

Planning & Zoning Form Annexation - \$150 – Fee

Office Use Only:	Application Date:	Permit Number:	
PIN:	Lot No.:	Subdivision:	Zoning:

SITE INFORMATION

Site Address:

APPLICANT INFORMATION

Applicant Name:

Mailing Address (Street, City, State, Zip):

E-Mail:

Phone:

Project Interest (Owner, Potential Buyer, Consultant, etc.):

OWNER REPRESENTATIVE INFORMATION

Company Name:

Contact Name:

Mailing Address (Street, City, State, Zip):

E-Mail:

Phone:

PROJECT INFORMATION:

Proposed Zoning:

Project Description:

Project Contact Information:

Contact Name & Phone:

Company Name:

Email:

NOTE: Application fee is due and collected at the time of submission.

Initial: _____

By signing this application form, I hereby acknowledge that the information I have provided is complete and accurate to the best of my knowledge. Furthermore, I acknowledge and accept full responsibility for paying the application fee, publication cost, and neighboring property notification to conform to the applicable federal, state and local regulations.

Signature: _____

Date: _____

PETITION FOR VOLUNTARY ANNEXATION

I/We, the undersigned hereinafter referred to as the Petitioner for this petition to the Board of Aldermen of the City of Marshfield, Webster County, Missouri, state and allege the following:

1. That I/We are the owners of record of the real estate in Webster County, Missouri described as follows, to wit:

Legal Description: _____

☐ Legal Description to be provided in Microsoft Word Format.

☐ Five (5) full size copies of the Legal Survey drawing and one (1) digital copy.

☐ Parcel No. _____ Sec.Twp.Rng. _____

☐ Site Map indicating project location, area of project, and existing and proposed easements and utilities.

☐ Clearly and accurately describe any existing land uses and structures (e.g. residences, billboards, etc.)

2. That I/We acknowledge the City will send notification to property owners within 185 ft. of the property and publish the legal notice for the required public hearing in the local newspaper at owners' expense..

3. That the said real estate is contiguous to the existing corporate limits of the City of Marshfield, Missouri.

4. That I/We have attached herewith a list of all contiguous holdings in which I/We have ownership interest.

5. That I/We request that the said real estate be annexed to and be included within the corporate limits of the City of Marshfield, Missouri, as authorized by the provisions of Section 71.012 RSMo 1986.

Dated this _____ day of _____, 20_____

Property Owner(s) (Affiants(s))

Please Print Name(s)

Address

City/State/Zip

E-mail

Phone Number

ACKNOWLEDGEMENT AND VERIFICATION BY INDIVIDUALS

STATE OF MISSOURI)
) (SS)
COUNTY OF WEBSTER)

On this _____ day of _____, 20____, before me personally appeared _____, being of lawful age and after being duly sworn, to me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged that he/she/they subscribed, affirmed and executed the same as their free act and deed, and further verified to me under oath that affiant(s) has/have read the foregoing Petition of Voluntary annexation and that the facts set forth therein are true and correct.

IN WITNESS AND TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in _____, Missouri the day and the year first above written.

(Seal)

/s/

Notary Public

My Official Term Expires: _____

ACKNOWLEDGEMENT AND VERIFICATION BY CORPORATION

STATE OF MISSOURI)
) (SS)
COUNTY OF WEBSTER)

On this _____ day of _____, 20____, before me personally appeared _____, being of lawful age and after being duly sworn, to me known to be the person(s) described in and who being by me duly sworn did state that he/she is the _____ of _____ and that the seal affixed to the foregoing instrument is the Corporate Seal of said Corporation and that he/she has signed the document by authority of its Board of Directors, and said _____ subscribed, affirmed and acknowledged said instrument to be the free act and deed of said Corporation, and further verified to me under oath to me that affiant has read the foregoing Petition of Voluntary Annexation and that the facts set forth therein are true and correct, according to the affiant's best knowledge and belief.

IN WITNESS AND TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and the year first above written.

