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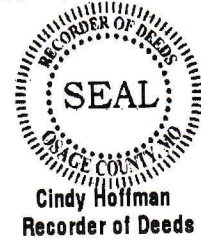
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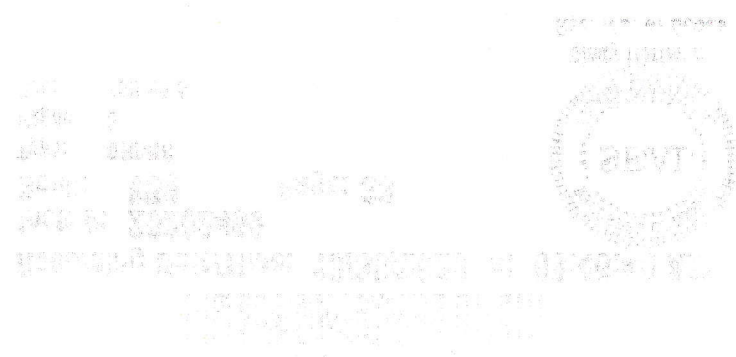


THE CITY OF WESTPHALIA, MISSOURI

ORDINANCE NO. 05 - 20

AN ORDINANCE OF THE CITY OF WESTPHALIA, MISSOURI

ANNEXATION & DETACHMENT OF TERRITORY
(DEANNEXATION)
POLICY AND PROCEDURES



Annexation & Detachment of Territory (Deannexation) Policy and Procedures for City of Westphalia, Missouri

WHEREAS, the City of Westphalia, Missouri, has established the Annexation & Detachment of Territory (Deannexation) Policy and Procedures ordinance that sets out the required application, review and approval procedures for the annexation of property into the city limits of the City of Westphalia and the detachment of territory (deannexation) of any portion of property within the city limits of the City of Westphalia.

WHEREAS, Section 79.020 RSMo. provides: The mayor and board of aldermen of such city, whether the same shall have been incorporated before becoming a city of the fourth class or not, with the consent of a majority of the voters of such city voting on the question, shall have power to extend the limits of the city over territory adjacent thereto, and to diminish the limits of the city by excluding territory therefrom, and shall, in every case, have power, with the consent of the voters as aforesaid, to extend or diminish the city limits in such a manner as in their judgment and discretion may redound to the benefit of the city.

A. Voluntary Annexation Policy and Procedures

Section I: Application Submittal

1. A Petition for Annexation form can be obtained from the City of Westphalia, City Clerk.
2. The petition must be in writing and addressed to the board of aldermen.
3. The property must be contiguous and compact to the existing city limits.
4. The petition must be verified.

Section II: Public Hearing Notice

1. Once the petition is filed, the city must hold a public hearing.
2. The hearing must be within sixty days of the filing of the petition, but it cannot be held less than fourteen days after the receipt of the petition.
3. Notice of the hearing must be published at least seven days prior to the public hearing. The notice must be published in a newspaper of general circulation qualified to publish legal notices.

Section III: Public Hearing

1. Any interested person, corporation or political subdivision may appear and present evidence on the proposed annexation.
2. The city must find that annexation reasonable and necessary to the proper development of the city.
3. The city has the ability to furnish normal municipal services to the area to be annexed within a reasonable time.
4. Any written objection to the annexation must be filed within fourteen days of the public hearing and must be signed by five percent of the registered voters from within the city or two registered voters from the area to be annexed.

5. If, after the public hearing, the board of aldermen of the city determines there are no objections, the city may annex the property by ordinance without further action.
6. If a written objection to the annexation is filed within fourteen days of the public hearing and signed by the necessary number of registered voters, the city must have an election on the annexation.

Section IV: Annexation Ordinance

1. The board of aldermen must prepare an ordinance for annexation of the property to include:
 - a. The date the verified petition was received by the city.
 - b. A statement that a public hearing notice was published and a public hearing was held prior to the adoption of the ordinance.
 - c. A statement that the annexation was reasonable and necessary to the proper development of the city, and the city has the ability to furnish the extent of its municipal services to the area to be annexed within a reasonable time.
 - d. A description of the annexed property.
 - e. The effective date of the annexation.
2. The annexation ordinance must be filed with the Osage County Recorder's Office.
3. When the ordinance is returned to the city with the Osage County Recorder's Office filing label, the city will file a copy of the annexation ordinance with a letter by certified mail to the Director of the Missouri Department of Revenue-Taxation Division.
4. The city will provide a copy of the annexation ordinance and a copy of the Missouri Department of Revenue letter to the Osage County Assessor/Mapper.
5. The Osage County Assessor/Mapper will file the annexation information (GIS map) to the U.S. Census Bureau using the City of Westphalia's BAS information.

