

WORKING DRAFT

HOUSE BILL NO. _____

Annexation and zoning.

Sponsored by: Joint Corporations, Elections and Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to cities and towns; amending provisions
2 relating to municipal annexations; specifying requirements
3 for and limitations upon annexations; making conforming and
4 clarifying amendments; and providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

***** STAFF COMMENTS *****

8

This draft contains proposals presented by WAM
and drafted at the request of cochairman Ross.
9 Comments supplied by WAM with this draft are
10 included. The origin of the changes proposed in
11 the draft are still shown by "TF" for task force
12 (or WAM) recommendations. "COM" means the change
13 originated by a committee motion. Not all
14 changes requested by the Committee appear in this
15 draft and no indication is made for those
16 deletions from earlier drafts.

17

18

For purposes of this draft the entire annexation
19 article is still shown. If the Committee
20 approves a draft for introduction, it will be
21 placed in proper bill form with created sections
22 moved to the front and unamended provisions and
23 comments deleted.

24

1 ***** TF COMMENTS *****
 2 This is an amended draft offered by WAM. In
 3 light of the numerous issues surrounding
 4 "adjacency" in our original draft, we have
 5 removed those concepts from this draft, with the
 6 exception of the business park concept which
 7 remains in this draft. This draft also includes
 8 many of the Committee's recommendations. Our
 9 hope is that the elimination of the adjacency
 10 issue will create a more manageable bill.
 11

12 **Section 1.** W.S. 15-1-401, et. seq. are amended to
 13 read:

14
 15 **15-1-401. Definitions.**

16
 17 (a) As used in this article:

18
 19 ~~(i) "Business day" means any day other than~~
 20 ~~Saturday, Sunday or legal holiday as established by the~~
 21 ~~annexing municipality; (TF)~~

22 ***** TF COMMENTS *****
 23 The definition for "Business Days" is being
 24 eliminated. Throughout the statute, all
 25 occurrences of "Business Days" have been changed
 26 to "days". For example twenty (20) business days
 27 (4 work weeks) have been changed to twenty-eight
 28 (28) days (4 full weeks).
 29
 30 Why: This change will create more consistency in
 31 the statute and makes the schedule more clear.
 32 (changes throughout this article).
 33
 34

1 (ii) "Business park" means a geographically
 2 delimited and defined set of parcels which are zoned and
 3 developed, or to be zoned and developed, for siting
 4 commercial and industrial businesses outside of a
 5 municipality's urban center and which share a common
 6 covenant, development plan, infrastructure or management;

7 **(TF)**

8

9

***** TF COMMENTS *****

10 **Why:** This term will be utilized in 15-1-407. We
 11 arrived at this definition using advise from
 12 economic development experts and researching
 13 various definitions of "Business Park".

14

15

***** STAFF COMMENTS *****

16 The time frame for when an area is "to be zoned
 17 and developed" is undefined, as is "urban
 18 center". This is a definition to allow for the
 19 annexation of business parks within three miles
 20 of the municipal borders, regardless of adjacency
 21 or contiguity. - See 15-1-407(a) below.

22

23 (iii) "Contiguous" means borders touching in any
 24 manner; **(TF)**

25

26

***** TF COMMENTS *****

27 **Why:** A clarification to lessen uncertainty
 28 surrounding the term contiguous. The uncertainty
 29 hampers the decision making process of developers
 30 and governing bodies. This clarification will
 31 improve a municipality's ability to plan for
 32 logical and thoughtful growth.

33

34 The primary application of this term is as one of
 35 the six (6) criteria set forth in 15-1-402(a).

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***** STAFF COMMENTS *****

This definition would change the law to allow annexation of property with a border touching the municipal border in any manner, rather than boundaries which touch to some substantial degree. The term "contiguous" is used for other purposes, e.g., the notification proposed by the task force in 15-1-402(a)(vi)(B) below.

11 ~~(ii)~~(iv) "Landowner" means the owner of real
12 property in the territory proposed to be annexed who in the
13 last calendar year was liable for a property tax thereon or
14 was exempt by law from the payment of taxes on the
15 property. Anyone having a right to purchase land under a
16 written contract is the owner of that land for annexation
17 purposes. For purposes of W.S. 15-1-402, 15-1-404 and 15-1-
18 405 "landowner" shall include persons owning property
19 which, as a result of the proposed annexation would then be
20 brought within one-half (1/2) mile of the corporate limits
21 of a city which has exercised the authority granted under
22 W.S. 15-3-202(b)(ii);

23

24 (v) "Municipality" means any incorporated or
25 chartered city or town;

26

27 (vi) "Neighboring property owner" means for
28 notification purposes, any property owner of real property

1 not within the current municipal corporate limits, within
2 one-half (1/2) mile of a proposed annexation; (TF)

3

4 ***** TF COMMENTS *****

5 **Why:** This term is used for notification purposes
6 in order to differentiate between property owners
7 in the area being annexed, defined as
8 "landowners" as compared to landowners outside of
9 the area being annexed.

10

11 ~~(iii)~~ (vii) "Petition" means a legibly written
12 document;

13

14 (viii) "Potential urban area" means all
15 territory within one (1) mile of a municipality, as it now
16 exists or hereafter may be established. (TF)

17

18 ***** TF COMMENTS *****

19 **History:** This definition is expressed in 15-1-411.

20 **Why:** This term will be used in 15-4-423.

21

22

23 **15-1-402. Annexation; findings required; when**
24 **contiguity not deemed affected; annexation report.**

25

26 (a) Before any ~~territory~~ area is eligible for
27 annexation, the governing body of any ~~city or town~~

1 municipality at a hearing as provided in W.S. 15-1-405
2 shall find that:

3

4 (i) ~~An~~ The annexation ~~of the area~~ is for the
5 protection of the health, safety and welfare of the persons
6 residing in or that might in the future utilize the area
7 and in the ~~city or town~~ municipality; (TF)

8

***** TF COMMENTS *****

9 **Change:** This new language explicitly recognizes
10 that annexations of undeveloped land occur and
11 are acceptable provided they meet the remaining
12 criteria set forth institute.

13 **Why:** The current wording seems to imply
14 that the annexation of vacant land may not meet
15 this requirement because the requirement refers
16 to persons residing in the area. The intent of
17 this criteria is not to limit the annexation of
18 vacant land.