(Seal)

/s/

Notary Public

My Official Term Expires: _____

VOLUNTARY ANNEXATION INSTRUCTIONS

Please include the following documents with the **Annexation Petition (Application)**:

- ☐ **Annexation Petition (Application):** Completed and signed Annexation Petition (Application).
- ☐ **Legal Description:** A digital copy of the legal description in Microsoft Word format. The file can be provided physically through a compact disc, flash drive, or e-mailed to the Planning Administrator at the time of application.
- ☐ **Fees:** The fee for a **Voluntary Annexation Petition (Application)** includes:
 - **Application Fee:** \$150 (due at time of Application)
 - **Publication Cost:** The Publication Cost is the actual cost of publishing the Public Hearing Notice in the newspaper, as required by State Statute. The Publication Cost will be invoiced to the Applicant and is due prior to the Board of Aldermen presentation.
 - **Neighboring Property Notification:** The Neighboring Property Notification is the actual cost of the Legal Notice via the USPS to all Property Owners within (185) feet of the referenced property. These costs will be invoiced to the Applicant and are due prior to the Board of Aldermen presentation.

Annexation Process:

- ☐ **Pre-Application Meeting:** A Pre-Application Meeting with City Staff is required.
- ☐ **Petition (Application):** A completed Application, including the Legal Description, and Fee.
- ☐ **Review:** City Staff will review the proposed Annexation and provide the Applicant with questions and/or concerns.
- ☐ **Notice of Public Hearing:** City Staff will prepare the Legal Notice for publication in the newspaper.
- ☐ **Annexation Sign:** City Staff will place a Public Hearing Sign, minimum of 15 days, on the referenced property.
- ☐ **Neighboring Property Notification:** Staff will prepare the Legal Notice(s) for notification.
- ☐ **Staff Report:** Planning Administrator will prepare a Staff Report to be presented to the Board of Aldermen.
- ☐ **Public Hearing, Board of Aldermen:** The Board of Aldermen will hold a Public Hearing on the request; City Staff will present the Staff Report, and all interested parties may appear and speak in favor or against the request. The Board of Aldermen will vote for or against the Annexation Petition (Application).
- ☐ **Ordinance:** If no written objections are presented after approval by the Board of Aldermen an Ordinance will be signed and filed with the County Recorder's Office, County Assessor's Office, County Clerk's Office. The City Clerk will notify all franchise holders with a copy of the ordinance and a copy of the map.

References:

Missouri State Statute Section 71.012 _Annexation Procedure. [28 Aug 2018]

Missouri State Statute Section 71.015 _Objections to Annexation. [28 Aug 2018]

Section 410.080. Annexation of New Territories.

A. Authority And Compliance with State Law.

1. All annexations of new territory to the City of Marshfield shall be conducted in full compliance with Sections 71.012, RSMo., Section 71.015, RSMo., and all other applicable provisions of Chapter 71, RSMo.
2. The City may annex only such unincorporated areas that are "contiguous and compact" to the existing corporate limits, as defined in Section 71.012, RSMo., including provisions relating to intervening highways and railroads and prohibitions against narrow-strip connections.

B. Voluntary Annexation Petition Requirements.

1. Any property owner requesting voluntary annexation into the City shall submit a completed Annexation Petition located on the City website.
2. The petition shall:
 - a. Be notarized and signed by all owners of record holding fee interest in the real property proposed for annexation, consistent with Section 71.012, RSMo.;
 - b. Include a full legal description and survey or plat of the territory proposed to be annexed, including any adjacent right-of-way;
 - c. Certify that the territory is contiguous and compact to the existing City limits as defined in State Statute;
 - d. Include a written statement requesting annexation pursuant to Section 71.012, RSMo.

C. Public Hearing and Notice Requirements.

1. Upon receipt of a complete petition, the City shall schedule a public hearing in accordance with Section 71.012, RSMo. The hearing shall be held not more than sixty (60) days after the petition is received and payment made in accordance with Section 100.260 Fees.
2. Notice of the hearing shall be published at least once in a newspaper qualified to publish legal notices at least fifteen (15) days prior to the hearing, as required by statute.
3. City Staff will place a Public Hearing Sign, minimum of 15 days, on the referenced property.
4. Staff will prepare the Legal Notice for all Property Owners within 185 feet of the referenced property.
5. Any interested person, property owner, corporation, or political subdivision may appear and present evidence or objections regarding the proposed annexation.

