

November 4, 1965



Honorable John J. Johnson
Senator - 15th District
Capitol Building
Jefferson City, Missouri

Dear Senator Johnson:

In your letter of June 7, 1965, you enclose a form of petition being circulated in St. Louis County seeking to incorporate a community in accordance with the statutes.

The petition is headed, "CITIZENS INCORPORATION COMMITTEE," and is in the following form:

"WE THE UNDERSIGNED TAXABLE INHABITANTS,
DO HEREBY PETITION THE COUNTY COUNCIL OF
THE COUNTY OF ST. LOUIS AND STATE OF MIS-
SOURI FOR INCORPORATION AS A CITY OF THE
FIRST CLASS TO BE KNOWN AS THE CITY OF
AND ORGANIZED WITH A MAYOR,
CITY COUNCIL FORM OF GOVERNMENT."

At the 1965 regular session of the Legislature an act was passed relating to the incorporation of cities in first class counties having a charter form of government and second class counties, wherein the provisions for incorporating an unincorporated area are set out.

Paragraphs 1 and 2 of Section 72.085, House Bill 98, 73rd General Assembly, which became effective October 13, 1965, are as follows:

"1. Other provisions of law notwithstanding any unincorporated area of land in any second class county or first class county having a charter form of government may become a city

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of the class to which its population would entitle it, as provided in this chapter, and be incorporated in the manner provided by this section.

"2. Incorporation proceeding may be instituted by the filing of a petition with the governing body of such county. The petition shall be signed by ten per cent of the registered voters in the area, shall describe by metes and bounds, the area to be incorporated and be accompanied by a plat thereof, shall state the approximate population and the assessed valuation of all real and personal property in the area and shall state facts showing whether or not the incorporation is reasonable and necessary to the proper development of the area, the ability of the proposed city to furnish normal municipal services in the area within a reasonable time after its incorporation is to become effective and whether or not the incorporation is in the interest of such county as a whole."

It is to be noted that Paragraph 2 contains the following requirements:

1. The petition shall be signed by ten per cent of the registered voters in the area;
2. It shall describe by metes and bounds the area to be incorporated and is to be accompanied by a plat of the area;
3. It shall state the approximate population and the assessed valuation of all real and personal property in the area;
4. It shall state facts showing whether or not the incorporation is reasonable and necessary to the proper development of the area;
5. It shall state the ability of the proposed city to furnish normal municipal services in the area within a reasonable time after its incorporation becomes effective;

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6. It shall state whether or not the incorporation is in the interests of the county as a whole.

Clearly, the petition referred to in your letter does not comply with the requirements as set forth above.

The revised ordinances of St. Louis County, Chapter 401, contain certain requirements for the incorporation of cities. We have been informed by Mr. Donald J. Stohr, St. Louis County Counselor that the provisions of this chapter which are inconsistent with the provisions of Section 72.085 will be repealed. If it is deemed necessary, provisions will be enacted in accordance with the terms of the above section.

We trust this is the information you desire and if we can be of further service to you do not hesitate to call upon us.

Yours very truly,

NORMAN H. ANDERSON
Attorney General

OHS/sj