19

20 (ii) The urban development of the area sought to
21 be annexed would constitute a natural, geographical,
22 economical and social part of the annexing ~~city or town~~
23 municipality;

24

25 (iii) The area sought to be annexed is a logical
26 and feasible addition to the annexing ~~city or town~~
27 municipality and the extension of basic and other services
28 customarily available to residents of the ~~city or town~~
29 municipality shall, within reason, and subject to any

1 agreement authorized under W.S. 15-1-410(d), be available
2 to the area proposed to be annexed; (COM)

3 ***** STAFF COMMENTS *****

4 **This is conforming to the substantive Committee**
5 **provision in 15-1-410(d) below.**
6

7 (iv) The area sought to be annexed is contiguous
8 with or adjacent to the annexing ~~city or town~~ municipality,
9 or the area meets the requirements of W.S. ~~15-1-407~~ 15-1-
10 407(a) or (b); (TF)

11 ***** STAFF COMMENTS *****

12 **This is a conforming amendment to allow the**
13 **business park exemption in 15-1-407(a) below.**
14

15 (v) If the ~~city or town~~ municipality does not
16 own or operate its own electric utility, its governing body
17 is prepared to issue one (1) or more franchises as
18 necessary to electric utilities to serve the annexed area
19 pursuant to W.S. 15-1-410, and the municipality's governing
20 body is prepared to issue one (1) or more franchises as
21 necessary to provide other utility services in the annexed
22 area pursuant to W.S. 15-1-410; and (COM)

23 ***** STAFF COMMENTS *****

24 **This is conforming to the Committee's motion to**
25 **provide for multiple utilities to serve the**
26 **annexed area (see 15-1-410).**
27

28 (vi) The annexing ~~city or town~~ municipality, not
29 less than ~~twenty (20) business~~ twenty-eight (28) days prior

1 to the public hearing required by W.S. 15-1-405(a), has
2 sent by certified mail to all landowners and affected
3 public utilities within the ~~territory~~ area to be annexed a
4 summary of the proposed annexation report as required under
5 subsection (c) of this section and notice of the time, date
6 and location of the public hearing required by W.S. 15-1-
7 405(a).

8
9 (b) Contiguity will not be adversely affected by
10 the existence of a platted street or alley, a public or
11 private right-of-way, a public or private transportation
12 right-of-way including a railroad right-of-way, government
13 property, property subject to an easement for conservation
14 or preservation, property including a present or abandoned
15 industrial waste disposal facility, a lake, stream,
16 reservoir or other natural or artificial waterway located
17 between the annexing ~~city or town~~ municipality and the land
18 sought to be annexed. **(TF) and (COM)**

19 ***** STAFF COMMENTS *****
20 **The bold language reflects Committee action; the**
21 **remainder, the task force recommendation. The**
22 **insertions in the first sentence would allow**
23 **"leapfrogging" over the specified types of areas.**
24

25 ***** TF COMMENTS *****
26 **Change: Clarify that railroad right-of-way is**
27 **included as a transportation right-of-way.**
28

1 **Why: Railroad right-of-way clearly fits in**
2 **the category of public or private transportation**
3 **right-of-way. This enables more clear**
4 **determination of contiguity.**
5

6 (c) An annexing municipality shall prepare a proposed
7 annexation report as specified in this subsection. The
8 report shall, at a minimum, contain:
9

10 (i) A map of the area proposed to be annexed
11 showing identifiable landmarks and boundaries and the area
12 which will, as a result of the annexation then be brought
13 within one-half (1/2) mile of the new corporate limits of
14 the ~~city~~municipality, if it has exercised the authority
15 granted under W.S. 15-3-202(b)(ii);
16

17 (ii) The total estimated cost of infrastructure
18 improvements required of all landowners by the annexing
19 municipality related to the annexation;
20

21 (iii) A list of basic and other services
22 customarily available to residents of the ~~city or town~~
23 municipality and a timetable when those services will
24 reasonably be available to the area proposed to be annexed.
25 A summary of any agreement under W.S. 15-1-410(d) to

1 provide limited services to any area proposed to be annexed
2 shall be included; (COM)

3 *** STAFF COMMENTS ***

4 This is a conforming amendment to the Committee's
5 motion to allow annexation with the provision of
6 limited municipal services - see 15-1-410(d).
7

8 (iv) A projected annual fee or service cost for
9 services described in paragraph (iii) of this subsection;

10
11 (v) The current and projected property tax mill
12 levies imposed by the municipality; and

13
14 (vi) The cost of infrastructure improvements
15 required within the existing boundaries of the municipality
16 to accommodate the proposed annexation.

17
18 (d) For annexations initiated under W.S. 15-1-403,
19 the ~~city or town~~ municipality may collect the cost of
20 preparing the report on the proposed annexation ~~report~~ from
21 the petitioning landowners. (TF)

22
23 (e) Before any ~~territory~~ area is eligible for
24 annexation the governing body shall prepare for each
25 landowner and affected public utility so requesting in
26 writing, the estimated cost of infrastructure improvements

1 required of the landowner and affected public utility
2 related to the annexation. The request shall be made to the
3 clerk of the annexing municipality not less than ten (10)
4 days prior to the public hearing required by W.S. 15-1-
5 405(a). The estimate shall be provided to the landowner
6 and affected public utility prior to the hearing.

7

8 **15-1-403. Annexation; initiation of proceedings; by**
9 **landowners' petition; validity of signatures;**
10 **determinations.**

11

12 (a) The proceedings for annexation of an eligible
13 ~~territory~~ area may be initiated by a written petition filed
14 with the clerk of the ~~city or town~~ municipality to which
15 annexation of the ~~territory~~ area is proposed, after
16 compliance with the following conditions and procedures:

17

18 (i) The petition is signed and dated by a
19 majority of the landowners owning a majority of the area
20 sought to be annexed, excluding public streets and alleys
21 and tax exempt property. The petition shall not require the
22 signature of any owner of public or private rights-of-way,
23 including but not limited to, platted streets, alleys,

1 easements or other transportation rights-of-way included
 2 within the area being annexed; (TF)

3 ***** TF COMMENTS *****

4 **Change: Explicit language affirming the common**
 5 **practice that rights-of-way do not require a**
 6 **signature to be annexed.**

7 **Why: Reduces ambiguity in the statute.**
 8

9 (ii) The petition contains the following
 10 detailed information:

11
 12 (A) A legal description of the area sought
 13 to be annexed;

14
 15 (B) A request that the described territory
 16 area be annexed;

17
 18 (C) A statement that each signer is an
 19 owner of land and a description of his land within the area
 20 proposed to be annexed; and

21
 22 (D) A map of the area.
 23

24 (b) No signature on the petition is valid if it is
 25 dated more than one hundred eighty (180) days prior to the
 26 date of filing the petition with the clerk. No person

1 signing a petition for annexation may withdraw his
2 signature from the petition after it has been filed with
3 the clerk.

4

5 (c) The clerk shall within ten (10) days from the
6 date the petition is filed, determine if the petition
7 substantially complies with this article.

8

9 (d) If the petition complies, the clerk shall certify
10 compliance, and the procedure outlined in W.S. 15-1-402,
11 15-1-405 and 15-1-406 shall then be followed. If it does
12 not comply the petitioner shall be notified that no further
13 action will be taken on the petition until compliance is
14 made.