D. Board Of Aldermen Action on Annexation Petition.

1. Following the public hearing, the Board of Aldermen shall determine whether the proposed annexation is reasonable and necessary to the proper development of the City and whether the City can furnish normal municipal services to the territory within a reasonable time.
2. If no written objection is filed with the City within fourteen (14) days following the public hearing, the Board of Aldermen may annex the territory by ordinance pursuant to Section 71.012, RSMo.
3. If a written objection is filed in accordance with Section 71.012, RSMo., by at least five percent (5%) of the qualified voters of the City, or by two (2) qualified voters residing in the area to be annexed (if applicable), the City shall follow the annexation procedures set forth in Section 71.015, RSMo.

E. Filing Of Annexation Ordinance.

1. Upon adoption of an annexation ordinance, the City shall file three (3) certified copies of the ordinance with the County Recorder, County Assessor, and County Clerk of Webster County. The City Clerk will notify all franchise holders with a copy of the ordinance and a copy of the map, as required by Section 71.012, RSMo.
2. The annexation shall become effective upon such filing, and all courts shall thereafter take judicial notice of the extended corporate boundaries of the City.

F. Zoning Of Newly Annexed Territory.

1. Unincorporated areas of land which shall hereafter be annexed to and become a part of the corporate area of the City of Marshfield shall be zoned and classified based on the existing adjacent zoning, written request per property owner, or based on Planning and Zoning Commission's recommendations. Upon any annexation petition becoming effective, the City Clerk shall immediately cause the "Zoning Map" of the City of Marshfield to be amended to reflect such classification and zoning herein provided.
2. The City shall notify all property owners within the annexed territory and provide a reasonable opportunity for each owner to request a specific zoning classification.
3. Once zoning has been established, building permits may be issued for new construction and any lawful use existing prior to annexation may continue as a grandfathered non-conforming use.
4. Grandfathered non-conforming uses may continue but shall not be reconstructed following a disaster, expanded, altered, or transferred to a new owner in a manner inconsistent with the zoning district ultimately assigned.

G. Deannexation And Challenges.

1. Deannexation of territory from the City shall be permitted only as authorized by Chapter 71, RSMo.
2. Any action seeking to reverse, invalidate, set aside, or otherwise challenge an annexation adopted pursuant to Section 71.012, RSMo., shall be commenced within five (5) years of the date of adoption of the annexation ordinance, as required by statute. This action must be filed in the circuit court of Webster County.

H. Involuntary Annexation Procedures.

1. If written objections are filed in accordance with Section 71.012, RSMo., or if annexation must otherwise proceed without unanimous property-owner consent, the City shall conduct the annexation pursuant to Section 71.015, RSMo.
2. Under Section 71.015, RSMo., involuntary annexation shall require:
 - a. Preparation and adoption of a Plan of Intent;
 - b. Public notice and hearing as required by statute;
 - c. Submission of the proposed annexation to a vote of the qualified voters of the City; and
 - d. Judicial review and approval following the election.
3. The involuntary annexation process shall not be undertaken except as authorized by State law.

I. Costs Of Annexation.

1. The petitioner shall be responsible for all reasonable costs associated with processing the annexation request, including publication fees, recording costs, surveying, legal description preparation, and administrative fees.
2. If the request for voluntary annexation is not approved by the Board of Aldermen, the Fee per Section 100.260 shall not be refunded to the applicant. If the request for voluntary annexation is withdrawn by the applicant prior to any publications including notice in the paper or notice to property owners, the Fee per Section 100.020 shall be refunded to the applicant. If the request for voluntary annexation is contingent on the occurrence of one (1) or more events and these events do not transpire due to action or inaction by others than the Board of Aldermen and the voluntary annexation is not approved by the Board of Aldermen, then the Fee per Section 100.020 shall be forfeited to the City.