

SENATE FILE NO. SF0061

Annexation.

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

8 **Section 1.** W.S. 15-1-423 is created to read:

9

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

11

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

17

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

7

8 (ii) The growth management plan and agreement,
9 after being adopted by the governing bodies of the
10 respective municipalities shall be binding unless otherwise
11 amended in writing by the respective municipalities;

12

13 (iii) The growth management plan and agreement
14 may include a plan and agreement for annexations of real
15 property not required to be included in the plan and
16 agreement by this section.

17

18 (b) In the event a growth management plan and
19 agreement are not adopted prior to or within ninety (90)
20 days after the filing of a petition to annex an area which
21 is within one (1) mile of any other municipality's
22 boundary, then any involved municipality may petition the
23 district court having jurisdiction over the area sought to
24 be annexed to determine the area thereof that each

1 municipality may annex pursuant to the criteria set forth
2 in W.S. 15-1-402(a)(i) through (v), for which the district
3 court shall have the sole and exclusive jurisdiction. The
4 time limitations for the public hearing under W.S. 15-1-405
5 for any pending petition for annexation shall be extended
6 to allow for the time involved in the development of a
7 growth management plan and agreement, or in obtaining a
8 decision from the district court under this section.

9

10 (c) No municipality shall annex an area which is
11 within one (1) mile of any other municipality's boundary
12 until a growth management plan and agreement has been
13 established and adopted as provided under this section.
14 Any municipality whose boundary is within one (1) mile of
15 an area proposed to be annexed by another municipality
16 shall have standing to enjoin, through an appropriate
17 action in the district court any annexation commenced in
18 violation of this section or any violation of any growth
19 management plan and agreement promulgated pursuant to this
20 section.

21

22 (d) A growth management plan and agreement, as
23 provided for in the section, any amendment thereof, and any
24 decision of the district court under subsection (b) of this

1 section shall be recorded in the office of the county clerk
2 for the respective county or counties in which the real
3 property that is the subject of the growth management plan
4 and agreement is located.

5

6 **Section 2.** W.S. 15-1-103 by creating a new subsection
7 (e), 15-1-401(a) by creating new paragraphs (ii) and (iii),
8 by amending and renumbering (ii) as (iv), by creating new
9 paragraphs (v) and (vi), by amending and renumbering (ii)
10 as (vii) and by creating a new paragraph (viii),
11 15-1-402(a), (c) (i), (iii), (d) and (e),
12 15-1-403(a) (intro), (i), (ii) (B) and by creating new
13 subsections (e) through (g), 15-1-405(b) and by creating a
14 new subsection (c), 15-1-406 through 15-1-408, 15-1-409(a)
15 and (c), 15-1-410 through 15-1-413, 15-1-414(a) (intro) and
16 (b), 15-1-415(a), (c), (d) and by creating a new subsection
17 (e), 15-1-416(c), 15-1-417(a), (d) and (e), 15-1-418(a),
18 15-1-419(a), 15-1-420, 15-1-421(a), (c) (intro), (i),
19 (iii), (d) (intro), (iii) and (f), 15-1-422 and 15-7-602 by
20 creating a new subsection (d) are amended to read:

21

22 **15-1-103. General powers of governing bodies.**

23

1 (e) In exercising any power granted under this
2 section, the governing body shall be subject to specific
3 limitations and requirements provided under W.S. 15-1-401
4 through 15-1-423.

