

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), (b), (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) and (d), 15-1-416(c), 15-1-417(a),
17 (d) and (e), 15-1-418(a), 15-1-419(a), 15-1-420,
18 15-1-421(a), (c)(intro), (i), (iii), (d)(intro), (iii) and
19 (f), 15-1-422 and 15-7-602 by creating a new subsection (d)
20 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 are zoned for siting commercial and
12 industrial businesses outside of a municipality's
13 boundaries and which share a common covenant, development
14 plan, infrastructure or management;

15
16 (iii) "Contiguous" means borders touching in any
17 manner;

18
19 ~~(ii)~~ (iv) "Landowner" means ~~the owner of a person~~
20 holding record fee title to real property ~~in~~ within the
21 ~~territory~~ area proposed to be annexed ~~who in the last~~
22 ~~calendar year was liable for a property tax thereon or was~~
23 ~~exempt by law from the payment of taxes on the property.~~
24 ~~Anyone having a right to purchase land under a written~~

1 ~~contract is the owner of that land for annexation purposes~~
2 or a person obligated to pay general property taxes under a
3 contract to purchase real property within the area proposed
4 to be annexed. It does not include a person who owns only
5 personal property even though such personal property may be
6 subject to levy. For purposes of W.S. 15-1-402, 15-1-404
7 and 15-1-405 "landowner" shall include persons owning
8 property which, as a result of the proposed annexation
9 would then be brought within ~~one-half (1/2)~~ one (1) mile of
10 the corporate limits of a ~~city which has exercised the~~
11 ~~authority granted under W.S. 15-3-202(b)(ii)~~ municipality;

12

13 (v) "Municipality" means any incorporated or
14 chartered city or town;

15

16 (vi) "Neighboring property owner" means for
17 notification purposes, any property owner of real property
18 not within the current municipal corporate limits, within
19 one (1) mile of a proposed annexation;

20

21 ~~(iii)~~ (vii) "Petition" means a legibly written
22 document~~;~~

23

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

4
5 **15-1-402. Annexation; findings required; when**
6 **contiguity not deemed affected; annexation report.**

7
8 (a) Before any ~~territory~~area is eligible for
9 annexation, the governing body of any ~~city or town~~
10 municipality at a hearing as provided in W.S. 15-1-405
11 shall find that:

12
13 (i) ~~An~~The annexation ~~of the area~~ is for the
14 protection of the health, safety and welfare of the persons
15 residing in or that might in the future utilize the area
16 and in the ~~city or town~~municipality;

17
18 (ii) The urban development of the area sought to
19 be annexed would constitute a natural, geographical,
20 economical and social part of the annexing ~~city or town~~
21 municipality;

22
23 (iii) The area sought to be annexed is a logical
24 and feasible addition to the annexing ~~city or town~~

1 municipality and the extension of basic and other services
2 customarily available to residents of the ~~city or town~~
3 municipality shall, within reason, and subject to any
4 agreement authorized under W.S. 15-1-410(d), be available
5 to the area proposed to be annexed;

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~~
10 15-1-407(a) or (b);

11
12 (v) If the ~~city or town~~ municipality does not
13 own or operate its own electric utility, its governing body
14 is prepared to issue one (1) or more franchises as
15 necessary to electric utilities to serve the annexed area
16 pursuant to W.S. 15-1-410, and the municipality's governing
17 body is prepared to issue one (1) or more franchises as
18 necessary to provide other utility services in the annexed
19 area pursuant to W.S. 15-1-410; and

20
21 (vi) The annexing ~~city or town~~ municipality, not
22 less than ~~twenty (20) business~~ twenty-eight (28) days prior
23 to the public hearing required by W.S. 15-1-405(a), has
24 sent by certified mail to all landowners and affected

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

6
7 (b) Contiguity will not be adversely affected by the
8 existence of a platted street or alley, a public or private
9 right-of-way, a public or private transportation right-of-
10 way, property subject to an easement for conservation or
11 preservation, property including a present or abandoned
12 industrial waste disposal facility, a lake, stream,
13 reservoir or other natural or artificial waterway located
14 between the annexing ~~city or town~~municipality and the land
15 sought to be annexed.