15

16 (e) Upon the clerk certifying that the petition
17 complies with the requirements of this section, the clerk
18 shall notify in writing, by ordinary first class mail the
19 governing body of any municipality within one (1) mile of
20 the area under consideration for annexation that a valid
21 petition has been accepted and the requirements of W. S.
22 15-1-402, 15-1-405 and 15-1-406 are being followed. (TF)

23

1 (f) If the clerk has certified compliance, the
2 municipality may accept and act on platting and zoning
3 requests concerning the territory petitioning for
4 annexation. Any approval regarding platting or zoning in
5 the annexed area shall not be finalized until the
6 annexation ordinance has been approved on final reading by
7 the governing body. (TF)

8 ***** TF COMMENTS *****

9 **Change:** Clarify that planning and zone changes
10 **may begin to be processed by the annexing**
11 **municipality once the petition for annexation has**
12 **been accepted as being complete.**

13
14 **Why:** The clarification will help to
15 **simplify and streamline the annexation process.**
16

17 (g) Agreements which provide for access to
18 municipally owned water or sewer services to property
19 outside the municipality's corporate limits may be
20 conditioned to serve as a petition by the landowner for
21 annexation under this section and may serve as a waiver by
22 the landowner of any objection to an annexation of the
23 property subject to the agreement. The agreement may be
24 filed as a petition either by the landowner or by the
25 municipality. The area subject to an annexation which is
26 based in any manner upon such an agreement shall be
27 required to meet the provisions of W.S. 15-1-402(a) and the
28 procedures of this section, except that the signatures

1 provided on the agreement are not subject to the time
2 limitations of subsection (b) of this section. Any such
3 agreement subject to a condition to serve as a petition for
4 or waiver to objections to annexation shall be recorded
5 with the county clerk and the terms and conditions of the
6 agreement shall run with the property and be binding upon
7 the heirs, successors and assigns of the landowners
8 entering into the agreement. (TF)

9

10

***** TF COMMENTS *****

11

Change: Clarify that a municipality may enter into service agreements with county residents and these agreements may have annexation as condition to occur in the future.

12

13

14

15

16

Why: Many municipalities respond to prevailing health and safety concerns outside their jurisdiction by providing landowners with municipal water and sewer services.

17

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21

In general, a city will require as a condition of connecting to municipal services if the property becomes contiguous. This new provision would allow the landowner and/or municipality to initiate annexation once the property meets the six criteria set out in 15-1-402, while meeting the immediate health and safety needs of the landowner.

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Because cities grow incrementally, assurance is needed that a city can annex properties connected to municipal services as they become eligible, If not, cities will stop allowing connections to outside users, because they become blocked from future growth areas.

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36

1 **15-1-404. Annexation; initiation of proceedings; by**
2 **governing bodies; determination.**

3
4 (a) The governing body of any ~~city or town~~
5 municipality may initiate proceedings to annex ~~territory an~~
6 area by the following procedure:

7
8 (i) Reasonable evidence shall be procured by the
9 governing body indicating that a specific area meets the
10 conditions and limitations of W.S. 15-1-402;

11
12 (ii) The governing body shall:

13
14 (A) Cause to be prepared a legal
15 description, a listing of the current mailing address of
16 each landowner as shown in the records of the county
17 assessor and a map showing identifiable landmarks and
18 boundaries of the area considered for annexation and the
19 area which will, as a result of the annexation then be
20 brought within one-half (1/2) mile of the new corporate
21 limits of the ~~city~~ municipality, if it has exercised the
22 authority granted under W.S. 15-3-202(b)(ii);

23

1 (B) Determine if the area considered for
2 annexation complies with W.S. 15-1-402;

3

4 (C) Prepare a proposed annexation report as
5 required by W.S. 15-1-402(c);

6

7 (D) Prepare for each landowner or public
8 utility so requesting in writing, the foreseeable changes
9 to zoning, animal control and other health and safety
10 requirements requiring immediate compliance by the
11 landowner or public utility at the time of annexation. The
12 request shall be made to the clerk of the annexing
13 municipality not less than ten (10) days prior to the
14 public hearing required under W.S. 15-1-405(a). The
15 foreseeable changes shall be provided to the landowner or
16 public utility prior to the hearing;

17

18 (E) Determine the cost of annexation to be
19 incurred by the annexing municipality pursuant to W.S. 15-
20 1-410(g). (COM)

21

22 ***** STAFF COMMENTS *****
23 **This is conforming to the Committee amendment to**
24 **keep landowners from incurring additional**
25 **expenses in forced annexations.**

1 (b) If the area complies with W.S. 15-1-402, the
2 governing body shall adopt a resolution certifying
3 compliance, and the procedure outlined in W.S. 15-1-405 and
4 15-1-406 shall then be followed. If the area does not
5 comply, no further action shall be taken on the proposed
6 annexation.

7

8 **15-1-405. Annexation; public hearing required; notice**
9 **thereof.**

10

11 (a) In any annexation proceeding the governing body
12 shall establish a date, time and place for a public hearing
13 to determine if the proposed annexation complies with W.S.
14 15-1-402. The hearing shall be held not less than thirty
15 (30) days nor more than one hundred eighty (180) days after
16 the petition has been certified to be complete.

17

18 (b) The clerk shall give notice of the public hearing
19 by publishing a notice at least twice in a newspaper of
20 general circulation in the ~~territory~~area sought to be
21 annexed. The first notice shall be given at least ~~fifteen~~
22 ~~(15) business~~twenty-one (21) days prior to the date of the
23 public hearing. The notice shall contain a location map
24 which includes identifiable landmarks and boundaries of the

1 area sought to be annexed and the area which will, as a
2 result of the annexation then be brought within one-half
3 (1/2) mile of the new corporate limits of the city, if it
4 has exercised the authority granted under W.S. 15-3-
5 202(b)(ii). The notice shall include a summary of the
6 proposed annexation report prepared pursuant to W.S. 15-1-
7 402(c). Upon written request to the clerk of the annexing
8 municipality, the clerk shall provide a legal description
9 of the area and the names of the persons owning property
10 within the area.

11

12 (c) The annexing municipality shall give notice at
13 least twice by first class United States mail to all
14 neighboring property owners, excluding those property
15 owners in special districts. The first notice shall be
16 mailed at least twenty-eight (28) days prior to the date of
17 the public hearing. The second notice shall be mailed at
18 least seven (7) days prior to the public hearing. The
19 notices shall contain the time, date and location of the
20 public hearing as well as a telephone number to contact the
21 annexing municipality for additional information and that a
22 file exists available to the public. The notice shall also
23 include a sketch map of the area being annexed. The

1 appropriate municipal officer shall certify the mailing
2 under this subsection by affidavit.

3
4 *** TF COMMENTS ***

5 Change: Notify "neighboring landowners", as
6 previously defined, twice of the proposed
7 annexation by US Mail.
8

9 Why: Rural and other county landowners
10 often have concerns about a proposed annexation
11 and the encroachment of municipal limits. In an
12 effort to assure their concerns are heard we will
13 notify these landowners so they are aware of
14 impending public process.
15

16 *** STAFF COMMENTS ***

17 "Special districts" is undefined. This could be
18 problematic - for example if it includes weed and
19 pest control districts, those district boundaries
20 are contiguous with the county, thus everyone is
21 in that "special district" and excluded.
22 "Sketch map" is likewise undefined and not a
23 phrase subject to judicial interpretation as far
24 as staff knows.
25
26

27 15-1-406. Annexing territories; annexation ordinance;
28 objections; exception; prohibition.
29

30 (a) If after the hearing the governing body finds
31 that the conditions required by W.S. 15-1-402 exist and
32 that the required procedures have been met, it shall by
33 ordinance annex the ~~territory~~area. Upon completion of
34 annexation procedures, the clerk of the annexing
35 municipality shall file with the county clerk a map of the

1 area to be annexed and a copy of the ordinance approved by
2 the governing body of the annexing municipality.