5
6 **15-1-401. Definitions.**

7
8 (a) As used in this article:

9
10 (ii) "Business park" means a defined set of
11 parcels which have been zoned by the county commissioners
12 for siting commercial and industrial businesses outside of
13 a municipality's boundaries and which share a common
14 covenant, development plan, infrastructure or management;

15
16 (iii) "Contiguous" means geographical boundaries
17 touching in any manner. Contiguity will not be adversely
18 affected by the existence of a platted street or alley, a
19 public or private right-of-way, a public or private
20 transportation right-of-way, property subject to an
21 easement for conservation or preservation, property
22 including a present or abandoned industrial waste disposal
23 facility, a lake, stream, reservoir or other natural or

1 artificial waterway located between the annexing
2 municipality and the land sought to be annexed;

3
4 ~~(ii)~~ (iv) "Landowner" means ~~the owner of a person~~
5 holding record fee title to real property ~~in~~ within the
6 ~~territory~~ area proposed to be annexed ~~who in the last~~
7 ~~calendar year was liable for a property tax thereon or was~~
8 ~~exempt by law from the payment of taxes on the property.~~
9 ~~Anyone having a right to purchase land under a written~~
10 ~~contract is the owner of that land for annexation purposes~~
11 or a person obligated to pay general property taxes under a
12 contract to purchase real property within the area proposed
13 to be annexed. It does not include a person who owns only
14 personal property even though such personal property may be
15 subject to levy. For purposes of W.S. 15-1-402, 15-1-404
16 and 15-1-405 "landowner" shall include persons owning
17 property which, as a result of the proposed annexation
18 would then be brought within ~~one half (1/2)~~ one (1) mile of
19 the corporate limits of a ~~city which has exercised the~~
20 ~~authority granted under W.S. 15-3-202(b) (ii)~~ municipality;

21
22 (v) "Municipality" means any incorporated or
23 chartered city or town;

24

1 ~~(iii)~~ (vi) "Petition" means a legibly written
2 document~~;~~

3

4 (vii) "Potential urban area" means all territory
5 within one (1) mile of a municipality, as it now exists or
6 hereafter may be established.

7

8 **15-1-402. Annexation; findings required; annexation**
9 **report.**

10

11 (a) Before any ~~territory~~ area is eligible for
12 annexation, the governing body of any ~~city or town~~
13 municipality at a hearing as provided in W.S. 15-1-405
14 shall find that:

15

16 (i) ~~An~~ The annexation ~~of the area~~ is for the
17 protection of the health, safety and welfare of the persons
18 residing in or that might in the future utilize the area
19 and in the ~~city or town~~ municipality;

20

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

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(iii) The area sought to be annexed is a logical and feasible addition to the annexing ~~city or town~~ municipality and the extension of basic and other services customarily available to residents of the ~~city or town~~ municipality shall, within reason, and subject to any agreement authorized under W.S. 15-1-410(f), be available to the area proposed to be annexed;

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

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

1 (vi) The annexing ~~city or town, not less than~~
2 ~~twenty (20) business days prior to the public hearing~~
3 ~~required by W.S. 15-1-405(a), has sent by certified mail to~~
4 ~~all landowners and affected public utilities within the~~
5 ~~territory~~ municipality has prepared a summary of the
6 proposed annexation report as required under subsection (c)
7 of this section and has provided notice of the time, date
8 and location of the public hearing as required by W.S.
9 ~~15-1-405(a)~~ 15-1-405(b) and (c).

10
11 (c) An annexing municipality shall prepare a proposed
12 annexation report as specified in this subsection. The
13 report shall, at a minimum, contain:

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

21
22 (iii) A list of basic and other services
23 customarily available to residents of the ~~city or town~~
24 municipality and a timetable when those services will

1 reasonably be available to the area proposed to be annexed.
2 A summary of any agreement under W.S. 15-1-410(f) to
3 provide limited services to any area proposed to be annexed
4 shall be included;

5

6 (d) For annexations initiated under W.S. 15-1-403,
7 the ~~city or town~~ municipality may collect the cost of
8 preparing the report on the proposed annexation ~~report~~ from
9 the petitioning landowners.

10

11 (e) Before any ~~territory~~ area is eligible for
12 annexation the governing body shall prepare for each
13 landowner and affected public utility so requesting in
14 writing, the estimated cost of infrastructure improvements
15 required of the landowner and affected public utility
16 related to the annexation. The request shall be made to the
17 clerk of the annexing municipality not less than ten (10)
18 days prior to the public hearing required by W.S.
19 15-1-405(a). The estimate shall be provided to the
20 landowner and affected public utility prior to the hearing.

