

8241

2009-2010 Regular Sessions

I N A S S E M B L Y

May 11, 2009

Introduced by M. of A. KOON, LIFTON, BACALLES, ENGLEBRIGHT, GUNTHER --
read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to municipal
annexation

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The section heading of section 703 of the general municipal
2 law, as added by chapter 844 of the laws of 1963, is amended to read as
3 follows:
4 Petition [for annexation] BY RESIDENTS OR PROPERTY OWNERS TO INITIATE
5 ANNEXATION OF TERRITORY.
6 S 2. The general municipal law is amended by adding a new section
7 703-a to read as follows:
8 S 703-A. RESOLUTION BY GOVERNING BOARDS OF MUNICIPALITIES TO INITIATE
9 ANNEXATION OF TERRITORY. EXCEPT FOR TERRITORY IN AN AGRICULTURAL
10 DISTRICT, OR OUTSIDE OF SUCH DISTRICT BUT ELIGIBLE FOR AN AGRICULTURAL
11 ASSESSMENT, PURSUANT TO ARTICLE TWENTY-FIVE-AA OF THE AGRICULTURE AND
12 MARKETS LAW, THE GOVERNING BOARDS OF TWO OR MORE MUNICIPALITIES WHICH
13 HAVE MUTUALLY AGREED TO STUDY THE ANNEXATION OF TERRITORY, MAY, BY JOINT
14 RESOLUTION, PROPOSE THE ANNEXATION OF SUCH TERRITORY, PURSUANT TO THE
15 PROVISIONS OF THIS ARTICLE.
16 S 3. The section heading and subdivision 1 of section 704 of the
17 general municipal law, as added by chapter 844 of the laws of 1963, are
18 amended to read as follows:
19 Notice of hearing on petition [for] OR JOINT RESOLUTION TO INITIATE
20 annexation OF TERRITORY. 1. [Within twenty days after the receipt of
21 such petition] IN THE EVENT IT IS PROPOSED TO ANNEX TERRITORY, the
22 governing board or boards of the local government or governments to
23 which it is proposed to annex such territory and the governing board or
24 boards of the affected local government or governments in which such
25 territory is situated shall, WITHIN TWENTY DAYS AFTER RECEIPT OF A PETI-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 TION OR ADOPTION OF A JOINT RESOLUTION TO INITIATE ANNEXATION, respec-
2 tively cause a notice to be published once in its or their official
3 newspapers, or, if there be no official newspaper, in a newspaper
4 published in the county and having general circulation within the area
5 of such local government or governments, as the case may be. The govern-
6 ing board of each affected local government in which such territory is
7 situated also shall cause a copy of such notice to be mailed to each
8 person or corporation owning real property in such territory as shown by
9 the last preceding assessment roll and to all persons residing in such
10 territory qualified to vote for officers of the city, town or village,
11 as the case may be, in which such territory is situated as their names
12 appear upon the register of voters for the last preceding general
13 election. Where the territory to be annexed is situated wholly or part-
14 ly within a village, the governing board of such village and the govern-
15 ing board of a town or towns in which such territory is wholly or partly
16 situated may provide by agreement for joint publication and mailing of
17 such notice. Failure to mail such notice or failure of any addressee to
18 receive the same shall not in any manner affect the validity of the
19 petition OR JOINT RESOLUTION TO INITIATE ANNEXATION or of any
20 proceedings taken thereon. Such notice shall state that a petition for
21 the annexation of territory OR A JOINT RESOLUTION TO INITIATE ANNEXATION
22 OF TERRITORY to the local government or governments (naming it or them
23 and briefly describing the territory proposed to be annexed thereto) has
24 been [received] PROPOSED, that at a specified place in one of such local
25 governments on a specified day not less than twenty days nor more than
26 forty days after the publication and mailing of such notice, which place
27 and date shall be specified therein, a joint hearing will be had upon
28 such petition OR JOINT RESOLUTION TO INITIATE ANNEXATION by such govern-
29 ing boards. Each of such governing boards shall cause a copy of such
30 notice to be mailed not less than ten days prior to the date of such
31 joint hearing to the school authorities of any school district in which
32 all or part of the territory proposed to be annexed is situated and,
33 where it is proposed to annex territory to a city, to the school author-
34 ities of any school district (a) adjoining the territory proposed to be
35 annexed and (b) located wholly or partly within such city.

