

**CITY OF STILLWATER ANNEXATION PLAN**  
***Adopted by Stillwater City Council, September 22, 2008***

## INTRODUCTION

The City of Stillwater has experienced significant population growth over the past decade. Between 2000 and 2007, its population grew 15.7%, compared to 3.5% for the entire State of Oklahoma. Much of this increase is attributable to a series of "census challenges" which prompted verification of population counts by the United States Census Bureau. As of July 1, 2007, Stillwater's population was 46,976.

Population growth within the existing corporate boundaries of Stillwater is expected to continue. However, there is an emerging consensus among community leaders that any significant additional increase will be the result of annexation. In anticipation of this trend, the Stillwater City Council deems it necessary to adopt official guidelines in the form of an "Annexation Plan," that will facilitate the orderly and efficient inclusion of new territory into the City. While the Plan is not "law" in the sense of a duly enacted ordinance, it is intended to establish specific annexation criteria and processes, and to replace previously adopted expressions of annexation policy contained in such documents as the "Comprehensive Plan."

## WHAT IS ANNEXATION?

Annexation is a statutory process that permits a municipality to extend its boundaries into "unincorporated" areas of a county. It may be initiated by a property owner or a municipality, and occurs only if the governing body of the municipality adopts an ordinance "annexing" the area into the corporate limits of the municipality after proper notice and a public hearing.

## WHY STILLWATER SHOULD IMPLEMENT AN ANNEXATION PROGRAM

*Economic and social benefits associated with recognition as a metropolitan area:* Annexation of areas immediately adjacent to Stillwater's present corporate boundaries will increase the population to more than 50,000 and establish Stillwater as Oklahoma's fourth Standard Metropolitan Statistical Area (SMSA). Attaining SMSA status will qualify Stillwater for federal and state funding and grant programs not currently available to smaller cities. This designation will also make Stillwater visible to industries and commercial/retail ventures that locate only in metropolitan areas.

*Orderly growth and development:* Most new development is occurring in the outlying areas of the City, especially near the western and southern boundaries. Annexation of territory adjacent to these areas will insure that this development continues in an orderly and efficient manner, by permitting the extension of land use controls and appropriate infrastructure.

*More equitable distribution of costs for City services:* The benefits provided by the City of Stillwater are enjoyed by both residents and non-residents. Residents pay for City services through the payment of sales taxes, utility charges (electric, water, sewer, and sanitation) and user fees. Non-residents also enjoy City-provided amenities, but only contribute to the cost through the payment of sales tax on goods purchased from businesses within the City and user-fees paid at in-city rates. Presently, sales taxes and fees pay for less than fifty percent (50%) of the total cost of City services.

*Boundary simplification:* Uneven and inconsistent boundary location complicates the provision of emergency and non-emergency services by both City and County agencies. "Squaring up the map" by making boundaries more uniform through annexation will help alleviate such problems.

## BENEFITS OF ANNEXATION TO PROPERTY OWNERS AND RESIDENTS

*Enhanced Police Protection:* Stillwater currently employs seventy seven (77) professional police officers who provide police protection over an area of approximately twenty-eight (28) square miles. Residents and properties located outside the city limits receive protection from the Payne County Sheriff's Department which consists of thirteen (13) field deputies who patrol an area of approximately seven hundred fifty (750) square miles.

*Enhanced Fire Protection:* Stillwater provides fire protection to residents and properties located within the city limits. Payne County does not provide any fire suppression service. Fire protection outside the city limits must be purchased under a subscription "rural fire service" plan or on a fee-for-service basis. The existing rural fire service plan is not self-sustaining at current funding levels and will likely be eliminated in the near future. A strict fee-for-service plan is currently billed at the rate of three hundred dollars (\$300.00) per apparatus, one hundred fifty dollars (\$150.00) per non apparatus, and twelve dollars and fifty cents (\$12.50) per man hour. Such fees may not be fully covered by insurance.

*Professional Building Codes:* Stillwater, like most major cities in Oklahoma, has adopted and enforces a series of uniform building codes. These codes are designed to protect property owners by requiring new construction to conform to industry recognized standards. Although the State of Oklahoma has adopted similar codes, neither the state nor county enforces these codes in rural areas. New construction in annexed areas would be subject to these codes.