21

22 **15-1-403. Annexation; initiation of proceedings; by**
23 **landowners' petition; validity of signatures;**
24 **determinations.**

1

2 (a) The proceedings for annexation of an eligible
3 ~~territory~~area may be initiated by a written petition filed
4 with the clerk of the ~~city or town~~municipality to which
5 annexation of the ~~territory~~area is proposed, after
6 compliance with the following conditions and procedures:

7

8 (i) The petition is signed and dated by a
9 majority of the landowners owning a majority of the area
10 sought to be annexed, excluding public streets and alleys
11 and tax exempt property. The petition shall not require the
12 signature of any owner of public or private rights-of-way,
13 including but not limited to, platted streets, alleys,
14 easements or other transportation rights-of-way included
15 within the area being annexed;

16

17 (ii) The petition contains the following
18 detailed information:

19

20 (B) A request that the described ~~territory~~
21 area be annexed;

22

23 (e) Upon the clerk certifying that the petition
24 complies with the requirements of this section, the clerk

1 shall notify in writing, by ordinary first class mail the
2 governing body of any municipality within one (1) mile of
3 the area under consideration for annexation that a valid
4 petition has been accepted and the requirements of W. S.
5 15-1-402, 15-1-405 and 15-1-406 are being followed.

6
7 (f) If the clerk has certified compliance, the
8 municipality may accept and act on platting and zoning
9 requests concerning the territory petitioning for
10 annexation. Any approval regarding platting or zoning in
11 the annexed area shall not be finalized until the
12 annexation ordinance has been approved on final reading by
13 the governing body.

14
15 (g) Agreements which provide for access to
16 municipally owned water or sewer services to property
17 outside the municipality's corporate limits may be
18 conditioned to serve as a petition by the landowner for
19 annexation under this section and may serve as a waiver by
20 the landowner of any objection to an annexation of the
21 property subject to the agreement. The agreement may be
22 filed as a petition either by the landowner or by the
23 municipality. The area subject to an annexation which is
24 based in any manner upon such an agreement shall be

1 required to meet the provisions of W.S. 15-1-402(a) and the
2 procedures of this section, except that the signatures
3 provided on the agreement are not subject to the time
4 limitations of subsection (b) of this section. Any such
5 agreement subject to a condition to serve as a petition for
6 or waiver to objections to annexation shall be recorded
7 with the county clerk and the terms and conditions of the
8 agreement shall run with the property and be binding upon
9 the heirs, successors and assigns of the landowners
10 entering into the agreement.

11
12 **15-1-404. Annexation; initiation of proceedings; by**
13 **governing bodies; determination.**

14
15 (a) The governing body of any ~~city or town~~
16 municipality may initiate proceedings to annex ~~territory an~~
17 area by the following procedure:

18
19 (ii) The governing body shall:

20
21 (A) Cause to be prepared a legal
22 description, a listing of the current mailing address of
23 each landowner as shown in the records of the county
24 assessor and a map showing identifiable landmarks and

1 boundaries of the area considered for annexation and the
2 area which will, as a result of the annexation then be
3 brought within ~~one-half (1/2)~~ one (1) mile of the new
4 corporate limits of the ~~city, if it has exercised the~~
5 ~~authority granted under W.S. 15-3-202(b)(ii)~~ municipality;

6
7 (E) Determine the cost of annexation to be
8 incurred by the annexing municipality pursuant to W.S.
9 15-1-410(c) through (e).