3

4 (b) If more than fifty percent (50%) of the
5 landowners, or if a landowner or landowners owning more
6 than fifty percent (50%) of the area to be annexed file
7 written objections with the clerk of the annexing
8 municipality within ~~twenty (20) business~~ twenty-eight (28)
9 days after the hearing under W.S. 15-1-405(a) no further
10 action under W.S. 15-1-404 may be taken on any area within
11 the proposed annexation within two (2) years.

12

13 (c) If seventy-five percent (75%) or more of the
14 perimeter of the area to be annexed is contiguous to the
15 corporate limits of the annexing ~~city or town~~ municipality,
16 the provisions of subsection (b) of this section do not
17 apply.

18

19 (d) No annexation under W.S. 15-1-404 shall create an
20 area which is situated entirely within the boundaries of
21 the ~~city or town~~ municipality but is not annexed.

22

1 15-1-407. Business parks; city owned property; when
 2 notice and public hearing not necessary; statement
 3 required.

4
 5 (a) Property comprising a business park may be
 6 annexed whether or not contiguous or adjacent if the
 7 landowner of the business park petitions for annexation.
 8 The nearest boundary of the property being annexed under
 9 this subsection shall be no further than three (3) miles
 10 from the nearest city boundary. Until property annexed
 11 pursuant to this subsection becomes contiguous or adjacent
 12 to the city boundaries through additional annexations from
 13 the city boundaries:

14
 15 (i) The property shall be zoned to allow
 16 commercial or industrial use only; and

17
 18 (ii) No annexation shall occur from the
 19 property.

20 ***** TF COMMENTS *****

21 **Change: Allow Business Park to annex into the**
 22 **city.**

23
 24 **Why: Economic development is a priority of**
 25 **government at all levels in the state. Specific**
 26 **exclusions for business parks should be**
 27 **considered similar to that given to cities in 15-**
 28 **0-407 for municipal projects.**

1
2 Business Parks provide a unique land use in our
3 communities; their ideal location may not always
4 be located contiguous with a city. This
5 provision gives cities the flexibility to plan
6 for economic and community growth in a proper
7 location, while minimizing the potential land use
8 conflicts.

9
10 Land costs near the city are higher than costs
11 somewhat distant from the city. To amass a large
12 enough parcel to accommodate a business park, the
13 public or private entity may be forced to go
14 beyond the inner ring of residential development.
15 This also provides jurisdictions with the
16 opportunity to plan for appropriate supporting
17 land uses surrounding the business park.

18
19
20
21 *** STAFF COMMENTS ***

22 This would allow annexation of a "business park"
23 if the closest boundary of the park is within
24 three miles of any city boundary (as opposed to
25 the touching required in this draft or
26 substantial touching required in current law).
27 The "business park" annexation could be used for
28 limited purposes only until the business park
29 boundary is contiguous or adjacent to the city
30 boundary "proper". The city could not use the
31 business park property as a "springboard" for
32 additional annexations until the business park
33 boundary is contiguous or adjacent to the city
34 boundary "proper". The only exemption in this
35 language is from the contiguity/adjacency
36 requirement. Thus the remaining requirements
37 would apply.
38

39 (b) If the ~~city~~municipality is the sole owner of any
40 ~~territory~~area whether or not contiguous that it desires to
41 annex, the governing body, by ordinance, may annex the
42 ~~territory~~ area to the ~~city or town~~municipality without

1 notice or public hearing as provided in W.S. 15-1-405 and
2 without preparing the annexation report or providing the
3 estimates required by W.S. 15-1-402(c) and (e) and 15-1-
4 404(a)(ii)(C) and (D). All ordinances annexing territory
5 without notice and public hearing shall contain a statement
6 that the territory is solely owned by the petitioning ~~city~~
7 ~~or town~~ municipality.

8
9 **15-1-408. Annexation effective dates.**

10
11 The annexation of any ~~territory~~ area is effective upon
12 publication of the ordinance, unless another date is
13 specified in the ordinance. The effective date of the
14 annexation ordinance shall not be less than ~~twenty (20)~~
15 ~~business~~ twenty-eight (28) days after the public hearing
16 required by W.S. 15-1-405(a). For purposes of real and
17 personal property taxation, the annexation is not effective
18 until January 1 next following the effective date of the
19 ordinance. If an appeal is filed and perfected by a person
20 other than a utility, the effective date is January 1 next
21 following the court's final decision of the matter. If an
22 appeal of the franchise decision is filed and perfected by
23 a utility, the annexation is effective upon the publication
24 of the ordinance unless another date is specified in the

1 ordinance, but the appealing utility shall be permitted to
2 continue its present service in the annexed area until the
3 court's final decision of the matter.

4

5 **15-1-409. Appeal; determination; time for review;**
6 **exclusiveness of appeal remedy.**

7

8 (a) If any landowner in the ~~territory~~area proposed
9 to be annexed or any owner of real property in the annexing
10 ~~city or town~~municipality, or utility is aggrieved by the
11 acts of the governing body, he may appeal to the district
12 court for a review of the acts or findings thereof.

13

14 (b) If the court determines that the action taken was
15 capricious or arbitrary, or if it appears from the evidence
16 that the landowner's right in his property is being
17 unwarrantedly invaded or that the governing body abused its
18 discretion, the court shall declare the annexing ordinance
19 void. If the court determines the action of the governing
20 body was proper and valid, it shall sustain the ordinance.

21

22 (c) All proceedings to review the findings and the
23 decisions of the governing body, ~~or~~ actions to determine
24 the validity of the annexation ordinance pursuant to the

1 Uniform Declaratory Judgments Act or to pursue any other
 2 remedy available in law or equity to contest in any manner
 3 any annexation or the validity thereof shall be brought
 4 within ~~sixty (60)~~ thirty (30) days of the effective date of
 5 the annexation ordinance, and if not brought within that
 6 time are forever barred. (TF)

7 ***** TF COMMENTS *****

8 **Change:** Reduce the appeal period from sixty (60)
 9 to thirty days after the effective date of the
 10 annexation.

11
 12 **History:** Before the 2004 Legislative
 13 Session, the provision was for ten (10) days. On
 14 July 1, 2004 the period was extended to sixty
 15 (60) days, pursuant to the Uniform Declaratory
 16 Judgments Act.

17
 18 **Why:** Communities can change rapidly in the
 19 face of economic growth. The existing annexation
 20 procedure establishes a system of checks and
 21 balances to ensure adequate public notification
 22 and review. The annexation process can take
 23 between two to four months (2-4) months, or more.
 24 Sixty additional days to appeal the process is
 25 too long and it places an inequitable burden on a
 26 landowner seeking annexation.