16
17 (c) An annexing municipality shall prepare a proposed
18 annexation report as specified in this subsection. The
19 report shall, at a minimum, contain:

20
21 (i) A map of the area proposed to be annexed
22 showing identifiable landmarks and boundaries and the area
23 which will, as a result of the annexation then be brought
24 within ~~one-half (1/2)~~one (1) mile of the new corporate

1 limits of the ~~city, if it has exercised the authority~~
2 ~~granted under W.S. 15-3-202(b)(ii)~~ municipality;

3
4 (iii) A list of basic and other services
5 customarily available to residents of the ~~city or town~~
6 municipality and a timetable when those services will
7 reasonably be available to the area proposed to be annexed.
8 A summary of any agreement under W.S. 15-1-410(d) to
9 provide limited services to any area proposed to be annexed
10 shall be included;

11
12 (d) For annexations initiated under W.S. 15-1-403,
13 the ~~city or town~~ municipality may collect the cost of
14 preparing the report on the proposed annexation ~~report~~ from
15 the petitioning landowners.

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

1 15-1-405(a). The estimate shall be provided to the
2 landowner and affected public utility prior to the hearing.

3

4 **15-1-403. Annexation; initiation of proceedings; by**
5 **landowners' petition; validity of signatures;**
6 **determinations.**

7

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

13

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

22

23 (ii) The petition contains the following
24 detailed information:

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

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

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

(g) Agreements which provide for access to
municipally owned water or sewer services to property
outside the municipality's corporate limits may be
conditioned to serve as a petition by the landowner for

1 annexation under this section and may serve as a waiver by
2 the landowner of any objection to an annexation of the
3 property subject to the agreement. The agreement may be
4 filed as a petition either by the landowner or by the
5 municipality. The area subject to an annexation which is
6 based in any manner upon such an agreement shall be
7 required to meet the provisions of W.S. 15-1-402(a) and the
8 procedures of this section, except that the signatures
9 provided on the agreement are not subject to the time
10 limitations of subsection (b) of this section. Any such
11 agreement subject to a condition to serve as a petition for
12 or waiver to objections to annexation shall be recorded
13 with the county clerk and the terms and conditions of the
14 agreement shall run with the property and be binding upon
15 the heirs, successors and assigns of the landowners
16 entering into the agreement.

17

18 **15-1-404. Annexation; initiation of proceedings; by**
19 **governing bodies; determination.**

20

21 (a) The governing body of any ~~city or town~~
22 municipality may initiate proceedings to annex ~~territory an~~
23 area by the following procedure:

24

1 (ii) The governing body shall:

2

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

12

13 (E) Determine the cost of annexation to be
14 incurred by the annexing municipality pursuant to W.S.
15 15-1-410(c).

16

17 **15-1-405. Annexation; public hearing required; notice**
18 **thereof.**

19

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

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

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

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

3

4 **15-1-406. Annexing territories; annexation ordinance;**
5 **objections; exception; prohibition.**

6

7 (a) If after the hearing the governing body finds
8 that the conditions required by W.S. 15-1-402 exist and
9 that the required procedures have been met, it shall by
10 ordinance annex the ~~territory~~area. Upon completion of
11 annexation procedures, the clerk of the annexing
12 municipality shall file with the county clerk a map of the
13 area to be annexed and a copy of the ordinance approved by
14 the governing body of the annexing municipality.

15

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

24

1 (c) If seventy-five percent (75%) or more of the
2 perimeter of the area to be annexed is contiguous to the
3 corporate limits of the annexing ~~city or town~~ municipality,
4 the provisions of subsection (b) of this section do not
5 apply.

6
7 (d) No annexation under W.S. 15-1-404 shall create an
8 area which is situated entirely within the boundaries of
9 the ~~city or town~~ municipality but is not annexed.

10

11 **15-1-407. Business parks; city owned property; when**
12 **notice and public hearing not necessary; statement**
13 **required.**

14

15 (a) Property comprising a business park may be
16 annexed whether or not contiguous if the landowner of the
17 business park petitions for annexation. The nearest
18 boundary of the property being annexed under this
19 subsection shall be no further than three (3) miles from
20 the nearest city boundary. Until property annexed pursuant
21 to this subsection becomes contiguous to the city
22 boundaries through additional annexations from the city
23 boundaries:

24

1 (i) The property shall be zoned to allow
2 commercial or industrial use only; and

3
4 (ii) No annexation shall occur from the
5 property.