10
11 **15-1-405. Annexation; public hearing required; notice**
12 **thereof.**

13
14 (b) The clerk shall give notice of the public hearing
15 by publishing a notice at least twice in a newspaper of
16 general circulation in the ~~territory~~ area sought to be
17 annexed. The first notice shall be given at least ~~fifteen~~
18 ~~(15) business~~ twenty-one (21) days prior to the date of the
19 public hearing. The notice shall contain a location map
20 which includes identifiable landmarks and boundaries of the
21 area sought to be annexed and the area which will, as a
22 result of the annexation then be brought within ~~one-half~~
23 ~~(1/2)~~ one (1) mile of the new corporate limits of the ~~city,~~
24 ~~if it has exercised the authority granted under W.S.~~

1 ~~15-3-202(b)(ii)~~ municipality. The notice shall include a
2 summary of the proposed annexation report prepared pursuant
3 to W.S. 15-1-402(c). Upon written request to the clerk of
4 the annexing municipality, the clerk shall provide a legal
5 description of the area and the names of the persons owning
6 property within the area.

7
8 (c) The annexing municipality shall give notice at
9 least twice by first class United States mail to landowners
10 as follows:

11
12 (i) For purposes of this subsection a general
13 notice shall consist of a description of the area proposed
14 for annexation, the time, date and location of the public
15 hearing, a telephone number to contact the annexing
16 municipality for additional information and the legal
17 effect, if any, of the annexation on the landowner's
18 rights, including the effect of the proposed annexation
19 under W.S. 15-3-202(b)(ii). A special notice shall consist
20 of the information contained in a general notice and shall
21 also include a map generally identifying the area being
22 annexed. All notices shall be sent twenty-eight (28) days
23 prior to the hearing required by W.S. 15-1-405(a). A
24 second notice shall be sent whenever a general or special

1 notice is required. The second notice may be in the form
2 of a postcard and shall be sent at least seven (7) days
3 prior to the hearing. The second notice need not include a
4 map identifying the area to be annexed;

5
6 (ii) A general notice shall be sent to all
7 landowners who are not within the current municipal
8 corporate limits but who will, as a result of the
9 annexation, be brought within one (1) mile of a proposed
10 annexation. This notice shall be sent to landowners who
11 will be brought within one (1) mile of the area to be
12 annexed unless the landowner was sent notice pursuant to a
13 prior annexation;

14
15 (iii) A general notice shall be sent to
16 landowners owning property within the municipality within
17 one hundred forty (140) feet of the area proposed to be
18 annexed. In determining the one hundred forty (140) feet,
19 the width of any intervening street, alley or public right-
20 of-way shall not be included;

21
22 (iv) A special notice shall be sent to all
23 landowners in the unincorporated area lying within three
24 hundred (300) feet of the proposed annexation. In

1 determining the three hundred (300) feet, the width of any
2 intervening street, alley or public right-of-way shall not
3 be included;

4
5 (v) For purposes of this subsection the
6 landowner to be notified shall be the person who, as of
7 ninety (90) days prior to the mailing of the first notice,
8 holds record fee title to real property or is obligated to
9 pay general property taxes under a contract to purchase
10 real property.

11
12 (d) The appropriate municipal officer shall certify
13 the mailing under subsection (c) of this section by
14 affidavit.

15
16 **15-1-406. Annexing territories; annexation ordinance;**
17 **objections; exception; prohibition.**

18
19 (a) If after the hearing the governing body finds
20 that the conditions required by W.S. 15-1-402 exist and
21 that the required procedures have been met, it shall by
22 ordinance annex the ~~territory~~area. Upon completion of
23 annexation procedures, the clerk of the annexing
24 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 if the landowner of the
7 business park petitions for annexation. The nearest
8 boundary of the property being annexed under this
9 subsection shall be no further than three (3) miles from
10 the nearest city boundary. Until property annexed pursuant
11 to this subsection becomes contiguous to the city
12 boundaries through additional annexations from the city
13 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
21 (b) If the ~~city~~ municipality is the sole owner of any
22 ~~territory~~ area whether or not contiguous that it desires to
23 annex, the governing body, by ordinance, may annex the
24 ~~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
4 15-1-404(a) (ii) (C) and (D). All ordinances annexing
5 territory without notice and public hearing shall contain a
6 statement that the territory is solely owned by the
7 petitioning ~~city or town~~ municipality. Until property
8 annexed pursuant to this subsection becomes contiguous to
9 the city boundaries through additional annexations from the
10 city boundaries no annexation shall occur from the
11 property.

