

**SENATE BILL NO. 2193**

Introduced by

Senators Nodland, Dotzenrod, Murphy

Representatives Kasper, Schatz

1 A BILL for an Act to amend and reenact sections 40-51.2-05 and 40-51.2-07 of the North  
2 Dakota Century Code, relating to notice of proposed annexations.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 40-51.2-05 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **40-51.2-05. Notice - Petition of owners and electors - Mediation.**

- 7 1. The governing body may not take final action on a petition presented by owners and  
8 qualified electors until the petitioners have given notice of presentation of the petition  
9 by one publication in the official newspaper of the city as provided by section 40-01-09  
10 and the governing body has mailed, by certified mail, a notice of the time and place of  
11 consideration of the petition to the owner of each parcel of real property within the  
12 area described in the petition at the person's last-known mailing address. The notice is  
13 not required to be sent to any owner of real property who signed a petition pursuant to  
14 section 40-51.2-03 or 40-51.2-04. ~~If the land area petitioned to be annexed to the city~~  
15 ~~lies within the extraterritorial zoning or subdivision regulation authority of another city,~~  
16 ~~the~~The governing body of the city must also shall mail, by certified mail, the notice of  
17 the time and place of consideration of the petition to the governing body of ~~the other~~  
18 ~~city~~each political subdivision that has zoning or subdivision regulation authority over  
19 the land area petitioned to be annexed.
- 20 2. If the land area petitioned to be annexed to the city lies within the extraterritorial  
21 zoning or subdivision regulation authority of another city and written consent to annex  
22 the land area is not received from the governing body of the other city, the annexing  
23 city may either stop its pursuit of the annexation or submit the matter to a committee  
24 for mediation as provided in section 40-51.2-07.1. If mediation does not resolve the

1 matter, the office of administrative hearings may be petitioned to hear the matter in  
2 accordance with sections 40-51.2-08, 40-51.2-09, 40-51.2-11, 40-51.2-12, 40-51.2-13,  
3 40-51.2-14, 40-51.2-15, 40-51.2-16, and 40-51.2-17.

4 **SECTION 2. AMENDMENT.** Section 40-51.2-07 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **40-51.2-07. Annexation by resolution of city.**

7 1. The governing body of any city may adopt a resolution to annex contiguous or  
8 adjacent territory as follows:

9 ~~1.~~ a. The governing body of the city shall adopt a resolution describing the property to  
10 be annexed.

11 ~~2.~~ b. The governing body of the city shall publish the resolution and a notice of the  
12 time and place the governing body will meet to hear and determine the  
13 sufficiency of any written protests against the proposed annexation in the official  
14 newspaper once each week for two consecutive weeks. The governing body of  
15 the city shall mail, by certified mail, a notice to the owner of each parcel of real  
16 property within the area to be annexed at the person's last-known mailing  
17 address. The notice must inform landowners of the resolution, the time and place  
18 of hearing, and the requirement that protests must be filed in writing. The owners  
19 of any real property within the territory proposed to be annexed within thirty days  
20 of the first publication of the resolution may file written protests with the city  
21 auditor protesting against the proposed annexation. The governing body of the  
22 city also shall mail, by certified mail, the notice of the time and place of the  
23 hearing to the governing body of each political subdivision that has zoning or  
24 subdivision regulation authority over the land area proposed to be annexed. No  
25 state-owned property may be annexed without the written consent of the state  
26 agency or department having control of the property. The governing body of the  
27 city, at its next meeting after the expiration of the time for filing the protests, shall  
28 hear and determine the sufficiency of the protests.

29 ~~3.~~ c. In the absence of protests filed by the owners of more than one-fourth of the  
30 territory proposed to be annexed as of the date of the adoption of the resolution,  
31 the territory described in the resolution becomes a part of the city. When a copy

- 1                   of the resolution and an accurate map of the annexed area, certified by the  
2                   executive officer of the city, are filed and recorded with the county recorder, the  
3                   annexation becomes effective. Annexation is effective for the purpose of general  
4                   taxation on and after the first day of the next February. However, the city shall  
5                   continue to classify as agricultural lands for tax purposes all lands in the annexed  
6                   area which were classified as agricultural lands immediately before the  
7                   annexation proceedings until those lands are put to another use.
- 8        2. If the owners of one-fourth or more of the territory proposed to be annexed protest, or  
9        if a city that has extraterritorial zoning or subdivision regulation authority over the area  
10       petitioned to be annexed protests, the city may either stop its pursuit of the annexation  
11       or submit the matter to a committee for mediation as provided in section 40-51.2-07.1.