

1 *Senate* BILL NO. *199*
 2 INTRODUCED BY *Murray Farkender Thomas*

3 *Story*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 5 11-403, R.C.M. 1947, BY REQUIRING THAT NOTICE BE GIVEN TO
 6 ALL FREEHOLDERS PRIOR TO ANNEXATION OF PLATTED OR UNPLATTED
 7 TRACTS TO A CITY OR TOWN OF THE FIRST CLASS AND TO PROVIDE
 8 FOR OBJECTION TO SUCH ANNEXATION BY ALL FREEHOLDERS."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 11-403, R.C.M. 1947, is amended to
 12 read as follows:

13 "11-403. Extension of boundaries to include contiguous
 14 platted tracts or other parcels of land. (1) Cities or
 15 towns of the first class. Any tracts or parcels of land,
 16 which have been or may hereafter be platted into lots or
 17 blocks, streets, and alleys, or platted for parks, and the
 18 map or plat thereof filed in the office of the county clerk
 19 and recorder of the county in which the same are situated,
 20 or any unplatted land that has been surveyed and for which a
 21 certificate of survey has been filed, as provided in these
 22 codes, and which platted or unplatted land shall be
 23 contiguous to any incorporated city of the first class, may
 24 be embraced within the corporate limits thereof, and the
 25 boundaries of such city of the first class extended so as to

1 include the same in the following manner: When, in the
 2 judgment of any city council of a city of the first class,
 3 expressed by a resolution duly and regularly passed and
 4 adopted, it will be to the best interest of such city and
 5 the inhabitants of any contiguous platted tracts or parcels
 6 of land, or unplatted land for which a certificate of survey
 7 has been filed, that the boundaries of such city shall be
 8 extended, so as to include the same within the corporate
 9 limits thereof, the city clerk of such city shall forthwith
 10 immediately notify in writing all owners of property in the
 11 territory to be embraced and shall cause to be published in
 12 the newspaper published nearest such platted tracts or
 13 parcels of land, or unplatted land for which a certificate
 14 of survey has been filed, at least once a week for two
 15 successive weeks, a notice which shall be to the effect that
 16 such resolution has been duly and regularly passed, and that
 17 for a period of twenty (20) days after the first publication
 18 of such notice, such city clerk will receive expressions of
 19 approval or disapproval, in writing, of the proposed
 20 extensions of the boundaries of such city of the first
 21 class, from resident freeholders of the territory proposed
 22 to be embraced therein. The clerk shall, at the next
 23 regular meeting of the city council of such city of the
 24 first class after the expiration of said twenty (20) days,
 25 lay before the same all communications in writing by him so

Murray Farkender Thomas

1 received for its consideration, and if, after considering
 2 the same, such council shall duly and regularly pass and
 3 adopt a resolution to that effect, the boundaries of such
 4 city of the first class shall be extended so as to embrace
 5 and include such platted tracts or parcels of land or
 6 unplatted land for which a certificate of survey has been
 7 filed, the time when the same shall go into effect to be
 8 fixed by such resolution; provided however, that land uses
 9 for industrial or manufacturing purposes shall not be
 10 included in such city under the provisions of this section
 11 without the consent in writing of the owners of such land,
 12 and further provided, that such resolution shall not be
 13 adopted by such council if disapproved, in writing, by a
 14 majority of the resident freeholders--if--any of the
 15 territory proposed to be embraced and no further resolutions
 16 relating to the annexation of said territory or any portion
 17 thereof may be considered or acted upon by the council on
 18 its own initiative and without petition, for a period of one
 19 year from the date of disapproval.

20 Provided also, that cities of the first class may
 21 include as part of such city any platted or unplatted tract
 22 or parcel of land that is wholly surrounded by such city
 23 upon passing a resolution advertising and upon passing a
 24 further resolution or following such advertising, all in the
 25 manner aforesaid, and such land shall be annexed, if so

1 resolved, whether or not a majority of the resident
 2 freeholders--if--any of the land to be annexed object;
 3 provided, however, that land used for agricultural, mining,
 4 smelting, refining, transportation, or any industrial or
 5 manufacturing purpose or for the purpose of maintaining or
 6 operating a golf or country club, an athletic field or
 7 aircraft landing field, a cemetery or a place for public or
 8 private outdoor entertainment or any purpose incident
 9 thereto, shall not be annexed under this provision.

10 (2) Cities and towns of the second and third class.
 11 Any tracts or parcels of land, which shall be contiguous to
 12 any incorporated cities or towns of the second and third
 13 class, may be embraced within the corporate limits thereof
 14 and the boundaries of such cities or towns of the second and
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 24 shall forthwith notify in writing all property holders
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1 resolution under subdivision (2) hereof, although one or
 2 more of said tracts taken alone may not be adjacent to the
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-End-

STATE OF MONTANA

REQUEST NO. 166-77

FISCAL NOTE

Form BD-15

In compliance with a written request received January 24, 19 77, there is hereby submitted a Fiscal Note for Senate Bill 199 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 199 requires all first class cities and towns to give written notice to all property owners affected by a proposed annexation.

FISCAL IMPACT:

No additional expenditures are required at the state level.

LOCAL IMPACT:

Each of the eight Montana cities classified as a first class city will have some additional work and expense in notifying property owners affected by a proposed annexation. The number of annexations per year each city might have and the number of actual property owners affected cannot be estimated at this time.