12

13 **15-1-408. Annexation effective dates.**

14

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

1 following the court's final decision of the matter. If an
2 appeal of the franchise decision is filed and perfected by
3 a utility, the annexation is effective upon the publication
4 of the ordinance unless another date is specified in the
5 ordinance, but the appealing utility shall be permitted to
6 continue its present service in the annexed area until the
7 court's final decision of the matter.

8

9 **15-1-409. Appeal; determination; time for review;**
10 **exclusiveness of appeal remedy.**

11

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

17

18 (c) All proceedings to review the findings and the
19 decisions of the governing body, ~~or~~ actions to determine
20 the validity of the annexation ordinance pursuant to the
21 Uniform Declaratory Judgments Act or to pursue any other
22 remedy available in law or equity to contest in any manner
23 any annexation or the validity thereof shall be brought
24 within sixty (60) days of the effective date of the

1 annexation ordinance, and if not brought within that time
2 are forever barred.

3

4 **15-1-410. Extension of laws and rights; extension of**
5 **public utility service.**

6

7 (a) Except as otherwise provided in this article, the
8 territory and inhabitants of any annexed area are subject
9 to all the laws, ordinances, rules and regulations of the
10 ~~city or town~~ municipality to which they are annexed and are
11 entitled to all the rights, privileges and franchises or
12 other services afforded the inhabitants thereof. The
13 services shall be provided in accordance with the timetable
14 provided pursuant to W.S. 15-1-402(c)(iii).
15 Notwithstanding any other provision of law, no law,
16 ordinance, rule or regulation of a municipality annexing
17 property under W.S. 15-1-404 or pursuant to an agreement
18 treated as a petition pursuant to W.S. 15-1-403(g) shall
19 restrict the continuous use of the property by a current or
20 subsequent owner of an interest in the property, if the use
21 was existing at any time within the year prior to the date
22 of annexation and was lawful at the time the property was
23 annexed. For purposes of this subsection, a use which has
24 been discontinued for any ~~one (1)~~ consecutive ten (10) year

1 period after the date of annexation shall not be considered
2 continuous and shall not thereafter be reestablished unless
3 in conformance with current law, ordinance, rule or
4 regulation.

5
6 (b) No annexing municipality shall take any action
7 prohibiting or restricting the continued use or maintenance
8 of irrigation ditches, including siphons, flumes, measuring
9 devices and other appurtenances, serving lands with a valid
10 Wyoming water right. Notwithstanding this subsection, the
11 municipality may take actions it deems necessary to protect
12 the public health and safety, including but not limited to
13 fencing, mowing and litter and mosquito abatement, but in
14 doing so, the municipality shall be responsible for the
15 temporary removal and replacement of any fences or other
16 facilities obstructing the maintenance of ditches.

17
18 (c) If a municipality annexes property, and for any
19 reason the county fails to issue any permit or withholds
20 consent required to reconstruct or repair any septic system
21 or appurtenant facilities on the annexed property, the
22 municipality shall pay any charge or assessment to the
23 landowner to provide the residence with access to
24 municipally owned sewerage systems including but not

1 limited to assessment for the provision of a sewer main, to
2 the extent the charge and the assessment exceed the amount
3 which would otherwise have been expended by the landowner
4 to reconstruct or repair the septic system and appurtenant
5 facilities. Payment by the annexing municipality of any
6 charge or assessment under this subsection is subject to
7 the availability of legislatively appropriated funds for
8 that purpose.

9
10 (d) No annexing municipality shall take any action
11 prohibiting or restricting the owner of the mineral estate
12 of annexed lands from continued use or maintenance of oil
13 and gas wells. No annexing municipality shall take any
14 action prohibiting the development of oil and gas wells and
15 appurtenant facilities by the owner of the mineral estate
16 nor shall any state agency deny any necessary permits for
17 development of the wells or facilities due to the
18 annexation of land to a municipality absent a showing that
19 the specific proposed wells or facilities constitute a
20 clear and present danger to public health or safety.