27
 28
 29 **15-1-410. Extension of laws and rights; extension of**
 30 **public utility service.**

31
 32 (a) Except as otherwise provided in this article, the
 33 territory and inhabitants of any annexed area are subject
 34 to all the laws, ordinances, rules and regulations of the

1 ~~city or town~~ municipality to which they are annexed and are
2 entitled to all the rights, privileges and franchises or
3 other services afforded the inhabitants thereof. The
4 services shall be provided in accordance with the timetable
5 provided pursuant to W.S. 15-1-402(c)(iii).
6 Notwithstanding any other provision of law, no law,
7 ordinance, rule or regulation of a municipality annexing
8 property under W.S. 15-1-404 shall restrict the continuous
9 use of the property by a current or subsequent owner of an
10 interest in the property, if the use was existing at any
11 time within the year prior to the date of annexation and
12 was lawful at the time the property was annexed. For
13 purposes of this subsection, a use which has been
14 discontinued for any one (1) year period after the date of
15 annexation shall not be considered continuous and shall not
16 thereafter be reestablished unless in conformance with
17 current law, ordinance, rule or regulation.

18

19 (b) No annexing municipality shall take any action
20 prohibiting or restricting the continued use or maintenance
21 of irrigation ditches, including siphons, plumes, measuring
22 devices and other appurtenances, serving annexed lands with
23 a valid Wyoming water right. (COM)

24

*** TF COMMENTS ***

1 **This addition specifically addresses water rights**
2 **with respect to the annexation process.**

3
4
5 (c) Landowners shall not be required to pay for
6 offsite infrastructure improvements when annexation is
7 initiated under W.S. 15-1-404 and the landowner of any area
8 annexed cannot object to the annexation based upon the
9 exception in W.S. 15-1-406(c).

10 ***** TF COMMENTS *****
11 **This addition addresses concerns of county**
12 **residents nearby expanding city limits.**

13
14 ***** STAFF COMMENTS *****
15 **Subsection (c) above would apply if the**
16 **annexation is "forced annexation" and if the**
17 **landowners have no right to petition against the**
18 **annexation because seventy-five percent (75%) or**
19 **more of the perimeter of the area to be annexed**
20 **is contiguous to the corporate limits of the**
21 **annexing municipality. The exact breadth of the**
22 **provision would be dependent on what "off-site**
23 **infrastructure improvements" are.**

24
25
26 (d) In any annexation, the annexing municipality may
27 agree with any landowner to annex the landowner's property
28 with the provision of limited municipal services. The
29 agreement shall identify which services normally afforded
30 the inhabitants of the municipality will not be provided at
31 the time of the annexation and are not then anticipated to
32 be provided at a later time. The agreement may provide
33 that the services may be provided at a later time upon

1 terms mutually agreed to by the landowner or any subsequent
 2 landowner and the municipality. Any agreement under this
 3 subsection shall be recorded with the county clerk and the
 4 terms and conditions of the agreement shall run with the
 5 property and be binding upon the heirs, successors and
 6 assigns of the landowners entering into the agreement. The
 7 terms of any agreement under this subsection shall be
 8 summarized and included in any annexation report under W.S.
 9 15-1-402(c). (COM)

10

11 ***** TF COMMENTS *****
 12 **This addition affirms that annexation agreements**
 13 **regarding the provision of partial city services**
 14 **are an acceptable practice.**

15

16 (e) Notwithstanding any other law to the contrary,
 17 no property shall, as a result of any annexation, be
 18 assessed for the creation or maintenance of a road unless
 19 the property is annexed to the municipality. (COM)

20 ***** STAFF COMMENTS *****
 21 **This would alleviate property which is not**
 22 **actually annexed from being assessed for new**
 23 **roads or maintenance if the assessment is**
 24 **authorized as a result of an annexation.**

25

26 ~~(b)~~(f) The governing body of the annexing
 27 municipality shall, within thirty (30) days after the date
 28 of the annexation, give written notice of the annexation to

1 all public electric utilities presently providing service
2 within the annexed area and, except in the case of an
3 annexing municipality which owns or operates its own
4 electric utility, any area adjacent to the annexed area.
5 Except in the case of an annexing municipality which owns
6 or operates its own electric utility, any of those public
7 utilities required to be notified may, within sixty (60)
8 days after the date of annexation, petition the governing
9 body of the annexing ~~city or town~~ municipality for a
10 franchise to serve additional portions within the annexed
11 area or the entire annexed area. Except in the case of a
12 municipality which owns or operates its own electric
13 utility, any petitioning utility which does not currently
14 hold a certificate of public convenience and necessity for
15 the annexed area shall petition the public service
16 commission for a certificate to include the annexed area,
17 and if two (2) or more public electric utilities have been
18 granted or are seeking a certificate of public convenience
19 and necessity to serve the annexed area, the public service
20 commission shall determine, following a hearing, which
21 utility or utilities should be certificated in the public
22 interest to provide service to the annexed area. No
23 recipient of a certificate of public convenience and
24 necessity shall serve any portion of the annexed area

1 without the consent of the governing body of the annexing
2 ~~city or town~~ municipality and provided that the entire
3 annexed area is served under one (1) or more certificates
4 of public convenience and necessity.

5
6 ~~(e)~~ (g) Except in the case of an annexing
7 municipality which owns or operates its own electric
8 utility, the governing body of the annexing municipality
9 shall hold an appropriate public hearing and, upon
10 determining that one (1) or more petitioning public
11 utilities can meet the terms and conditions of a franchise,
12 issue franchises to one (1) or more utilities to serve
13 portions of or the entire annexed area.

14
15 ~~(d)~~ (h) Notwithstanding any other provision of law,
16 nothing contained in this section shall limit the right of
17 a municipality which owns or operates its own electric
18 utility to extend its electric service into any area
19 annexed by the municipality, and nothing contained in this
20 section shall subject any such municipality to the
21 jurisdiction of the public service commission.

22 ***** STAFF COMMENTS *****
23 **The Committee motion called for a provision to**
24 **allow multiple utilities to serve the annexed**
25 **area. Current law in subsections (f) and (g)**
26 **above already provides for that possibility for**

1 electric utilities. The additional subsection
2 (j) below extends those provisions to utilities
3 providing gas, telecommunications and steam. If
4 the intent of the motion was to extend to water,
5 sewer and other services provided through special
6 districts, changes to those laws would be
7 required to allow service in incorporated areas.
8 One item to address in making a change like that
9 is the Constitutional restriction on mill limits
10 within a city. Under Wyoming Supreme Court case
11 law, if a special district is authorized to
12 assess a mill levy upon property within a
13 municipality to provide a necessary governmental
14 function that levy must be counted against the
15 city's constitutional limit.
16

17 (j) The governing body of the annexing municipality
18 shall, within thirty (30) days after the date of the
19 annexation, give written notice of the annexation to all
20 public utilities presently providing service within the
21 annexed area and any area adjacent to the annexed area.
22 Any of those public utilities required to be notified may,
23 within sixty (60) days after the date of annexation,
24 petition the governing body of the annexing municipality
25 for a franchise to serve additional portions within the
26 annexed area or the entire annexed area. Any petitioning
27 utility which does not currently hold a certificate of
28 public convenience and necessity for the annexed area shall
29 petition the public service commission for a certificate to
30 include the annexed area, and if two (2) or more public
31 utilities providing the same service have been granted or

1 are seeking a certificate of public convenience and
2 necessity to serve the annexed area, the public service
3 commission shall determine, following a hearing, which
4 utility or utilities should be certificated in the public
5 interest to provide service to the annexed area. No
6 recipient of a certificate of public convenience and
7 necessity shall serve any portion of the annexed area
8 without the consent of the governing body of the annexing
9 municipality and provided that the entire annexed area is
10 served under one (1) or more certificates of public
11 convenience and necessity for each utility service
12 provided. The governing body of the annexing municipality
13 shall hold an appropriate public hearing and, upon
14 determining that one (1) or more petitioning public
15 utilities can meet the terms and conditions of a franchise,
16 issue franchises to one (1) or more utilities to serve
17 portions of or the entire annexed area. For the purposes
18 of this subsection "public utility" means and includes
19 communication or transmission of intelligence or messages
20 by telephone service; natural or artificial gas for heat,
21 light, power and like purposes; and steam for heat, power
22 and like purposes.