6
7 **(b)** If the ~~city~~municipality is the sole owner of any
8 ~~territory~~area whether or not contiguous that it desires to
9 annex, the governing body, by ordinance, may annex the
10 ~~territory~~area to the ~~city or town~~municipality without
11 notice or public hearing as provided in W.S. 15-1-405 and
12 without preparing the annexation report or providing the
13 estimates required by W.S. 15-1-402(c) and (e) and
14 15-1-404(a)(ii)(C) and (D). All ordinances annexing
15 territory without notice and public hearing shall contain a
16 statement that the territory is solely owned by the
17 petitioning ~~city or town~~municipality. Until property
18 annexed pursuant to this subsection becomes contiguous to
19 the city boundaries through additional annexations from the
20 city boundaries no annexation shall occur from the
21 property.

22
23 **15-1-408. Annexation effective dates.**

24

1 The annexation of any ~~territory~~area is effective upon
2 publication of the ordinance, unless another date is
3 specified in the ordinance. The effective date of the
4 annexation ordinance shall not be less than ~~twenty (20)~~
5 ~~business~~twenty-eight (28) days after the public hearing
6 required by W.S. 15-1-405(a). For purposes of real and
7 personal property taxation, the annexation is not effective
8 until January 1 next following the effective date of the
9 ordinance. If an appeal is filed and perfected by a person
10 other than a utility, the effective date is January 1 next
11 following the court's final decision of the matter. If an
12 appeal of the franchise decision is filed and perfected by
13 a utility, the annexation is effective upon the publication
14 of the ordinance unless another date is specified in the
15 ordinance, but the appealing utility shall be permitted to
16 continue its present service in the annexed area until the
17 court's final decision of the matter.

18

19 **15-1-409. Appeal; determination; time for review;**
20 **exclusiveness of appeal remedy.**

21

22 (a) If any landowner in the ~~territory~~area proposed
23 to be annexed or any owner of real property in the annexing
24 ~~city or town~~municipality, or utility is aggrieved by the

1 acts of the governing body, he may appeal to the district
2 court for a review of the acts or findings thereof.

3

4 (c) All proceedings to review the findings and the
5 decisions of the governing body, ~~or~~ actions to determine
6 the validity of the annexation ordinance pursuant to the
7 Uniform Declaratory Judgments Act or to pursue any other
8 remedy available in law or equity to contest in any manner
9 any annexation or the validity thereof shall be brought
10 within sixty (60) days of the effective date of the
11 annexation ordinance, and if not brought within that time
12 are forever barred.

13

14 **15-1-410. Extension of laws and rights; extension of**
15 **public utility service.**

16

17 (a) Except as otherwise provided in this article, the
18 territory and inhabitants of any annexed area are subject
19 to all the laws, ordinances, rules and regulations of the
20 ~~city or town~~ municipality to which they are annexed and are
21 entitled to all the rights, privileges and franchises or
22 other services afforded the inhabitants thereof. The
23 services shall be provided in accordance with the timetable
24 provided pursuant to W.S. 15-1-402(c)(iii).

1 Notwithstanding any other provision of law, no law,
2 ordinance, rule or regulation of a municipality annexing
3 property under W.S. 15-1-404 shall restrict the continuous
4 use of the property by a current or subsequent owner of an
5 interest in the property, if the use was existing at any
6 time within the year prior to the date of annexation and
7 was lawful at the time the property was annexed. For
8 purposes of this subsection, a use which has been
9 discontinued for any one (1) year period after the date of
10 annexation shall not be considered continuous and shall not
11 thereafter be reestablished unless in conformance with
12 current law, ordinance, rule or regulation.

13

14 (b) No annexing municipality shall take any action
15 prohibiting or restricting the continued use or maintenance
16 of irrigation ditches, including siphons, plumes, measuring
17 devices and other appurtenances, serving annexed lands with
18 a valid Wyoming water right.

19

20 (c) Landowners shall not be required to pay for
21 public improvements when annexation is initiated under W.S.
22 15-1-404 and the landowner of any area annexed cannot
23 object to the annexation based upon the exception in W.S.
24 15-1-406(c). Landowners shall be responsible for the

1 normal costs of individual service lines and tap or
2 connection fees. For purposes of this subsection, "public
3 improvements" include, but are not limited to water mains,
4 sewer mains, power lines, curb and gutter or the paving of
5 streets located off the landowner's property.

