

**CITY OF GROVE, OKLAHOMA
ANNEXATION PLAN**

*Adopted by Grove City Council in compliance with the Oklahoma State Statutes
November 1, 2016*

Section A. Annexation *with* written consent of the owners of a majority of the acres to be annexed.

1. *Obtain written consent.*
 - a) Before the governing body of the City of Grove may annex any territory adjacent or contiguous to the corporate limits of the City of Grove, it must obtain the written consent of the owners of at least a majority of the acres to be annexed to the municipality and provide for notice and a public hearing on the proposed annexation of the territory in the manner provided in Section A.2.a of this Plan.
 - b) The governing body of the City of Grove may only annex up to eight (8) square miles in one area at any one time provided the municipality obtains the written consent of the owners of at least sixty-five percent (65%) of the acres to be annexed and twenty-five percent (25%) of the population to be annexed.
2. *Provide notice and hold a Public Hearing.*
 - a) The governing body of the City of Grove shall direct staff that notice of the proposed annexation of the territory be published in a legally qualified newspaper of general circulation in the territory and shall describe the boundaries of the territory proposed to be annexed by reference to a map, geographical locations, legal or physical description or other reasonable designation. The notice shall state the date, time, and place the governing body shall conduct a public hearing on the question of annexing the territory. The notice shall be published in a legal newspaper of general circulation in the territory sought to be annexed within fourteen (14) days following the date the governing body directed the notice to be published;
 - b) A copy of the notice of annexation shall be mailed by first-class mail to all owners of property to be annexed as shown by the current year's ownership rolls in the office of the county treasurer and to all owners of property abutting any public right-of-way that forms the boundary of the territory proposed to be annexed and to the Sales and Use Tax Division of the Oklahoma Tax Commission; provided that the notice of annexation shall be mailed by certified mail to every person who owns a parcel of land of five (5) acres or more used for agricultural purposes; and
 - c) The public hearing of such annexation shall be held no earlier than fourteen (14) days nor more than thirty (30) days following the publication and mailing of the notice.

Section B. Annexation *without* written consent of the owners of a majority of the acres to be annexed.

1. *Provide notice and hold a Public Hearing.*
 - a) Before any territory is annexed to the City of Grove, *without* the written consent of the owners of at least a majority of the acres to be annexed the governing body of the municipality shall direct that notice of the proposed annexation be published and shall hold a public hearing in the manner provided in Section A.2.a of this Plan, and the notice shall also state that the proposed Service Plan is available for inspection at a specified location.

ANNEXATION PLAN

- b) A copy of the notice of annexation shall be mailed in the manner provided in Section A.2.b of this Plan, and also mailed to the board of county commissioners of the respective county where the proposed annexation is located. If the territory to be annexed encroaches upon any adjacent county, a copy of the notice of annexation shall be mailed by first-class mail to the board of county commissioners of the adjacent county and of the county where the proposed annexation is located;
 - c) The public hearing of such annexation shall be held in a manner provided in Section A.2.c of this Plan.
2. *Service Plan*
- a) Prior to the publication of notice, the municipality shall prepare a plan to extend municipal services including, but not limited to, water, sewer, fire protection, law enforcement and the cost of such services appropriate to the proposed annexed territory.
 - b) The Service Plan shall be available for inspection and be explained to the property owners of the territory to be annexed at the public hearing. The plan may be amended through negotiation at the hearing. The final service plan shall be incorporated into and made part of the ordinance annexing the territory.
 - c) The plan shall provide that the municipality complete the implementation of the plan in accordance with any existing capital improvement plan applicable to the portion of the municipality adjacent to the territory proposed to be annexed. If no such capital improvement plan has been adopted, the municipality shall complete the Service Plan within one hundred twenty (120) months from the date of annexation unless a different time is determined by consensus between property owners and the municipality at the hearing. The time for completion of the service plan shall be set forth in the ordinance annexing the territory.
 - d) If municipality services are not substantially complete within the prescribed time, then the territory shall be detached by the governing body as provided in the Oklahoma State Statutes. For purposes of this subsection, services may be provided by any method or means available to the municipality to extend municipal services to any other area of the city or town.

Section C.