*Nuisance Abatement/Animal Control:* Stillwater has adopted and enforces numerous codes to protect residents from nuisances such as high weeds, trash and debris, and noise. Stillwater also provides animal control service and operates an accredited animal shelter. Payne County offers no such service or protection.

*Roads and Streets:* Stillwater maintains approximately two hundred sixty (260) miles of roads and streets. Ninety-nine percent (99%) of these are paved and maintained under a comprehensive management plan. Roads and streets in any annexed area will immediately be added to Stillwater's comprehensive management plan, which additionally includes right-of-way maintenance, drainage structure maintenance and repair, sweeping, traffic control maintenance and repair, and winter snow and ice removal.

*Safe Water:* Stillwater provides safe potable water to its residents, various non-residents, Oklahoma State University, and area rural water districts via a forty-two (42) mile pipeline from Kaw Reservoir and a twenty million (20,000,000) gallon per day water treatment facility. Residents of annexed areas not currently served by Stillwater or a rural water provider will be eligible for water service from Stillwater at "in-city" rates.

*Refuse:* Stillwater provides household garbage collection service to all residents. Subscribers receive twice-weekly household waste collection, weekly yard waste collection, free "move in/move out" service, bi-annual "special cleanup" collections, and low-cost appliance and furniture disposal, at a rate significantly lower than that charged by private waste collection enterprises.

*Electricity:* The Stillwater Electric Utility and Central Rural Electric Cooperative provide retail electric service to area homes and businesses. CREC customers located in annexed areas will pay a two percent (2%) "gross receipts tax" in lieu of the three and a half percent (3.5%) Stillwater sales tax.

Sanitary Sewer: Most properties outside of Stillwater do not have access to sewer and must rely on septic or other methods for waste disposal. Homes and businesses in Stillwater are connected to a municipal sewer system and state-of-the-art wastewater treatment facility. Mains located near current Stillwater boundaries and can be extended to existing homes and businesses or new development in annexed areas.

Responsible Zoning and Land Use Control: Zoning and land use controls lessen the probability of inconsistent adjacent land use which negatively impact quality of life and reduce property values. Stillwater property owners have enjoyed zoning protection since the 1960's; Payne County does not provide any such protection. Areas adjacent to Stillwater can enjoy the security responsible zoning brings immediately upon annexation.

Representation at City Hall: Residents of annexed areas become "citizens" of the City of Stillwater immediately upon annexation. Not only do citizens have a "voice at City Hall," they are also entitled to vote in all City elections, run for elected City offices, and serve on appointed City authorities, boards, commissions and trusts.

## STILLWATER ANNEXATION HISTORY

Stillwater has extended its corporate boundaries on a gradual basis. The notable exception was the period between 1970 and 1979, when Stillwater annexed significant areas to the north and west for the purpose of extending boundaries to include Oklahoma State University's campus. Most annexation since that time has been property-owner initiated, involving single properties or subdivisions.

## ANNEXATION CRITERIA

Annexation should be conducted in a manner that permits a municipality to manage growth responsibly, without creating hardship for existing neighborhoods or public services. The process should facilitate quality residential and commercial development and the equitable distribution of the cost of public services and/or infrastructure. Haphazard development practices that produce traffic congestion, duplicate utility services, or fiscally irresponsible infrastructure development should be avoided. Areas or parcels of land exhibiting any of the following characteristics are considered desirable for annexation.

- The area to be annexed is contiguous to an existing municipal boundary, is presently developed, and is served by one or more municipal utilities.
- The area to be annexed is contiguous to an existing municipal boundary, is presently developed, and served by a non-municipal utility such as rural electric or rural water, provided that any such utility has entered into an operating agreement that provides for compensation to the municipality for lost utility revenue.
- The area to be annexed is contiguous to an existing municipal boundary, municipal utilities and/or infrastructure are nearby and can legally be extended into the area at a reasonable cost.
- The area to be annexed is appropriate for commercial or industrial development and extension of municipal utilities and/or infrastructure is economically feasible.
- The area to be annexed is situated along a highway or street that is also a major entryway into the municipality.