6
7 (d) In any annexation, the annexing municipality may
8 agree with any landowner to annex the landowner's property
9 with the provision of limited municipal services. The
10 agreement shall identify which services normally afforded
11 the inhabitants of the municipality will not be provided at
12 the time of the annexation and are not then anticipated to
13 be provided at a later time. The agreement may provide
14 that the services may be provided at a later time upon
15 terms mutually agreed to by the landowner or any subsequent
16 landowner and the municipality. Any agreement under this
17 subsection shall be recorded with the county clerk and the
18 terms and conditions of the agreement shall run with the
19 property and be binding upon the heirs, successors and
20 assigns of the landowners entering into the agreement. The
21 terms of any agreement under this subsection shall be
22 summarized and included in any annexation report under W.S.
23 15-1-402(c).

24

1 (e) Notwithstanding any other law to the contrary, no
2 property shall, as a result of any annexation, be assessed
3 for the creation or maintenance of a road unless the
4 property is annexed to the municipality.

5
6 ~~(b)~~ (f) The governing body of the annexing
7 municipality shall, within thirty (30) days after the date
8 of the annexation, give written notice of the annexation to
9 all public electric utilities presently providing service
10 within the annexed area and, except in the case of an
11 annexing municipality which owns or operates its own
12 electric utility, any area ~~adjacent~~ contiguous to the
13 annexed area. Except in the case of an annexing
14 municipality which owns or operates its own electric
15 utility, any of those public utilities required to be
16 notified may, within sixty (60) days after the date of
17 annexation, petition the governing body of the annexing
18 ~~city or town~~ municipality for a franchise to serve
19 additional portions within the annexed area or the entire
20 annexed area. Except in the case of a municipality which
21 owns or operates its own electric utility, 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 electric utilities have been granted or are seeking a
3 certificate of public convenience and necessity to serve
4 the annexed area, the public service commission shall
5 determine, following a hearing, which utility or utilities
6 should be certificated in the public interest to provide
7 service to the annexed area. No recipient of a certificate
8 of public convenience and necessity shall serve any portion
9 of the annexed area without the consent of the governing
10 body of the annexing ~~city or town~~ municipality and provided
11 that the entire annexed area is served under one (1) or
12 more certificates of public convenience and necessity.

13

14 ~~(e)~~ (g) Except in the case of an annexing municipality
15 which owns or operates its own electric utility, the
16 governing body of the annexing municipality shall hold an
17 appropriate public hearing and, upon determining that one
18 (1) or more petitioning public utilities can meet the terms
19 and conditions of a franchise, issue franchises to one (1)
20 or more utilities to serve portions of or the entire
21 annexed area.

22

23 ~~(d)~~ (h) Notwithstanding any other provision of law,
24 nothing contained in this section shall limit the right of

1 a municipality which owns or operates its own electric
2 utility to extend its electric service into any area
3 annexed by the municipality, and nothing contained in this
4 section shall subject any such municipality to the
5 jurisdiction of the public service commission.

6
7 (j) The governing body of the annexing municipality
8 shall, within thirty (30) days after the date of the
9 annexation, give written notice of the annexation to all
10 public utilities presently providing service within the
11 annexed area and any area contiguous to the annexed area.
12 Any of those public utilities required to be notified may,
13 within sixty (60) days after the date of annexation,
14 petition the governing body of the annexing municipality
15 for a franchise to serve additional portions within the
16 annexed area or the entire annexed area. Any petitioning
17 utility which does not currently hold a certificate of
18 public convenience and necessity for the annexed area shall
19 petition the public service commission for a certificate to
20 include the annexed area, and if two (2) or more public
21 utilities providing the same service have been granted or
22 are seeking a certificate of public convenience and
23 necessity to serve the annexed area, the public service
24 commission shall determine, following a hearing, which

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

20

21 **15-1-411. Incorporation of territory within potential**
22 **urban area.**

23

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

9

10 **15-1-412. When written consent of landowners required**
11 **for annexation; exception.**

12

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

1

2

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

4

5

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

21

22

23

24

(b) Any survey or perambulation made and recorded as
provided in subsection (a) of this section is presumptive
of the boundaries of the ~~city or town~~ municipality, and any

1 copy thereof certified by the county clerk shall be
2 received in evidence in any court of this state.

3

4 **15-1-414. Survey or perambulation of boundaries; oath**
5 **required; filing thereof.**

6

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

10

11 (b) The oath shall be filed with the ~~city or town~~
12 municipal clerk and a copy thereof shall be attached to the
13 certificate filed with the county clerk.