23

1 **15-1-411. Incorporation of territory within potential**
2 **urban area.**

3
4 All territory within one (1) mile of an incorporated
5 ~~city or town~~ municipality, as it now exists or may
6 hereafter be established, is potentially an urban area. No
7 territory within a potential urban area may be incorporated
8 as a ~~city or town~~ municipality unless the governing body of
9 the ~~city or town~~ municipality causing the potential
10 urbanized area to exist, by resolution, approves the
11 proposed incorporation.

12

13 **15-1-412. When written consent of landowners required**
14 **for annexation; exception.**

15

16 No tract of land or any part thereof, whether
17 consisting of one (1) parcel or two (2) or more contiguous
18 parcels owned by one (1) landowner or owned jointly by two
19 (2) or more landowners as cotenants, which comprises forty
20 (40) acres or more and which together with the buildings or
21 improvements situated thereon has an assessed valuation in
22 excess of forty thousand dollars (\$40,000.00) as of the
23 current assessment for property tax purposes, may be
24 annexed without the written consent of the landowner or

1 landowners, unless the tract of land is situated entirely
2 within the boundaries of the annexing ~~city or town~~
3 municipality.

4

5 **15-1-413. Survey or perambulation of boundaries; when**
6 **and how to be made; presumption once recorded.**

7

8 (a) If the boundaries of any ~~city or town~~
9 municipality are uncertain or incapable of ascertainment,
10 the governing body, by ordinance, may provide for a survey
11 or perambulation thereof. If the survey or perambulation is
12 made, the boundaries shall be marked by substantial
13 monuments, and the person making the survey shall report to
14 the governing body describing the boundaries by metes and
15 bounds. The description as nearly as possible shall refer,
16 if upon surveyed lands, to the corners or lines of the
17 United States surveys. The person making the survey shall
18 also file with the ~~city or town~~ municipal clerk the field
19 notes of his survey. The ~~city or town~~ municipal clerk shall
20 then file a copy of the report and a copy of the field
21 notes certified by the mayor and clerk with the county
22 clerk for the county in which the ~~city or town~~ municipality
23 is located.

24

1 (b) Any survey or perambulation made and recorded as
2 provided in subsection (a) of this section is presumptive
3 of the boundaries of the ~~city or town~~ municipality, and any
4 copy thereof certified by the county clerk shall be
5 received in evidence in any court of this state.

6
7 **15-1-414. Survey or perambulation of boundaries; oath**
8 **required; filing thereof.**

9
10 (a) Any person making the survey or perambulation who
11 is not an officer of the ~~city or town~~ municipality, before
12 entering upon the work, shall subscribe an oath to:

13
14 (i) Faithfully, diligently and to the best of
15 his ability make the survey or perambulation;

16
17 (ii) Make field notes and report accurately the
18 results of the survey and the description of the
19 boundaries.

20
21 (b) The oath shall be filed with the ~~city or town~~
22 municipal clerk and a copy thereof shall be attached to the
23 certificate filed with the county clerk.

24

1 **15-1-415. Additions to cities or towns by subdividing**
2 **landowners; plat requirements; filing and effect thereof;**
3 **controlling layout of streets.**

4
5 (a) The owner of any land within or contiguous to any
6 ~~city or town~~ municipality may subdivide the land into lots,
7 blocks, streets, avenues and alleys and other grounds under
8 the name of addition to the city (town) of An
9 accurate map or plat shall be made designating the
10 subdivided land and particularly describing the lots,
11 blocks, streets, avenues and alleys and other grounds of
12 the addition. The lots must be designated by numbers, and
13 the streets, avenues and other grounds by name or numbers.

14
15 (b) The plat shall:

16
17 (i) Be acknowledged before some officer
18 authorized to acknowledge deeds;

19
20 (ii) Have appended a survey made by a land
21 surveyor registered under the laws of this state with a
22 certificate that he has accurately surveyed the addition,
23 and that the parts thereof are accurately staked off and
24 marked with an appropriate metal monument including

1 magnetic iron, inscribed at least with the registration
2 number of the land surveyor to provide source
3 identification, at all lot corners and survey control
4 points of the addition.

5

6 (c) When the map or plat is made out, acknowledged,
7 certified and approved by the governing body, it shall be
8 filed and recorded in the office of the county clerk. When
9 filed it is equivalent to a deed in fee simple to the ~~city~~
10 ~~or town~~ municipality from the owner, of all streets,
11 avenues, alleys, public squares, parks and commons and of
12 that portion of the land set apart for public and city use,
13 or dedicated to charitable, religious or educational
14 purposes. All additions thus laid out are a part of the
15 ~~city or town~~ municipality for all purposes, and the
16 inhabitants of the addition are entitled to all the rights
17 and privileges and subject to all the laws, ordinances,
18 rules and regulations of the ~~city or town~~ municipality.

19

20 (d) The governing body, by ordinance, may compel the
21 owner of any addition to lay out streets, avenues and
22 alleys to correspond in width and direction and be
23 continuations of the streets, ways and alleys in the ~~city~~
24 ~~or town~~ municipality or other additions thereto. No

1 addition is valid unless the terms and conditions of the
2 ordinance are complied with and the plat submitted and
3 approved by the governing body.

4

5 **15-1-416. Landowner petition to exclude tract from**
6 **city or town; disposition thereof; exclusion of land for**
7 **highway purposes.**

8

9 (c) The governing body may exclude from any ~~city or~~
10 ~~town~~ municipality land sufficient for the construction of
11 state highways. Notice of the intended action and the time
12 and place of public hearing for objections shall be
13 published once each week for four (4) consecutive weeks
14 prior to the hearing in a newspaper of general circulation
15 within the ~~city or town~~ municipality. No action may be
16 taken by the governing body to exclude land for highway
17 purposes over the objection of any owner of property to be
18 excluded.

19

20 **15-1-417. Annexing contiguous cities or towns;**
21 **procedure.**

22

23 (a) When any ~~city or town~~ municipality desires to be
24 annexed to another contiguous ~~city or town~~ municipality,

1 their governing bodies shall meet to determine the terms
2 and conditions on which the proposed annexation might be
3 made. If the governing body of each ~~city or town~~
4 municipality approves of the terms and conditions proposed,
5 the governing body of the ~~city or town~~ municipality to be
6 annexed shall circulate a written petition requesting
7 annexation subject to the terms and conditions set forth in
8 W.S. 15-1-403 among the ~~city's or town's~~ municipality's
9 qualified registered electors. Once the petition is signed
10 by at least a majority of the qualified registered electors
11 residing in the ~~city or town~~ municipality, as determined by
12 the records of the county clerk, it shall be filed with the
13 clerk of the annexing ~~city or town~~ municipality.

