

4359

2011-2012 Regular Sessions

I N S E N A T E

March 31, 2011

Introduced by Sen. YOUNG -- (at request of the Legislative Commission on Rural Resources) -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

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

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

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

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

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

1 real and personal property of, or acquired for, special or improvement
2 districts in such territory shall remain unaffected.

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

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

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

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

53 b. Each such board shall thereupon make and sign a written order
54 accordingly containing its determination and file copies thereof,
55 together with copies of the agreement, if any, the petition OR JOINT
56 RESOLUTION TO INITIATE ANNEXATION, the notice, the written objections,

1 if any, and testimony and minutes of proceedings taken and kept on the
2 hearing, in the offices of the clerks of all the affected local govern-
3 ments. In the event that the governing board of an affected local
4 government does not make, sign and file a written order as required by
5 this section, such governing board shall be deemed to have approved the
6 proposed annexation as of the expiration of the ninety-day period
7 provided in subdivision one [hereof] OF THIS SECTION.

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

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

19 S 7. This act shall take effect immediately.