

HOUSE RESEARCH

Bill Summary

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Overview

Under current law, Minnesota Statutes, section 414.033, subdivision 2, annexation by ordinance is limited to when:

"(1) the land is owned by the municipality;

(2) the land is completely surrounded by land within the municipal limits;

(3) the land abuts the municipality and the area to be annexed is 60 acres or less, and the area to be annexed is not presently served by public sewer facilities or public sewer facilities are not otherwise available, and the municipality receives a petition for annexation from all the property owners of the land; or

(4) the land has been approved after August 1, 1995, by a preliminary plat or final plat for subdivision to provide residential lots that average 21,780 square feet or less in area and the land is located within two miles of the municipal limits."

In addition, the land must be deemed to be urban or suburban in character or about to become so.

This bill provides additional, alternative means for a city to annex territory by ordinance. It allows annexation by ordinance if property owners petition for annexation, whether the area is contiguous to the city or not and without limit on the acreage, or on the city's own initiative. The bill establishes procedures for notice and public hearing, and when the annexation is on the city's own initiative, for planning for services.

1 **Authority to annex.** States this new chapter of law is an alternative to any other means of annexation.

2 Annexation of contiguous area by property owner petition.

Subd. 1. Petition. Allows a city to annex an area contiguous to the city by ordinance if petitioned by the property owners.

Subd. 2. Form. Specifies the form of the petition.

Subd. 3. Notice and public hearing. Directs the city, after it receives and reviews a petition, to investigate whether it should annex the area considering the city's land use plans and provision of services. If proceeding with the annexation, requires notice of the public hearing and a public hearing. Permits the city to annex the area by ordinance at the conclusion of the public hearing or at a later council meeting. The annexation is effective on the date stated in the ordinance. Requires filing the ordinance affected or interested state agencies.

3 Annexation of noncontiguous area by property owners petition.

Subd. 1. Petition. Permits annexation of a noncontiguous area after receipt of a valid petition.

Subd. 2. Form. Specifies the petition form.

Subd. 3. Noncontiguous area. Requires a noncontiguous area proposed for annexation under this section to meet specified standards relating to proximity of the area to the city or any other city and the ability of the city to provide services to the area.

Subd. 4. Notice and public hearing. Directs the city, after it receives and reviews a petition, to investigate whether it should annex the area considering the city's land use plans and provision of services. If proceeding with the annexation, requires notice of the public hearing and a public hearing. Permits the city to annex the area by ordinance at the conclusion of the public hearing or at a later council meeting. The annexation is effective on the date stated in the ordinance. Requires filing the ordinance affected or interested state agencies.

4 Procedure for city to annex unincorporated area by ordinance.

Subd. 1. Authority. Permits annexation of unincorporated area abutting the city under this section's procedures.

Subd. 2. Resolution of consideration. Requires a city resolution of consideration to be filed with the county clerk and town clerk of the affected county and town at least 180 days before enacting an annexation ordinance. Requires the resolution to describe the area and include a map. States that the intent of the resolution of consideration is to give notice to interested and affected persons. Encourages the city and town to cooperate during the 180 consideration and investigation period.

Subd. 3. Comprehensive plan and urban characteristics and service report. After adopting the resolution of consideration but before the annexation by ordinance, requires the city to update its comprehensive land use plan to include the proposed annexation area, prepare a detailed report on the urban characteristics of and plan for services to the area, and prepare a participation plan to provide for property owner participation in city elections to the same extent as city residents. Requires the plans and reports to be available to the public, and mailed to the affected county and town clerks, at least 30 days before a public hearing on the proposed annexation.

Subd. 4. Request for inclusion. Allows contiguous property owners to request to be included in the annexation at any time before the ordinance is adopted.

Subd. 5. Notice and public hearing. Requires notice of the public hearing and a public hearing. States the findings the city must make before enacting an annexation ordinance. Permits the city to annex the area by ordinance at the conclusion of the public hearing or at a later council meeting. The annexation is effective on the date stated in the ordinance. Requires filing the ordinance affected or interested state agencies.

Subd. 6. Simultaneous annexation proceedings. Permits a city to undertake annexation of two or more areas that are contiguous to the city but not to each other.

Subd. 7. Failure to provide services; relief. Requires planned urban services to be provided within three years of the effective date of the annexation. Permits property owners who believe the city has failed to provide promised services within the three years to apply for a writ of mandamus, under which the court can order the city to provide the services. Requires the city to pay all costs associated with the action if it is successful.