14

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

18

19 (a) The owner of any land within or contiguous to any
20 ~~city or town~~ municipality may subdivide the land into lots,
21 blocks, streets, avenues and alleys and other grounds under
22 the name of addition to the city (town) of An
23 accurate map or plat shall be made designating the
24 subdivided land and particularly describing the lots,

1 blocks, streets, avenues and alleys and other grounds of
2 the addition. The lots must be designated by numbers, and
3 the streets, avenues and other grounds by name or numbers.

4
5 (c) When the map or plat is made out, acknowledged,
6 certified and approved by the governing body, it shall be
7 filed and recorded in the office of the county clerk. When
8 filed it is equivalent to a deed in fee simple to the ~~city~~
9 ~~or town~~ municipality from the owner, of all streets,
10 avenues, alleys, public squares, parks and commons and of
11 that portion of the land set apart for public and city use,
12 or dedicated to charitable, religious or educational
13 purposes. All additions thus laid out are a part of the
14 ~~city or town~~ municipality for all purposes, and the
15 inhabitants of the addition are entitled to all the rights
16 and privileges and subject to all the laws, ordinances,
17 rules and regulations of the ~~city or town~~ municipality.

18
19 (d) The governing body, by ordinance, may compel the
20 owner of any addition to lay out streets, avenues and
21 alleys to correspond in width and direction and be
22 continuations of the streets, ways and alleys in the ~~city~~
23 ~~or town~~ municipality or other additions thereto. No
24 addition is valid unless the terms and conditions of the

1 ordinance are complied with and the plat submitted and
2 approved by the governing body.

3

4 **15-1-416. Landowner petition to exclude tract from**
5 **municipality; disposition thereof; exclusion of land for**
6 **highway purposes.**

7

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

18

19 **15-1-417. Annexing contiguous municipalities;**
20 **procedure.**

21

22 (a) When any ~~city or town~~ municipality desires to be
23 annexed to another contiguous ~~city or town~~ municipality,
24 their governing bodies shall meet to determine the terms

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

13

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

18

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

24

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

3

4 (a) If after the hearing, the governing body of the
5 annexing ~~city or town~~ municipality finds that the
6 conditions and procedures required by W.S. 15-1-402,
7 15-1-404 and 15-1-405 have been met and the terms and
8 conditions in the written petition exist, it may by
9 ordinance annex the ~~city or town~~ municipality.

10

11 **15-1-419. Annexing contiguous municipalities;**
12 **effective dates; appeals.**

13

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

1 and perfected, in which case the effective date is January
2 1 next following the court's final decision.

3

4 **15-1-420. Annexing contiguous municipalities; how**
5 **governed; extension of laws, rights and utilities;**
6 **dissolution of annexed municipality; disposition of assets**
7 **and liabilities.**

8

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

22

23 (b) The annexed city's or town's municipal corporate
24 assets including money, real and personal property, and

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

18

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

1 municipality from additional assets being brought into the
2 combined ~~city or town~~ municipality.

3

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

7

8 **15-1-421. Municipal de-annexation.**

9

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

1 consistent with county land use plans and zoning
2 ordinances.

3

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

7

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

16

17 (iii) If the de-annexation causes land within
18 the ~~city or town~~ municipality boundaries to no longer be
19 contiguous with the rest of the city or town, the de-
20 annexation ordinance may be adopted only with the consent
21 of all the owners of the land to be isolated by the de-
22 annexation.

23

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

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

9
10 (f) The landowner petitioning to have land de-annexed
11 and his successors and assigns shall remain liable for any
12 assessments incurred or levied while the land was within
13 the ~~city or town~~ municipal boundaries and for all mill
14 levies necessary to repay any indebtedness that was
15 outstanding at any time the property was within the ~~city or~~
16 ~~town~~ municipal boundaries. Neither the de-annexation nor
17 subsequent annexation to or incorporation as another ~~city~~
18 municipality shall increase or decrease these liabilities.

19

20 **15-1-422. Prohibited acts.**

21

22 The granting of an exception to the area wide waste
23 treatment management plan by any ~~city or town~~ municipality

1 to any person may not be conditioned upon any agreement by
2 that person to annexation under this article.

3

4 **15-7-602. Extension of system; outside corporate**
5 **limits; rates; existing contracts; controversies; appeal.**

6

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

12

13 **Section 3.** W.S. 15-1-401(a)(i) is repealed.

14

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

16

17

(END)