

Senate Bill 761

Sponsored by Senator WALKER, Representative C EDWARDS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires local government annexation election to include electors on property not proposed for annexation, but abutting public right of way proposed for annexation. Requires consent of electors residing on property not proposed for annexation, but abutting public right of way proposed for annexation, and property owners of fee title under right of way to avoid annexation election.

A BILL FOR AN ACT

1
2 Relating to annexation of contiguous territory; amending ORS 222.111, 222.125 and 222.170.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 222.111 is amended to read:

5 222.111. (1) When a proposal containing the terms of annexation is approved in the manner
6 provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the
7 boundaries of any city may be extended by the annexation of territory that is not within a city and
8 that is contiguous to the city or separated from it only by a public right of way or a stream, bay,
9 lake or other body of water. Such territory may lie either wholly or partially within or without the
10 same county in which the city lies.

11 (2) A proposal for annexation of territory to a city may be initiated by the legislative body of
12 the city, on its own motion, or by a petition to the legislative body of the city by owners of real
13 property in the territory to be annexed.

14 (3) The proposal for annexation may provide that, during each of not more than 10 full fiscal
15 years beginning with the first fiscal year after the annexation takes effect, the rate of taxation for
16 city purposes on property in the annexed territory shall be at a specified ratio of the highest rate
17 of taxation applicable that year for city purposes to other property in the city. The proposal may
18 provide for the ratio to increase from fiscal year to fiscal year according to a schedule of increase
19 specified in the proposal; but in no case shall the proposal provide for a rate of taxation for city
20 purposes in the annexed territory which will exceed the highest rate of taxation applicable that year
21 for city purposes to other property in the city. If the annexation takes place on the basis of a pro-
22 posal providing for taxation at a ratio, the city may not tax property in the annexed territory at a
23 rate other than the ratio which the proposal authorizes for that fiscal year.

24 (4) When the territory to be annexed includes a part less than the entire area of a district
25 named in ORS 222.510, the proposal for annexation may provide that if annexation of the territory
26 occurs the part of the district annexed into the city is withdrawn from the district as of the effective
27 date of the annexation. However, if the affected district is a district named in ORS 222.465, the ef-
28 fective date of the withdrawal of territory shall be determined as provided in ORS 222.465.

29 (5) The legislative body of the city shall submit, except when not required under ORS 222.120,
30 222.170 and 222.840 to 222.915 to do so, the proposal for annexation to the electors of the territory

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 proposed for annexation and, except when permitted under ORS 222.120 or 222.840 to 222.915 to
 2 dispense with submitting the proposal for annexation to the electors of the city, the legislative body
 3 of the city shall submit such proposal to the electors of the city. The proposal for annexation may
 4 be voted upon at a general election or at a special election to be held for that purpose. **For pur-**
 5 **poses of this subsection, “electors of the territory proposed for annexation” includes electors**
 6 **residing on property that is not proposed for annexation, but abuts a public right of way in-**
 7 **cluded in the territory proposed for annexation.**

8 (6) The proposal for annexation may be voted upon by the electors of the city and of the terri-
 9 tory simultaneously or at different times not more than 12 months apart.

10 (7) Two or more proposals for annexation of territory may be voted upon simultaneously; how-
 11 ever, in the city each proposal shall be stated separately on the ballot and voted on separately, and
 12 in the territory proposed for annexation no proposal for annexing other territory shall appear on the
 13 ballot.

14 **SECTION 2.** ORS 222.125 is amended to read:

15 222.125. The legislative body of a city need not call or hold an election in the city or in any
 16 contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS
 17 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors,
 18 if any, [*residing in the territory*] **of the territory proposed for annexation** consent in writing to
 19 the annexation of the land in the territory and file a statement of their consent with the legislative
 20 body. Upon receiving written consent to annexation by owners and electors under this section, the
 21 legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to
 22 be annexed by a legal description and proclaim the annexation. **For purposes of this subsection,**
 23 **“electors of the territory proposed for annexation” includes electors residing on property**
 24 **that is not proposed for annexation, but abuts a public right of way included in the territory**
 25 **proposed for annexation.**

26 **SECTION 3.** ORS 222.170 is amended to read:

27 222.170. (1) The legislative body of the city need not call or hold an election in any contiguous
 28 territory proposed to be annexed if more than half of the owners of land in the territory, who also
 29 own more than half of the land in the contiguous territory and of real property therein representing
 30 more than half of the assessed value of all real property in the contiguous territory consent in
 31 writing to the annexation of their land in the territory and file a statement of their consent with
 32 the legislative body on or before the day:

33 (a) The public hearing is held under ORS 222.120, if the city legislative body dispenses with
 34 submitting the question to the electors of the city; or

35 (b) The city legislative body orders the annexation election in the city under ORS 222.111, if the
 36 city legislative body submits the question to the electors of the city.

37 (2)(a) **For purposes of this subsection, “electors registered in the territory” includes**
 38 **electors residing on property that is not proposed for annexation, but abuts a public right**
 39 **of way included in the territory proposed for annexation.**

40 (b) The legislative body of the city need not call or hold an election in any contiguous territory
 41 proposed to be annexed if a majority of the electors registered in the territory proposed to be an-
 42 nexed consent in writing to annexation and the owners of more than half of the land in that terri-
 43 tory consent in writing to the annexation of their land and those owners and electors file a
 44 statement of their consent with the legislative body on or before the day:

45 [(a)] (A) The public hearing is held under ORS 222.120, if the city legislative body dispenses with

1 submitting the question to the electors of the city; or

2 [(b)] (B) The city legislative body orders the annexation election in the city under ORS 222.111,
3 if the city legislative body submits the question to the electors of the city.

4 (3) If the city legislative body has not dispensed with submitting the question to the electors of
5 the city and a majority of the votes cast on the proposition within the city favor annexation, or if
6 the city legislative body has previously dispensed with submitting the question to the electors of the
7 city as provided in ORS 222.120, the legislative body, by resolution or ordinance, shall set the final
8 boundaries of the area to be annexed by a legal description and proclaim the annexation.

9 (4) **Public right of way is included when determining the number of owners or the area
10 of land required to grant consent to annexation under this section. For the purposes of this
11 section, a person who owns fee title to the property on which a public right-of-way is located
12 is an owner of property within the territory proposed for annexation.**

13 [(4)] (5) **Except as provided in subsection (4) of this section,** real property that is publicly
14 owned, is the right of way for a public utility, telecommunications carrier as defined in ORS 133.721
15 or railroad or is exempt from ad valorem taxation shall not be considered when determining the
16 number of owners, the area of land or the assessed valuation required to grant consent to
17 annexation under this section unless the owner of such property files a statement consenting to or
18 opposing annexation with the legislative body of the city on or before a day described in subsection
19 (1) of this section.

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