Annexation by Petition

- 1. *Property owners may request annexation by filing Petition.*
 - a) At least three-fourths of the registered voters and the owners of at least three-fourths (in value) of the property in any territory adjacent or contiguous to the municipality may request annexation by signing and filing a petition with the governing body of the City of Grove.
 - b) The petitioners must give notice of the presentation of the petition by publication at least once each week for two (2) successive weeks in a newspaper of general circulation in the municipality where the petition has been presented. The municipality may pay the cost of the annexation proceedings. After the notice of the petition has been given, the governing body by ordinance may annex the territory to the municipality.
- 2. *Failure to grant request in annexation petition.*
 - a) If the governing body fails to grant the request contained in a petition for annexation within thirty (30) days after the last publication of the notice, or refuses to grant the request, the petitioners may file their petition with the clerk of the district court in the county in which the municipal government is located.

- b) Notice of the filing shall be served upon a municipal clerk and upon the mayor together with a notice of the time and place that the district court will hear the petition. The notice must be given at least ten (10) days before the date of the hearing. The hearing on the petition may be held at a regular or special term of the district court or by the court in vacation.

Section D. Roadways, Rights-of-Way and Public Services

1. Roadway shall be considered part of the territory to be annexed.

- a) Unless otherwise provided by law, a roadway or road right-of-way that is adjacent or contiguous to the territory to be annexed shall be considered a part and parcel to the territory to be annexed.
- b) Existing public services and rights-of-way shall meet City standards prior to annexation.

Section E. Connection to or extension of Utilities.

1. Voluntary annexation in exchange for utilities.

- a) Voluntary annexation shall be required in exchange for connecting to or extension of utilities to properties currently located in an unincorporated section of Delaware County and outside the corporate limits of the City of Grove, Oklahoma.

Section F. Annexation of Agricultural Land.

1. Land used for Agricultural Purposes.

- a) Parcels of land five (5) acres or more used for agricultural purposes annexed into the municipal limits on or after July 1, 2003, or parcels of land forty (40) acres or more used for agricultural purposes prior to annexation and have continued in uninterrupted agriculture use annexed into the municipal limits shall be exempt from ordinances restricting land use and building construction to the extent such land use or construction is related to agricultural purposes.
- b) Where there is no residence within fifty (50) feet of the boundaries of such a parcel of land, the property shall not be subject to ordinances regulating conduct that would not be an offense under state law; provided, that any such property that discharges into the municipal water, wastewater, or sewer system shall be subject to any ordinances or regulations related to compliance with environmental standards for that system.

Section G. Annexation of land located near an airport, spaceport or military installation.

1. Subject to land use or other regulatory control.

- a) Parcels of land situated within an area that is or may be subject to any form of land use or other regulatory control as a result of proximity to an airport, spaceport or military installation shall not be exempt from municipal ordinances or other laws regulating property for the purpose of operations necessary for the use of an airport, spaceport or military installation.

Section H. Zoning of Annexed Property

1. Zoning of property

- a) Any territory annexed to the corporate limits of Grove, Oklahoma, subsequent to the effective date of this Plan will be within the jurisdiction of the Zoning Ordinance and will upon annexation be zoned as R-1 Single-Family Residential, unless otherwise classified by the City Council.
- b) Within six (6) months after the effective date of such annexation, the City Council shall in accordance with the Oklahoma Statutes and the Zoning Ordinance; rezone said annexed territory in keeping with the Land Use Plan.

Section I. Annexation Ordinance.

1. *Ordinance required to officially annex property into the corporate limits.*
 - a) Annexation by the governing body requires passage of an Ordinance by a majority vote of the members.
 - b) Copies of the ordinance, a map and plat of the annexed territory shall be recorded at the Delaware County Clerk's Office and the Sales and Use Tax Division of the Oklahoma Tax Commission.
 - c) Copies shall also be provided to the following: City Departments including police, fire, and emergency management, Delaware County Assessor's Office, Delaware County Treasurer's office, Delaware County Election Board, Postmaster, Oklahoma Tax Commission, Oklahoma Department of Transportation, Federal Emergency Management Agency, Delaware County Emergency Management, Delaware County Ambulance District and the various utility companies.