14

15 (b) No signature on the petition is valid if it is
16 dated more than one hundred eighty (180) days prior to the
17 date of filing the petition for annexation with the clerk.
18 No person signing a petition for annexation may withdraw
19 his signature from the petition after it has been filed
20 with the clerk.

21

22 (c) The clerk shall refer the petition to the
23 governing body which shall then, without undue delay, take
24 appropriate steps to comply with W.S. 15-1-402, 15-1-404

1 and 15-1-405 and determine if the petition is in compliance
2 with subsection (a) of this section.

3

4 (d) If the petition is not in minimum compliance, the
5 governing body of the ~~city or town~~ municipality desiring to
6 be annexed shall be notified that no further action will be
7 taken on the petition until compliance is made.

8

9 (e) As an alternative to the circulation of the
10 petition as provided by subsection (a) of this section the
11 ~~town~~ municipality to be annexed may hold a special election
12 on the question in accordance with W.S. 22-23-801 through
13 22-23-809.

14

15 **15-1-418. Annexing contiguous cities or towns;**
16 **annexation ordinance; filing.**

17

18 (a) If after the hearing, the governing body of the
19 annexing ~~city or town~~ municipality finds that the
20 conditions and procedures required by W.S. 15-1-402, 15-1-
21 404 and 15-1-405 have been met and the terms and conditions
22 in the written petition exist, it may by ordinance annex
23 the city or town.

24

1 (b) A certified copy of the annexation ordinance
2 including a legal description of the area and the map
3 prepared pursuant to W.S. 15-1-402(c)(i) and in accordance
4 with W.S. 33-29-139 shall be filed with the county clerk of
5 the county in which the action has taken place.

6
7 **15-1-419. Annexing contiguous cities or towns;**
8 **effective dates; appeals.**

9
10 (a) The annexation of any ~~city or town~~ municipality
11 is effective upon the publication date of the annexing ~~city~~
12 ~~or town's~~ municipality's annexation ordinance, unless a
13 different date is specified in the ordinance. Thereafter
14 the ~~city or town~~ municipality to which the annexation is
15 made shall pass ordinances, not inconsistent with law, as
16 will carry into effect the terms and conditions of the
17 annexation. For purposes of taxation, the annexation does
18 not become effective until January 1 next following the
19 effective date of the ordinance, unless an appeal is filed
20 and perfected, in which case the effective date is January
21 1 next following the court's final decision.

22
23 (b) Appeals to the district court and limitations
24 thereon are governed by W.S. 15-1-409 except that any

1 registered and qualified elector as of the date of adoption
2 of the ordinance shall also be able to appeal to the
3 district court.

4

5 **15-1-420. Annexing contiguous cities or towns; how**
6 **governed; extension of laws, rights and utilities;**
7 **dissolution of annexed city or town; disposition of assets**
8 **and liabilities.**

9

10 (a) After the effective date of annexation, the ~~city~~
11 ~~or town~~ municipality annexed shall be governed as part of
12 the city or town to which it is annexed. The territory and
13 inhabitants of the ~~city or town~~ municipality annexed are
14 subject to all the laws, ordinances, rules and regulations
15 of the ~~city or town~~ municipality to which annexed and are
16 entitled to all the rights, privileges and franchise
17 services afforded the inhabitants thereof including fire
18 protection, sanitary facilities and utility service. If
19 the inhabitants of the annexing ~~city or town~~ municipality
20 are furnished any utility service by the annexing ~~city or~~
21 ~~town~~ municipality or under franchise, the annexed area may
22 receive the same service.

23

1 (b) The annexed city's or town's municipal corporate
2 assets including money, real and personal property, and
3 rights, titles and interests of any nature, upon the
4 effective date of annexation, without further conveyance,
5 are the assets of the annexing ~~city or town~~ municipality.
6 The annexed ~~city or town~~ municipality, without further
7 action, shall be dissolved and the annexation ordinance
8 shall so provide. The annexing ~~city or town~~ municipality
9 shall make provision for meeting all liabilities of the
10 annexed ~~city or town~~ municipality through assumption or by
11 other lawful means. No such assumption or other action
12 taken under this act shall materially impair existing
13 obligations of contract of either the annexing or annexed
14 ~~city or town~~ municipality. Liabilities to be assumed by
15 the annexing ~~city or town~~ municipality shall include all
16 revenue bonds and other special obligations which by their
17 terms are not payable from ad valorem taxes. The revenue
18 bonds and special obligations shall not become general
19 obligations of the annexing ~~city or town~~ municipality.

20

21 (c) The annexing ~~city or town~~ municipality in the
22 annexation ordinance shall allocate equitably the debts of
23 the annexed and annexing ~~city or town~~ municipality. The
24 equitable allocation shall be according to benefits

1 received by the annexed and annexing ~~city or town~~
2 municipality from additional assets being brought into the
3 combined ~~city or town~~ municipality.

4
5 (d) Any such bonded indebtedness may be refunded by
6 the annexing ~~city or town~~ municipality under the laws of
7 Wyoming existing at the time of this refunding.

8

9 **15-1-421. Municipal de-annexation.**

10

11 (a) Any landowner within a ~~city or town~~ municipality
12 may petition the governing body of the ~~city or town~~
13 municipality to have his land or a portion of it de-annexed
14 and the boundaries of the ~~city or town~~ municipality redrawn
15 so their land is outside the ~~city or town~~ municipal
16 boundaries. The landowner shall file the petition with the
17 clerk of the affected ~~city or town~~ municipality and shall
18 also provide a copy of the petition to the county
19 commissioners of the affected county. The county
20 commissioners shall, within sixty (60) days, prepare a
21 report on the impact of the de-annexation. The affected
22 ~~city or town~~ municipality may not take any action on the
23 petition for de-annexation until after the sixty (60) day
24 period. The commissioners may establish rules and

1 regulations for the area to be de-annexed which are
2 consistent with county land use plans and zoning
3 ordinances.

4

5 (b) The petitioner shall be responsible for
6 publishing a public notice of the petition in a newspaper
7 of general circulation in the affected municipality no more
8 than ten (10) days after filing the petition with the
9 municipal clerk. The notice shall also include a map
10 showing identifiable landmarks and boundaries.

11

12 (c) The governing body of the ~~city or town~~
13 municipality may by ordinance provide for this de-
14 annexation and redrawing of boundaries provided that:

15

16 (i) The owners of all the land to be de-annexed
17 either sign the petition for de-annexation or consent to
18 the de-annexation within one hundred twenty (120) days
19 after the final passage of the de-annexation ordinance and
20 before its effective date. The passage of the ordinance
21 shall serve as the consent of the ~~city or town~~ municipality
22 for any land owned by the city or town within the area to
23 be de-annexed;

24

1 (ii) The ordinance is adopted within one hundred
2 twenty (120) days after the receipt of the de-annexation
3 petition and within one hundred eighty (180) days after the
4 landowner's signature of the petition, unless a further
5 consent of all the landowners is obtained before the
6 effective date of the ordinance; and

7

8 (iii) If the de-annexation causes land within
9 the ~~city or town~~ municipality boundaries to no longer be
10 contiguous with the rest of the city or town, the de-
11 annexation ordinance may be adopted only with the consent
12 of all the owners of the land to be isolated by the de-
13 annexation.

