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WORKING DRAFT

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HOUSE BILL NO. _____

Annexation agreements.

Sponsored by: Representative(s) Lubnau

A BILL

for

1   AN ACT relating to cities and towns; prohibiting finalizing

2   of planning and zoning in annexed area until final reading;

3   providing for agreements on access to water or sewer

4   services to be petitions for annexation or waivers of

5   objection to annexation; and providing for an effective

6   date.

7

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

9

10   **Section 1.** W.S. 15-1-403 by creating new subsections

11   (e) and (f), 15-1-410(a) and 15-7-602 by creating a new

12   subsection (d) are amended to read:

13

1   **15-1-403. Annexing   territories;   initiation   of**

2 **proceedings;   by   landowners'   petition;   validity   of**

3 **signatures; determinations.**

4

5   (e)   If the clerk has certified compliance in

6 accordance with this section, the city or town may accept

7 and act on platting and zoning requests concerning the

8 territory   petitioning   for   annexation.   Any   approval

9 regarding platting or zoning in the annexed area shall not

10 be finalized until the annexation ordinance has been

11 approved on final reading by the governing body.

12

13   (f) Agreements which provide for access to a city or

14 town owned water or sewer services to property outside the

15 city or town's corporate limits may be conditioned to serve

16 as a petition by the landowner for annexation under this

17 section and may serve as a waiver by the landowner of any

18 objection to an annexation for the property subject to the

19 agreement.   The agreement may be filed as a petition either

20 by the landowner or by the city or town.   The area subject

21 to annexation based in any manner on such an agreement

22 shall be required to meet the provisions of W.S. 15-1-

23 402(a) and the procedures of this section, except that the

24 signatures provided on the agreement are not subject to the

1   time limitations of subsection (b) of this section. Any

2   agreement subject to a condition to serve as a petition for

3   or waiver to objections to annexation shall be recorded

4   with the county clerk and the terms and conditions of the

5   agreement shall run with the property and be binding upon

6   the heirs, successors and assigns of the landowners

7   entering into the agreement.

8

9   15-1-410. **Annexing territories; extension of laws and**

10   **rights; extension of public utility service.**

11

12   (a) The territory and inhabitants of any annexed area

13   are subject to all the laws, ordinances, rules and

14   regulations of the city or town to which they are annexed

15   and are entitled to all the rights, privileges and

16   franchises or other services afforded the inhabitants

17   thereof. The services shall be provided in accordance with

18   the timetable provided pursuant to W.S. 15-1-402(c)(iii).

19   Notwithstanding any other provision of law, no law,

20   ordinance, rule or regulation of a municipality annexing

21   property under W.S. 15-1-404 or pursuant to an agreement

22   treated as a petition pursuant to W.S. 15-1-403(f) shall

23   restrict the continuous use of the property by a current or

24   subsequent owner of an interest in the property, if the use

1 was existing at any time within the year prior to the date

2 of annexation and was lawful at the time the property was

3 annexed. For purposes of this subsection, a use which has

4 been discontinued for any one (1) year period after the

5 date of annexation shall not be considered continuous and

6 shall not thereafter be reestablished unless in conformance

7 with current law, ordinance, rule or regulation.

8

9   **15-7-602. Extension of system; outside corporate**

10 **limits; rates; existing contracts; controversies; appeal.**

11

12

13   (d) An agreement as provided in this section may be

14 conditioned to serve as a petition by the landowner for

15 annexation under W.S. 15-1-403(f) and may serve as a waiver

16 by the landowner to any objection to annexation of the

17 property as provided in W.S. 15-1-403(f).

18

19   **Section 2.** This act is effective July 1, 2006.

20

21   (END)