

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 512

By: Jolley

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6 AS INTRODUCED

7 An Act relating to municipal annexation; amending 11
8 O.S. 2011, Section 21-110, which relates to
9 detachment of municipal territory; clarifying
property available for detachment; modifying
procedures; requiring payment of certain assessments;
and providing an effective date.

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

13 SECTION 1. AMENDATORY 11 O.S. 2011, Section 21-110, is
14 amended to read as follows:

15 Section 21-110. A. Territory may be detached from the
16 corporate limits of a municipality by the governing body when:

- 17 1. An ordinance of the governing body so directs; or
18 2. A petition requesting detachment, signed by at least three-
19 fourths (3/4) of the registered voters and by the owners of at least
20 three-fourths (3/4), in value, of the property to be detached, is
21 filed with the governing body.

22 Only land which is within the limits of the municipality and
23 upon its border and not laid out in lots and blocks, or land which
24 had been annexed to a municipality within the previous fifteen (15)

1 years, may be detached by petition. Further, the land to be
2 detached by petition may not be so located or shaped so that other
3 land presently within the municipal limits ceases to be adjacent and
4 contiguous.

5 B. Petitioners for detachment of municipal territory shall
6 comply with the following procedures:

7 1. A true and complete unsigned copy of the petition requesting
8 detachment shall be filed with the clerk of the municipality before
9 it is circulated and signed by at least three-fourths (3/4) of the
10 registered voters and by the owners of at least three-fourths (3/4),
11 in value, of the property to be detached, as required by subsection
12 A of this section;

13 2. Signed copies of the petition requesting detachment shall be
14 filed with the clerk of the municipality within ninety (90) days
15 after the initial filing of the unsigned copy with the clerk; and

16 3. ~~Notice~~ Written notice of the filing of the signed petition
17 requesting detachment with the clerk of the municipality shall be
18 given ~~in the same manner provided for petitions requesting~~
19 annexation to the owners of each lot within the area to be detached,
20 and to each lot located within three hundred (300) feet of the
21 perimeter of the area to be detached. Such written notice shall be
22 mailed by first class mail to be address shown on the current tax
23 rolls for the lots in issue not less than thirty (30) days of the
24 filing of the signed petition. Written notice shall also be mailed

1 to the holder of each franchise holder or licensee having facilities
2 or equipment within the area to be detached.

3 Failure to comply with the notice requirement or the other
4 procedures set forth in this subsection shall render the petition
5 for detachment insufficient and no action thereon shall be required
6 by the clerk or governing body of the municipality.

7 C. When signed copies of the petition requesting detachment are
8 timely filed with the clerk of the municipality, the clerk shall
9 determine the sufficiency of the signatures appearing on the
10 petition. The clerk shall then publish, in at least one newspaper
11 of general circulation in the municipality, a notice of the filing
12 and the apparent sufficiency or insufficiency of the petition.

13 ~~Within ten (10)~~ If the clerk determines that the petition is
14 insufficient, the governing body shall take no further action. If
15 the clerk determines the petition sufficient, then within thirty
16 (30) days following the publication, the governing body of the
17 municipality shall hold a public hearing on the petition requesting
18 detachment and take such action thereon as the governing body deems
19 appropriate, which may include approval, denial, or deferral.

20 D. Appeal to the district court concerning any action by the
21 clerk or governing body of the municipality on a petition requesting
22 detachment shall be in the same manner provided for petitions
23 requesting annexation.
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1 E. In the event that the governing body determines that
2 approval of the detachment is in the best interests of the property
3 owners and in the best interests of the municipality, the property
4 owners of the area to be detached shall immediately pay all special
5 assessments applicable on the property, whether due or to become due
6 in subsequent years. In the event that the governing body
7 determines that approval of the detachment is in the best interests
8 of the property owners and in the best interests of the
9 municipality, the property owners of the area to be detached shall
10 legally execute a mortgage in favor of the municipality in an amount
11 equal to the proportional share of any and all outstanding municipal
12 bond issues secured by any tax revenue generated by or received as a
13 result of the property to be detached. In the event that either the
14 special assessments are not paid or that a described mortgage in
15 favor of the municipality and secured by the property is not
16 received within thirty (30) days of the decision of the governing
17 body, the detachment shall not occur.

18 F. Detachment shall not affect the ownership or use of any
19 easements, rights-of-way, drainage ways or utility lines.

20 SECTION 2. This act shall become effective November 1, 2015.

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