B. Involuntary Annexation Procedure

1. The Board of Aldermen shall determine whether the land to be annexed is contiguous to the existing limits and whether the length of the contiguous boundary common to the existing limit and the proposed area to be annexed is at least fifteen percent (15%) of the length of the perimeter of the area proposed for annexation.
2. The Board of Aldermen shall complete a draft resolution announcing intent to annex and set a date for public hearing on an ordinance proposing annexation.
3. The Board of Aldermen shall complete a draft ordinance proposing annexation.
4. The Board of Aldermen shall complete notice which notifies all fee owners of record within the area proposed to be annexed by certified mail between thirty (30) and sixty (60) days before the hearing.
5. The Board of Aldermen shall complete Plan of Intent for annexation.
6. The Board of Aldermen shall complete draft declaratory judgment.
7. The Board of Aldermen shall complete draft notice of election.

8. The Board Aldermen shall pass Resolution for Plan of Intent.

C. Detachment of Territory (Deannexation) Policy and Procedures

Section I: Application Submittal

1. A Petition for Detachment of Territory (Deannexation) form can be obtained from the City of Westphalia, City Clerk.
2. The petition must be in writing and addressed to the board of aldermen.
3. The property must currently be a part of the existing city limits.
4. The property must be contiguous and compact to the existing city limits.
5. The petition must be verified.

Section II: Public Hearing Notice

1. Once the petition is filed, the city must hold a public hearing.
2. The hearing must be within sixty days of the filing of the petition, but it cannot be held less than fourteen days after the receipt of the petition.
3. Notice of the hearing must be published at least seven days prior to the public hearing. The notice must be published in a newspaper of general circulation qualified to publish legal notices.

Section III: Public Hearing

1. Any interested person, corporation or political subdivision may appear and present evidence on the proposed detachment of territory (deannexation).
2. The city must consider some of the below factors in determining whether the detachment of territory (deannexation) is reasonable and necessary:
 - a. Was the property subject to involuntary annexation to which the city failed to provide timely connection and/or provision of city services provided to the other property owners of the City?
 - b. Detachment (deannexation) should allow for the most efficient and effective provision of services residents want and need.
 - c. For detachment (deannexation) in which the property returns to unincorporated county, the detachment (deannexation) should not unreasonably destabilize the city's or the county's finances.
 - d. The change in jurisdictional boundaries should not undermine the overall economic competitiveness of either the city or the county.
3. Any written objection to the detachment (deannexation) must be filed within fourteen days of the public hearing and must be signed by five percent of the registered voters from within the city or two registered voters from the area to be detached (deannexed).

4. If, after the public hearing, the board of aldermen of the city determines there are no objections, the city may detach (deannex) the property by ordinance without further action.
5. If a written objection to the detachment (deannexation) is filed within fourteen days of the public hearing and signed by the necessary number of registered voters, the city must have an election on the detachment (deannexation).

Section IV: Detachment of Territory (Deannexation) Ordinance

1. The board of aldermen must prepare an ordinance for detachment of territory (deannexation) of the property to include:
 - a. The date the verified petition was received by the city.
 - b. A statement that a public hearing notice was published and a public hearing was held prior to the adoption of the ordinance.
 - c. A statement that the detachment of territory (deannexation) was reasonable and necessary.
 - d. A description of the detached (deannexed) property.
 - e. The effective date of the detachment of territory (deannexation).
2. The detachment of territory (deannexation) ordinance must be filed with the Osage County Recorder's Office.
3. When the ordinance is returned to the city with the Osage County Recorder's Office filing label, the city will file a copy of the detachment of territory (deannexation) ordinance with a letter by certified mail to the Director of the Missouri Department of Revenue-Taxation Division.
4. The city will provide a copy of the detachment of territory (deannexation) ordinance and a copy of the Missouri Department of Revenue letter to the Osage County Assessor/Mapper.
5. The Osage County Assessor/Mapper will file the detachment of territory (deannexation) information (GIS map) to the U.S. Census Bureau using the City of Westphalia's BAS information.

D. Certificate of Adoption

WHEREAS, this Annexation & Detachment of Territory (Deannexation) Policy and Procedures Ordinance 05-20 for the community of the City of Westphalia, Missouri shall be in full force and effect from and after the date of its passage by the Board of Aldermen and approval by the Mayor, City of Westphalia, Missouri.

This Annexation & Detachment of Territory (Deannexation) Policy and Procedures Ordinance 05-20 for the community of the City of Westphalia, Missouri, is **ADOPTED AND APPROVED** by the Board of Aldermen of the City of Westphalia, and

DULY PASSED on this 28th day of October, 2020.


Tammy J. Massman, Mayor

City of Westphalia – City Hall
116 East Main Street
P. O. Box 36
Westphalia, MO 65085

ATTEST:

Kerry L. Bax
Kerry L. Bax, City Clerk

STATEMENT OF THE AYES AND NAYS: (3 -Ayes; 0 -Nays)

APPROVED this 28th day of October, 2020.

Tammy J. Massman
Tammy J. Massman, Mayor

ATTEST:

Kerry L. Bax
Kerry L. Bax, City Clerk

Place seal here.