Irrespective of the physical characteristics of the area, annexation should also be considered appropriate whenever the extension of municipal boundaries will permit any of the following:

- The economical extension of municipal utilities to a developing area.
- Protection of the public health, safety and general welfare of current municipal residents as well as those situated in the annexed area.
- The orderly development of an emerging area through application of zoning and other land use controls.
- A more equitable redistribution of financial burdens borne by existing municipal residents for the construction and maintenance of public infrastructure and facilities through taxes and fees on frequent users that reside or operate businesses outside the corporate limits of the municipality.
- Diversification of the local economic base by making additional land available within the corporate boundaries of the municipality for commercial or industrial development.
- The immediate creation of new jobs, affordable housing, increased sales tax base, or added educational, recreational or cultural opportunity.
- Provision of urban services to all users in a cost effective manner.
- Creation of municipal boundaries that facilitate the efficient delivery of services.
- Improved stormwater management and quality control.
- Accommodation of projected municipal population increase(s).

Annexation is additionally warranted whenever a property owner or group of property owners have submitted an annexation petition and the property to be annexed is contiguous to an existing municipal boundary, unless the provision of municipal services is not economically or legally feasible. Areas exhibiting the characteristics set forth above should not be excluded simply because certain property owners are reluctant to consent to annexation.

## THE ANNEXATION PROCESS

Property owners may initiate annexation by filing a "petition" with the municipality containing the signatures of "[a]t least three-fourths of the registered voters and the owners of at least three-fourths (in value) of the property" to be annexed. A public hearing is then convened by the governing body of the municipality after publication of notice. The affected property is "annexed" when the governing body passes an ordinance extending its corporate boundaries to include the area designated in the property owner's petition.

A municipality initiates the process by sending written notice to the owner(s) of property located in the proposed annexation area. If the area is comprised of subdivided tracts smaller than five (5) acres in size or is surrounded on three (3) sides by the municipality, the consent of the affected property owners is not required. Otherwise, consent of the owner(s) of a "majority" of the total area (acres) to be annexed is necessary. A "service plan" detailing how municipal services and utilities will be extended into the annexed area must be prepared in conjunction with any annexation that does not involve the consent of property owners. As with a petition for annexation, notice and a public hearing are mandated (the notice requirements are more

stringent in this context). Annexation occurs when the governing body of the municipality adopts an ordinance extending its corporate boundaries to include the area designated in the notice.

## ANNEXING AGRICULTURAL LAND

State law provides that parcels of land five (5) acres or larger in size that are used for an agricultural purpose at the time of annexation shall be exempt from ordinances restricting land use and building construction to the extent any land use or construction is related to the agricultural purpose. Such property shall not be subject to ordinances regulating conduct that would not be an offense under state law so long as there is no residence within fifty (50) feet of the property line. Any such property that discharges into a municipal water, wastewater, or sewer system is, however, subject to ordinances or regulations related to environmental standards for that system.

## ZONING ANNEXED TERRITORY

Zoning of annexed areas should approximate the land use existing at the time the annexation process commenced. Provided, however, a different zoning classification may be utilized whenever any of the following conditions exist:

- Zoning the annexed area in this manner is consistent with the Comprehensive Plan.
- Such zoning will not negatively impact surrounding properties already located within the boundaries of the municipality.
- Such zoning will not impede future annexation by creating incompatible uses.
- The property is located in an area annexed for the purpose of commercial or industrial development.

## FIVE YEAR PLAN

The areas depicted on the map denominated "Figure 1" are the most suitable for annexation according to the guidelines set forth above. Annexation of these areas should occur within a five (5) year time frame, utilizing a "phased" process that focuses upon current development activity and patterns.

*Phase One* – Phase 1 consists of two (2) areas that should be annexed within one (1) year from the adoption of this plan: The first is generally situated on the southern boundary of Stillwater, and consists of that area south of Virginia Avenue, east of Cottonwood Road, north of 32<sup>nd</sup> Avenue between Cottonwood Road and Range Road, north of 44th Avenue from Range Road to Husband Street, and north of 56th Street between Husband Street and one half (½) mile east of State Highway 177. The second area is located on the eastern boundary of Stillwater and lies west of Fairgrounds Road between Lakeview Road and 6th Avenue.