14

15 (d) If the ~~city or town~~ municipality owns any rights-
16 of-way, easements, streets or other property or
17 improvements within the area to be de-annexed it may:

18

19 (i) Vacate or abandon them;

20

21 (ii) Transfer them to the county government with
22 the consent of the county commissioners;

23

1 (iii) Agree to transfer them to another ~~city or~~
2 ~~town~~ municipality upon completion of the annexation of all
3 or part of the de-annexed land to that other ~~city or town~~
4 municipality;

5
6 (iv) Retain ownership of them.

7
8 (e) No de-annexation shall create an area which is
9 situated entirely within the municipality but is not a part
10 of the municipality.

11
12 (f) The landowner petitioning to have land de-annexed
13 and his successors and assigns shall remain liable for any
14 assessments incurred or levied while the land was within
15 the ~~city or town~~ municipal boundaries and for all mill
16 levies necessary to repay any indebtedness that was
17 outstanding at any time the property was within the ~~city or~~
18 ~~town~~ municipal boundaries. Neither the de-annexation nor
19 subsequent annexation to or incorporation as another ~~city~~
20 municipality shall increase or decrease these liabilities.

21
22 **15-1-422. Prohibited acts.**

23

1 The granting of an exception to the area wide waste
2 treatment management plan by any ~~city or town~~ municipality
3 to any person may not be conditioned upon any agreement by
4 that person to annexation under this article.

5
6 **Section 2.** W.S. 15-1-423 is created to read:

7 ***** STAFF COMMENTS *****

8 **The following section is from the task force**
9 **recommendations.**

10
11 **15-1-423. Growth management plans and agreements.**

12
13 (a) No municipality shall annex an area which is
14 within one (1) mile of the boundary of another municipality
15 unless the respective municipalities shall have developed
16 and executed a growth management plan and agreement meeting
17 the following:

18
19 (i) The growth management plan and agreement
20 shall define the area that is within one (1) mile of any
21 other municipality's boundary that each municipality may,
22 after meeting the requirements of this article, annex into
23 their respective municipality, based upon the criteria set
24 forth in W.S. 15-1-402(a) (i) through (v);

25

1 (ii) The growth management plan and agreement,
2 after being adopted by the governing bodies of the
3 respective municipalities shall be binding unless otherwise
4 amended in writing by the respective municipalities;

5
6 (iii) The growth management plan and agreement
7 may include a plan and agreement for annexations of real
8 property not required to be included in the plan and
9 agreement by this section.

10
11 (b) In the event a growth management plan and
12 agreement are not adopted prior to or within ninety (90)
13 days after the filing of a petition to annex an area which
14 is within one (1) mile of any other municipality's
15 boundary, then any involved municipality may petition the
16 district court having jurisdiction over the area sought to
17 be annexed to determine the area thereof that each
18 municipality may annex pursuant to the criteria set forth
19 in W.S. 15-1-402(a)(i) through (v), for which the district
20 court shall have the sole and exclusive jurisdiction. The
21 time limitations for the public hearing under W.S. 15-1-405
22 for any pending petition for annexation shall be extended
23 to allow for the time involved in the development of a

1 growth management plan and agreement, or in obtaining a
2 decision from the district court under this section.

3
4 (c) No municipality shall annex an area which is
5 within one (1) mile of any other municipality's boundary
6 until a growth management plan and agreement has been
7 established and adopted as provided under this section.

8 Any municipality whose boundary is within one (1) mile of
9 an area proposed to be annexed by another municipality
10 shall have standing to enjoin, through an appropriate
11 action in the district court any annexation commenced in
12 violation of this section or any violation of any growth
13 management plan and agreement promulgated pursuant to this
14 section.

15
16 (d) A growth management plan and agreement, as
17 provided for in the section, any amendment thereof, and or
18 any decision of the district court under subsection (b) of
19 this section shall be recorded in the office of the county
20 clerk for the respective county or counties in which the
21 real property that is the subject of the growth management
22 plan and agreement is located.

23 ***** TF COMMENTS *****

24 **Change: Cities and towns in close proximity**
25 **often disagree and compete for future growth.**

1 This language creates guidelines for resolving
2 these issues.

3
4 Why: Such guidelines will promote
5 cooperation between municipalities which will
6 create growth patterns that benefit the region.
7 These guidelines will encourage annexation plans
8 for municipalities that are within one mile of
9 another municipalities boundaries, and help to
10 mitigate the negative impacts of aggressive
11 annexation.

12
13 *** City of Casper COMMENTS ***

14
15 The words "real property", "parcel", and "tracts
16 of land" in this section have been changed to the
17 word "area" in order to harmonize this section
18 with the use of the word "area" in the other
19 statutory sections.

20
21 The area for which a growth management plan would
22 be required has been reduced from a two (2) mile
23 buffer to one (1) mile. Upon review, a two mile
24 buffer zone is unnecessary to meet the needs of
25 the Cities under this provision.

26
27 The time for communities to enter into a growth
28 management plan has been reduced from 180 days to
29 90 days. Six months is simply too long of a period
30 for municipalities to come to an agreement.
31 Also, under W.S. 15-1-405, a public hearing on an
32 annexation petition must be heard between 30 to
33 180 days after its filing. Essentially, with
34 municipalities having 180 days to enter into an
35 agreement, a pending annexation petition could
36 run up against time constraints in meeting the
37 public hearing requirements and have to be
38 refilled. A savings provision was also added to
39 allow for the tolling of the time constraints for
40 the public hearing under W.S. 15-1-405 to allow
41 for time used in developing a growth management
42 plan or time used for a district court decision
43 on the issue.

44
45 To make the growth management plan provisions
46 effective, a municipality doing an annexation
47 which would lie within one mile of another

1 municipality should give notice of the annexation
2 to the adjacent municipality.

3
4
5
6
7 ***** STAFF COMMENTS *****

8 The following are conforming amendments required
9 by various changes to the annexation laws above.
10 There will be additional (or less) conforming
11 amendments required depending upon the
12 Committee's actions on the substantive changes
13 above. Due to timing constraints and efficiency
14 considerations not all are included in the draft
15 at this time.
16

17 **15-1-103. General powers of governing bodies.**

18
19 (e) In exercising any power granted under this
20 section, the governing body shall be subject to specific
21 limitations and requirements on those powers provided in
22 other laws of this state, including restrictions and
23 requirements provided under W.S. 15-1-401 through 15-1-423.

24
25 **15-7-602. Extension of system; outside corporate**
26 **limits; rates; existing contracts; controversies; appeal.**

27
28 (d) An agreement under this section may be
29 conditioned to serve as a petition by the landowner for
30 annexation under this section and may serve as a waiver by

1 the landowner of any objection to an annexation of the
2 property as provided in W.S. 15-1-403(f).

3

4 **Section 4.** This act is effective July 1, 2005.

5

6

(END)