21
22 (e) Landowners may, but shall not be required to, pay
23 for public improvements incident to the annexation when
24 annexation is initiated under W.S. 15-1-404 and the

1 landowner of any area annexed cannot object to the
2 annexation based upon the exception in W.S. 15-1-406(c).
3 Landowners shall be responsible for the normal costs of
4 individual service lines and tap or connection fees. For
5 purposes of this subsection, "public improvements" include,
6 but are not limited to water mains, sewer mains, power
7 lines, curb and gutter or the paving of streets located off
8 the landowner's property.

9
10 (f) In any annexation, the annexing municipality may
11 agree with any landowner to annex the landowner's property
12 with the provision of limited municipal services. The
13 agreement shall identify which services normally afforded
14 the inhabitants of the municipality will not be provided at
15 the time of the annexation and are not then anticipated to
16 be provided at a later time. The agreement may provide
17 that the services may be provided at a later time upon
18 terms mutually agreed to by the landowner or his successors
19 and the municipality. Any agreement under this subsection
20 shall be recorded with the county clerk and the terms and
21 conditions of the agreement shall run with the property and
22 be binding upon the heirs, successors and assigns of the
23 landowners entering into the agreement. The terms of any

1 agreement under this subsection shall be summarized and
2 included in any annexation report under W.S. 15-1-402(c).

3

4 (g) Notwithstanding any other law to the contrary, no
5 property shall, as a result of any annexation, be assessed
6 for the creation or maintenance of a road, curb, gutter or
7 sidewalk unless the property is annexed to the municipality
8 at the time the improvement is made.

9

10 ~~(b)~~ (h) The governing body of the annexing
11 municipality shall, within thirty (30) days after the date
12 of the annexation, give written notice of the annexation to
13 all public electric utilities presently providing service
14 within the annexed area and, except in the case of an
15 annexing municipality which owns or operates its own
16 electric utility, any area ~~adjacent~~ contiguous to the
17 annexed area. Except in the case of an annexing
18 municipality which owns or operates its own electric
19 utility, any of those public utilities required to be
20 notified may, within sixty (60) days after the date of
21 annexation, petition the governing body of the annexing
22 ~~city or town~~ municipality for a franchise to serve
23 additional portions within the annexed area or the entire
24 annexed area. Except in the case of a municipality which

1 owns or operates its own electric utility, any petitioning
2 utility which does not currently hold a certificate of
3 public convenience and necessity for the annexed area shall
4 petition the public service commission for a certificate to
5 include the annexed area, and if two (2) or more public
6 electric utilities have been granted or are seeking a
7 certificate of public convenience and necessity to serve
8 the annexed area, the public service commission shall
9 determine, following a hearing, which utility or utilities
10 should be certificated in the public interest to provide
11 service to the annexed area. No recipient of a certificate
12 of public convenience and necessity shall serve any portion
13 of the annexed area without the consent of the governing
14 body of the annexing ~~city or town~~ municipality and provided
15 that the entire annexed area is served under one (1) or
16 more certificates of public convenience and necessity.

17

18 ~~(e)~~ (j) Except in the case of an annexing municipality
19 which owns or operates its own electric utility, the
20 governing body of the annexing municipality shall hold an
21 appropriate public hearing and, upon determining that one
22 (1) or more petitioning public utilities can meet the terms
23 and conditions of a franchise, issue franchises to one (1)

1 or more utilities to serve portions of or the entire
2 annexed area.

3
4 ~~(d)~~ (k) Notwithstanding any other provision of law,
5 nothing contained in this section shall limit the right of
6 a municipality which owns or operates its own electric
7 utility to extend its electric service into any area
8 annexed by the municipality, and nothing contained in this
9 section shall subject any such municipality to the
10 jurisdiction of the public service commission.