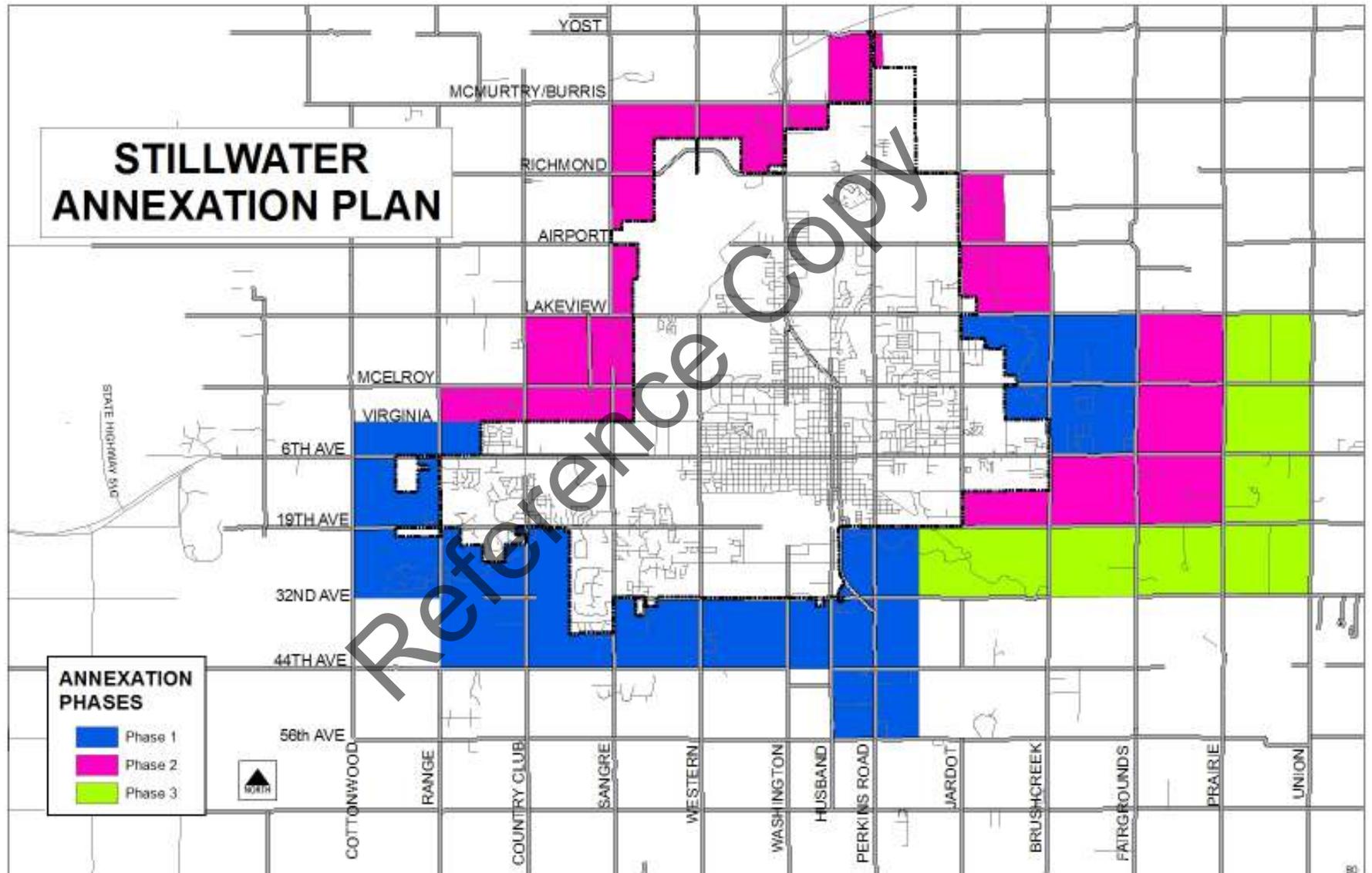
*Phase Two* – Consists of five (5) areas that should be annexed within three (3) years: Two areas are east of Stillwater, generally located west of Prairie Road between 19th Avenue and Lakeview Road, and west of Brush Creek Road between Lakeview Road and Richmond Road. Two additional areas are located on the north side of Stillwater, one extending from State Highway 177 west to Husband Street and north between Burriss Road and Yost Road; the other all unincorporated areas south of McMurtry Road between the ½ section line of Section 26, Township 20N, Range 2E and Sangre Road. The remaining area is west of Stillwater and lies