Richard L. Tracy for
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-28-77

Approved by Comm.
on Local Government

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18 map or plat thereof filed in the office of the county clerk
19 and recorder of the county in which the same are situated,
20 or any unplatted land that has been surveyed and for which a
21 certificate of survey has been filed, as provided in these
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SECOND READING

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17 blocks, streets, and alleys, or platted for parks, and the
18 map or plat thereof filed in the office of the county clerk
19 and recorder of the county in which the same are situated,
20 or any unplatted land that has been surveyed and for which a
21 certificate of survey has been filed, as provided in these
22 codes, and which platted or unplatted land shall be
23 contiguous to any incorporated city of the first class, may
24 be embraced within the corporate limits thereof, and the
25 boundaries of such city of the first class extended so as to

1 include the same in the following manner: When, in the
2 judgment of any city council of a city of the first class,
3 expressed by a resolution duly and regularly passed and
4 adopted, it will be to the best interest of such city and
5 the inhabitants of any contiguous platted tracts or parcels
6 of land, or unplatted land for which a certificate of survey
7 has been filed, that the boundaries of such city shall be
8 extended, so as to include the same within the corporate
9 limits thereof, the city clerk of such city shall ~~forthwith
10 immediately notify in writing~~ ADDRESSED TO THE ADDRESS TO
11 WHICH TAX NOTICES ARE SENT all owners of property in the
12 territory to be embraced and shall cause to be published in
13 the newspaper published nearest such platted tracts or
14 parcels of land, or unplatted land for which a certificate
15 of survey has been filed, at least once a week for two
16 successive weeks, a notice which shall be to the effect that
17 such resolution has been duly and regularly passed, and that
18 for a period of twenty (20) days after the first publication
19 of such notice, such city clerk will receive expressions of
20 approval or disapproval, in writing, of the proposed
21 extensions of the boundaries of such city of the first
22 class, from resident freeholders of the territory proposed
23 to be embraced therein. The clerk shall, at the next
24 regular meeting of the city council of such city of the
25 first class after the expiration of said twenty (20) days,

1 lay before the same all communications in writing by him so
 2 received for its consideration, and if, after considering
 3 the same, such council shall duly and regularly pass and
 4 adopt a resolution to that effect, the boundaries of such
 5 city of the first class shall be extended so as to embrace
 6 and include such platted tracts or parcels of land or
 7 unplatted land for which a certificate of survey has been
 8 filed, the time when the same shall go into effect to be
 9 fixed by such resolution; provided however, that land used
 10 for industrial or manufacturing purposes shall not be
 11 included in such city under the provisions of this section
 12 without the consent in writing of the owners of such land,
 13 and further provided, that such resolution shall not be
 14 adopted by such council if disapproved, in writing, by a
 15 majority of the ~~resident~~ RESIDENT freeholders, ~~if any,~~
 16 the territory proposed to be embraced and no further
 17 resolutions relating to the annexation of said territory or
 18 any portion thereof may be considered or acted upon by the
 19 council on its own initiative and without petition, for a
 20 period of one year from the date of disapproval.

21 Provided also, that cities of the first class may
 22 include as part of such city any platted or unplatted tract
 23 or parcel of land that is wholly surrounded by such city
 24 upon passing a resolution advertising and upon passing a
 25 further resolution or following such advertising, all in the

1 manner aforesaid, and such land shall be annexed, if so
 2 resolved, whether or not a majority of the ~~resident~~ RESIDENT
 3 freeholders, ~~if any,~~ of the land to be annexed object;
 4 provided, however, that land used for agricultural, mining,
 5 smelting, refining, transportation, or any industrial or
 6 manufacturing purpose or for the purpose of maintaining or
 7 operating a golf or country club, an athletic field or
 8 aircraft landing field, a cemetery or a place for public or
 9 private outdoor entertainment or any purpose incident
 10 thereto, shall not be annexed under this provision.

11 (2) Cities and towns of the second and third class.
 12 Any tracts or parcels of land, which shall be contiguous to
 13 any incorporated cities or towns of the second and third
 14 class, may be embraced within the corporate limits thereof
 15 and the boundaries of such cities or towns of the second and
 16 third class extended so as to include the same in the
 17 following manner: When, in the judgment of any such city or
 18 town council, expressed by resolution duly and regularly
 19 passed and adopted, it will be to the best interest of such
 20 city, or town and the inhabitants thereof, and of the
 21 inhabitants of any contiguous tracts or parcels of land, as
 22 aforesaid, that the boundaries of such city or town shall be
 23 extended, so as to include the same within the corporate
 24 limits thereof, the city or town clerk of such city or town
 25 shall forthwith notify in writing all property holders

1 within the boundaries of the territory proposed to be
 2 embraced, and cause to be published in the newspaper
 3 published nearest such tracts or parcels of land, at least
 4 once a week for two successive weeks, a notice which shall
 5 be to the effect that such resolution has been duly and
 6 regularly passed and that for a period of twenty (20) days
 7 after the first publication of such notice, such city or
 8 town clerk will receive expressions of approval or
 9 disapproval, in writing, of the proposed extensions of the
 10 boundaries of such city or town, from freeholders of the
 11 territory proposed to be embraced therein. The clerk shall,
 12 at the next regular meeting of the city or town council
 13 after the expiration of said twenty (20) days, lay before
 14 the same all communications in writing by him so received
 15 for its consideration, and if, after considering the same,
 16 such council shall duly and regularly pass and adopt a
 17 resolution to that effect, the boundaries of such city or
 18 town of the second or third class, shall be extended so as
 19 to embrace and include such tracts or parcels of land, the
 20 time when the same shall go into effect to be fixed by such
 21 resolution; provided, that such resolution shall not be
 22 adopted by such council, if disapproved, in writing, by a
 23 majority of the freeholders of the territory proposed to be
 24 embraced.

25 (3) Whenever two or more adjacent tracts taken as a

1 whole shall adjoin the city, they may be included in one
 2 resolution under subdivision (2) hereof, although one or
 3 more of said tracts taken alone may not be adjacent to the
 4 corporate limits as then existing."

-End-