11
12 (m) The governing body of the annexing municipality
13 shall, within thirty (30) days after the date of the
14 annexation, give written notice of the annexation to all
15 public utilities presently providing service within the
16 annexed area and any area contiguous to the annexed area.
17 Any of those public utilities required to be notified may,
18 within sixty (60) days after the date of annexation,
19 petition the governing body of the annexing municipality
20 for a franchise to serve additional portions within the
21 annexed area or the entire annexed area. Any petitioning
22 utility which does not currently hold a certificate of
23 public convenience and necessity for the annexed area shall
24 petition the public service commission for a certificate to

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

1

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

4

5 ~~All territory within one (1) mile of an incorporated city~~
6 ~~or town, as it now exists or may hereafter be established,~~
7 ~~is potentially an urban area.~~ No territory within a
8 potential urban area may be incorporated as a ~~city or town~~
9 municipality unless the governing body of the ~~city or town~~
10 municipality causing the potential urbanized area to exist,
11 by resolution, approves the 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 consisting of
17 one (1) parcel or two (2) or more contiguous parcels owned
18 by one (1) landowner or owned jointly by two (2) or more
19 landowners as cotenants, which comprises forty (40) acres
20 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 (b) The oath shall be filed with the ~~city or town~~
15 municipal clerk and a copy thereof shall be attached to the
16 certificate filed with the county clerk.

17
18 **15-1-415. Additions to municipalities by subdividing**
19 **landowners; plat requirements; filing and effect thereof;**
20 **controlling layout of streets.**

21
22 (a) The owner of any land within or contiguous to any
23 ~~city or town~~ municipality may subdivide the land into lots,
24 blocks, streets, avenues and alleys and other grounds under

1 the name of addition to the city (town) of An
2 accurate map or plat shall be made designating the
3 subdivided land and particularly describing the lots,
4 blocks, streets, avenues and alleys and other grounds of
5 the addition. The lots must be designated by numbers, and
6 the streets, avenues and other grounds by name or numbers.

7

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

21

22 (d) The governing body, by ordinance, may compel the
23 owner of any addition to lay out streets, avenues and
24 alleys to correspond in width and direction and be

1 continuations of the streets, ways and alleys in the ~~city~~
2 ~~or town~~ municipality or other additions thereto. No
3 addition is valid unless the terms and conditions of the
4 ordinance are complied with and the plat submitted and
5 approved by the governing body.

6

7 (e) Any addition to a municipality under this section
8 shall be subject to the provisions of W.S. 15-1-402 and
9 15-1-405.

10

11 **15-1-416. Landowner petition to exclude tract from**
12 **municipality; disposition thereof; exclusion of land for**
13 **highway purposes.**

14

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

1

2 **15-1-417. Annexing contiguous municipalities;**
3 **procedure.**

4

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

20

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

1

2 (e) As an alternative to the circulation of the
3 petition as provided by subsection (a) of this section the
4 ~~town~~ municipality to be annexed may hold a special election
5 on the question in accordance with W.S. 22-23-801 through
6 22-23-809.

7

8 **15-1-418. Annexing contiguous municipalities;**
9 **annexation ordinance; filing.**

10

11 (a) If after the hearing, the governing body of the
12 annexing ~~city or town~~ municipality finds that the
13 conditions and procedures required by W.S. 15-1-402,
14 15-1-404 and 15-1-405 have been met and the terms and
15 conditions in the written petition exist, it may by
16 ordinance annex the ~~city or town~~ municipality.

17

18 **15-1-419. Annexing contiguous municipalities;**
19 **effective dates; appeals.**

20

21 (a) The annexation of any ~~city or town~~ municipality
22 is effective upon the publication date of the annexing ~~city~~
23 ~~or town's~~ municipality's annexation ordinance, unless a
24 different date is specified in the ordinance. Thereafter

1 the ~~city or town~~ municipality to which the annexation is
2 made shall pass ordinances, not inconsistent with law, as
3 will carry into effect the terms and conditions of the
4 annexation. For purposes of taxation, the annexation does
5 not become effective until January 1 next following the
6 effective date of the ordinance, unless an appeal is filed
7 and perfected, in which case the effective date is January
8 1 next following the court's final decision.

