

AN ORDINANCE OF THE CITY OF NEOSHO, MISSOURI, CREATING CHAPTER 435, DE-ANNEXATION/DETACHMENT OF TERRITORY FROM CORPOREAL BOUNDARIES OF THE NEOSHO CITY CODE OF ORDINANCES

WHEREAS, the City Council of the City of Neosho, Missouri, finds it desirous to remove certain territory from the corporeal boundaries of the City of Neosho due to high costs of maintenance and/or inability to provide essential municipal services, and

WHEREAS, the City Council has determined that the City of Neosho necessitates an ordinance wherein direction and procedures are outlined for the de-annexation and/or detachment of territory from corporeal boundaries, and

WHEREAS, for the general good of all City of Neosho citizens such an ordinance will assist in future requests for de-annexation and/or detachment of territory from corporeal boundaries.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEOSHO, MISSOURI, AS FOLLOWS:

SECTION 1: Chapter 435 of the Neosho Code of Ordinances, De-annexation/ Detachment of Territory From Corporeal Boundaries, shall be created as follows:

This Section sets out the required review and approval procedures for the detachment of territory (de-annexation) of any portion of land within the corporate limits of the City of Neosho.

A. *Application Submittal.* A Complete application for the detachment of territory (de-annexation) shall be submitted to the Neosho Development Services Director in a form established by the City (detachment (de-annexation) application), along with a non-refundable fee that has been established by the City to defray the cost of processing the application. No application shall be processed until the application is complete and the required fee has been paid. The application shall be made and shall be signed by all owners of lands that the owners seek to have detached (de-annexed). If the application is not submitted by all such owners, that fact shall be noted on the application along with the names and addresses of all owners who are not a party to the application. The following shall be submitted in support of a detachment (de-annexation) application:

1. A written explanation of why the detachment of territory (de-annexation) is being requested.
2. Names and addresses of all owners of property abutting the proposed territory to be detached (de-annexed).

3. Notarized affidavit(s) from each owner(s) of land that is proposed to be detached (de-annexed), who are not listed as an applicant, indicating their consent to the detachment of territory (de-annexation).
4. A survey or such other drawing acceptable to the Neosho Development Services Director depicting the proposed territory to be detached (de-annexed), any utilities contained therein and the properties and each property's ownership surrounding the proposed territory to be detached (de-annexed).
5. A legal description of the property to be detached (de-annexed).
6. A non-refundable fee in the amount of Four Hundred Fifty Dollars and No/100 (\$450.00).

B. Re view And Report - Neosho Development Services Director. The Neosho Development Services Director shall prepare a staff report that reviews the proposed detachment (de-annexation) request in light of the Comprehensive Plan and the general needs of the City to include the proposed detachment's affect on surrounding land within the City. The Neosho Development Services Director shall provide a copy of the report to the Planning and Zoning Commission and the applicant at least five (5) days before the scheduled Planning and Zoning Commission public hearing which shall take the matter up for consideration.

C. Notice of Public Hearing.

1. Newspaper notice. Notice of the time and place of the scheduled public hearing before the Planning and Zoning Commission shall be published in a newspaper of general circulation at least two (2) weeks prior to the public hearing, said notice to include the legal description of the property to be detached (de-annexed).
2. Written notice. The City will attempt to notify, by mail, all owners of property abutting the proposed territory to be detached (de-annexed).

D. Review And Recommendation - Planning and Zoning Commission. The Planning and Zoning Commission shall consider the detachment (de-annexation) request in light of the Comprehensive Plan, the public hearing and general needs of the City to include the proposed detachment's affect on surrounding land within the City. After such consideration, the Planning and Zoning Commission shall make a recommendation to approve or disapprove the detachment (de-annexation). The Planning and Zoning Commission recommendation shall be provided to the City Council and the applicant at least five (5) days before the meeting at which the City Council considers the detachment (de-annexation).

E. *Review And Action - City Council.* The City Council shall consider the detachment (de-annexation) request at a regular meeting. The City Council may approve (said approval to be by ordinance) the application if it determines from the submitted evidence and testimony that:

1. Due and legal notice has been given by publication as required herein;
2. No private rights will be injured or endangered by the detachment (de-annexation);
3. The public will suffer no loss or inconvenience thereby and that in justice to the applicant or applicants the application should be granted; and
4. That the detachment (de-annexation) is in the City's best interests. The City may retain easements in the detached (de-annexed) property if deemed necessary for the public good or welfare.

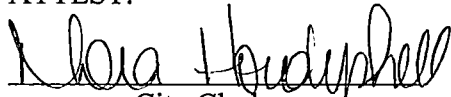
F. Any ordinance passed detaching (de-annexing) territory shall contain the legal description of the land detached (de-annexed) and shall instruct the City Clerk to cause three (3) certified copies of the ordinance to be filed with the County Clerk of Newton County, Missouri, and to cause a certified copy of the ordinance to be recorded in the office of the Newton County Recorder.

SECTION 2: All other ordinances and parts of ordinances in conflict herewith are repealed.

SECTION 3: This ordinance shall be in full force and effect June 12, 2013.

APPROVED after final passage this 12th day of June, 2013.

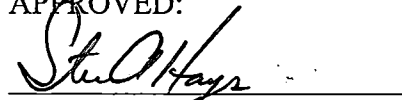
ATTEST:


City Clerk

CITY OF NEOSHO, CITY COUNCIL


Mayor

APPROVED:


City Attorney