified as a community of people residing in
5 compact form, if applicable; and

6 6. Affidavits verifying the facts contained in the petition.

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

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

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

23 SECTION 3. It being immediately necessary for the preservation
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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