9

10 **15-1-420. Annexing contiguous municipalities; how**
11 **governed; extension of laws, rights and utilities;**
12 **dissolution of annexed municipality; disposition of assets**
13 **and liabilities.**

14

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

1 are furnished any utility service by the annexing ~~city or~~
2 ~~town~~ municipality or under franchise, the annexed area may
3 receive the same service.

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

24

1 (c) The annexing ~~city or town~~ municipality in the
2 annexation ordinance shall allocate equitably the debts of
3 the annexed and annexing ~~city or town~~ municipality. The
4 equitable allocation shall be according to benefits
5 received by the annexed and annexing ~~city or town~~
6 municipality from additional assets being brought into the
7 combined ~~city or town~~ municipality.

8
9 (d) Any such bonded indebtedness may be refunded by
10 the annexing ~~city or town~~ municipality under the laws of
11 Wyoming existing at the time of this refunding.

12
13 **15-1-421. Municipal de-annexation.**

14
15 (a) Any landowner within a ~~city or town~~ municipality
16 may petition the governing body of the ~~city or town~~
17 municipality to have his land or a portion of it de-annexed
18 and the boundaries of the ~~city or town~~ municipality redrawn
19 so their land is outside the ~~city or town~~ municipal
20 boundaries. The landowner shall file the petition with the
21 clerk of the affected ~~city or town~~ municipality and shall
22 also provide a copy of the petition to the county
23 commissioners of the affected county. The county
24 commissioners shall, within sixty (60) days, prepare a

1 report on the impact of the de-annexation. The affected
2 ~~city or town~~ municipality may not take any action on the
3 petition for de-annexation until after the sixty (60) day
4 period. The commissioners may establish rules and
5 regulations for the area to be de-annexed which are
6 consistent with county land use plans and zoning
7 ordinances.

8
9 (c) The governing body of the ~~city or town~~
10 municipality may by ordinance provide for this de-
11 annexation and redrawing of boundaries provided that:

12
13 (i) The owners of all the land to be de-annexed
14 either sign the petition for de-annexation or consent to
15 the de-annexation within one hundred twenty (120) days
16 after the final passage of the de-annexation ordinance and
17 before its effective date. The passage of the ordinance
18 shall serve as the consent of the ~~city or town~~ municipality
19 for any land owned by the city or town within the area to
20 be de-annexed;

21
22 (iii) If the de-annexation causes land within
23 the ~~city or town~~ municipality boundaries to no longer be
24 contiguous with the rest of the city or town, the de-

1 annexation ordinance may be adopted only with the consent
2 of all the owners of the land to be isolated by the de-
3 annexation.

4

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

8

9 (iii) Agree to transfer them to another ~~city or~~
10 ~~town~~ municipality upon completion of the annexation of all
11 or part of the de-annexed land to that other ~~city or town~~
12 municipality;

13

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

23

24 **15-1-422. Prohibited acts.**

1

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

6

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

9

10 (d) An agreement under this section may be
11 conditioned to serve as a petition by the landowner for
12 annexation under this section and may serve as a waiver by
13 the landowner of any objection to an annexation of the
14 property as provided in W.S. 15-1-403(g).

15

16 **Section 3.** The requirement that a municipality pay
17 any charge or assessment to a landowner to provide the
18 residence with access to municipally owned sewerage systems
19 as provided in W.S. 15-1-410(c) as amended by this act is
20 effective only if funds are legislatively appropriated for
21 that purpose.

22

23 **Section 4.** W.S. 15-1-401(a)(i) and 15-1-402(b) are
24 repealed.

1

2 **Section 5.** This act is effective July 1, 2005.

3

4

(END)