36 S 4. Section 707 of the general municipal law, as added by chapter 844
37 of the laws of 1963, is amended to read as follows:

38 S 707. Disposition of property in area proposed to be annexed. 1.
39 Except as may be provided in an agreement among the affected local
40 governments, as authorized by subdivision two of this section concerning
41 the retention, division, REGULATION or other disposition of real and
42 personal property and rights in real and personal property of any
43 affected local government or governments or any special or improvement
44 district in the territory proposed to be annexed, all real or personal
45 property and rights in real and personal property, including, but not
46 limited to, LAND USE, streets, avenues, roads, highways, bridges, over-
47 passes, underpasses, culverts, sidewalks, street lighting fixtures, and
48 conduits, pipes, drains, either above or below the ground surface, and
49 appurtenances and appurtenant rights in relation thereto, owned by any
50 of such local governments (other than the one to which such territory is
51 annexed) shall become the property of the county, city, village, or town
52 (where the territory is not annexed to a village or villages in the
53 town), to which such territory is annexed as of the date of such annexa-
54 tion, but the ownership of any real and personal property or rights in
55 real and personal property of, or acquired for, special or improvement
56 districts in such territory shall remain unaffected.

1 2. At any time prior to their determinations as provided by section
2 seven hundred eleven of this article, the governing boards of the
3 affected local governments, or their designated representatives, shall
4 have power to agree on the retention, division, LAND USE or other dispo-
5 sition, either with or without consideration, of real or personal prop-
6 erty and rights in real or personal property of any such affected local
7 government or of any special or improvement districts in which the
8 territory proposed to be annexed is situated. Any such agreement shall
9 be in writing and shall be executed by such governing boards, or their
10 designated representatives, covering the matters agreed upon. Such
11 agreement may provide for the execution of any deeds or instruments
12 affecting the retention, division, LAND USE or other disposition of such
13 property, either with or without consideration. Any such agreement shall
14 be followed in the local law to be adopted pursuant to section seven
15 hundred fourteen of this article.

16 S 5. Subdivisions 1 and 2 of section 711 of the general municipal law,
17 as added by chapter 844 of the laws of 1963, are amended to read as
18 follows:

19 1. Within ninety days after the hearing held pursuant to section seven
20 hundred five OF THIS ARTICLE is concluded, the governing board of each
21 affected local government shall determine by a majority vote of its
22 total voting strength whether the petition OR JOINT RESOLUTION TO INITI-
23 ATE ANNEXATION complies with the provisions of this article and whether,
24 on the basis of considerations including but not limited to those relat-
25 ing to the effects upon (a) the territory proposed to be annexed, (b)
26 the local government or governments to which the territory is proposed
27 to be annexed, (c) the remaining area of the local government or govern-
28 ments in which the territory is situated and (d) any school district,
29 fire district or other district corporation, public benefit corporation,
30 fire protection district, fire alarm district or town or county improve-
31 ment district, situated wholly or partly in such territory, it is in the
32 over-all public interest to approve such proposed annexation.

33 2. a. At such time, each such governing board shall adopt a resolution
34 which shall include findings with respect to compliance of the petition
35 OR JOINT RESOLUTION TO INITIATE ANNEXATION, with the provisions of this
36 article and with respect to the effect of such proposed annexation on
37 the over-all public interest. In the case of a governing board which has
38 executed any agreement described in subdivision two of section seven
39 hundred seven or subdivision two of section seven hundred eight of this
40 article relating to the assumption of indebtedness or other liabilities
41 or the disposition of property rights in the event of annexation, its
42 findings with respect to the effect of such annexation on the over-all
43 public interest shall be based on and include the terms and conditions
44 of such agreement to the extent applicable. Where no agreement as
45 described herein governs the assumption of indebtedness or other liabil-
46 ities or the disposition of property, such findings shall be based on
47 and include provisions concerning such assumption or disposition
48 prescribed in subdivision one of section seven hundred seven or subdivi-
49 sion one of section seven hundred eight of this article, as the case may
50 be.

51 b. Each such board shall thereupon make and sign a written order
52 accordingly containing its determination and file copies thereof,
53 together with copies of the agreement, if any, the petition OR JOINT
54 RESOLUTION TO INITIATE ANNEXATION, the notice, the written objections,
55 if any, and testimony and minutes of proceedings taken and kept on the
56 hearing, in the offices of the clerks of all the affected local govern-

ments. In the event that the governing board of an affected local government does not make, sign and file a written order as required by this section, such governing board shall be deemed to have approved the proposed annexation as of the expiration of the ninety-day period provided in subdivision one [hereof] OF THIS SECTION.

S 6. Subdivision 2 of section 713 of the general municipal law, as added by chapter 844 of the laws of 1963, is amended to read as follows:

2. If such proposition is approved by a majority of the qualified persons voting thereon, the petition OR JOINT RESOLUTION, together with a certificate of election which shall set forth or have annexed thereto a description of the territory to be annexed, shall, within twenty days after such election be filed by the governing board or boards of the city, town or village, as the case may be, in the office of the clerk of such local government or governments and in the office of the clerk or clerks of the local government or governments to which such territory is to be annexed.

S 7. This act shall take effect immediately.