north of Virginia Avenue and south of McElroy Avenue east from Range Road, south of Lakeview Road east of Country Club Road, and south of Airport Road east of Sangre Road.

*Phase Three* – This area is east of Stillwater and not presently contiguous with existing municipal boundaries. It lies generally east of State Highway 177 to Union Road, between 19th Avenue and 32nd Avenue, and north of 19th Avenue to Lakeview Road between Prairie Road and Union Road. Assuming the Phase Two eastern annexation occurs, this area should be annexed within five (5) years.

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Figure 1: Proposed Annexation Areas Map



# Appendix

Reference Copy

Appendix A: Title 11 O.S. §22-103 and §22-105  
Appendix B: Historical Stillwater Annexation Maps

**Current through 2008 Oklahoma Legislative Session**

**11 Oklahoma Statutes § 21-103. Cities--Annexation procedure**

A. Before the governing body of a city may annex any territory adjacent or contiguous to the city, 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 subsection B of this section; except that no such consent is needed where:

1. The territory to be annexed is subdivided into tracts or parcels of less than five (5) acres and contains more than one residence; or
2. Three sides of the territory to be annexed are adjacent or contiguous to the property already within the municipal limits if :
  - a. the adjacent property on each side constitutes an area in width greater than three hundred (300) feet at its narrowest point excluding a roadway or right-of-way that is adjacent or contiguous to the territory ,
  - b. the municipal governing body makes findings that the annexation furthers municipal purposes relating to airports, spaceports and military installations and such findings are included in the public hearing provided for in subsection D of this section, or
  - c. prior to the effective date of this act, the municipality has directed that notice be published in accordance with subsection B of this section .

B. The governing body shall provide the notice and public hearing required in subsection A of this section in the following manner:

1. The governing body of the municipality shall direct 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 ;
2. 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 ; 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
3. 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 .

C. 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 .

D. Before any territory is annexed to a municipality, without the written consent of the owners of at least a majority of the acres to be annexed to the municipality in accordance with subsection A of this section, the governing body of the municipality shall direct that notice of the proposed annexation of the territory be published in a legally qualified newspaper of general circulation in the territory and shall hold a public hearing on the proposed annexation . 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 . 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 . If municipality services are not substantially complete within the prescribed time, then the territory shall be detached by the governing body as provided in Section 21-110 of this title . 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 . Such notice, hearing and plan shall be subject to the following provisions :

1. The notice 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 and shall state that the proposed service plan is available for inspection at a specified location . The notice shall state the date, time, and place when 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 . 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 the Department of Transportation for purposes of clarifying any road maintenance responsibilities; provided that the notice of annexation shall be mailed by certified mail to every person who owns parcel of land of five (5) acres or more used for agricultural purposes and 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;
2. 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; and
3. The proposed 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 .

E. As used in this section :

- 1 . "Airport" means any facility owned by any legal entity or by a county, a municipality or a public trust having at least one county or municipality as its beneficiary which is used primarily for the purpose of providing air transportation of persons or goods or both by aircraft powered through the use of propellers, turboprops, jets or similar propulsion systems;
2. "Military installation" means those facilities constituting the active or formerly active bases owned by the Department of Defense or other applicable entity of the United

States government or by any entity of local government after transfer of title to such installation;  
and

3. "Spaceport" means any area as defined pursuant to Section 5202 of Title 74 of the Oklahoma Statutes .

F. Except for ordinances enacted pursuant to Section 43-101 .1 of this title, parcels of land five (5) acres or more used for agricultural purposes annexed into the municipal limits on or after July 1, 2003, shall be exempt from ordinances restricting land use and building construction to the extent such land use or construction is related to agricultural purposes . 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.

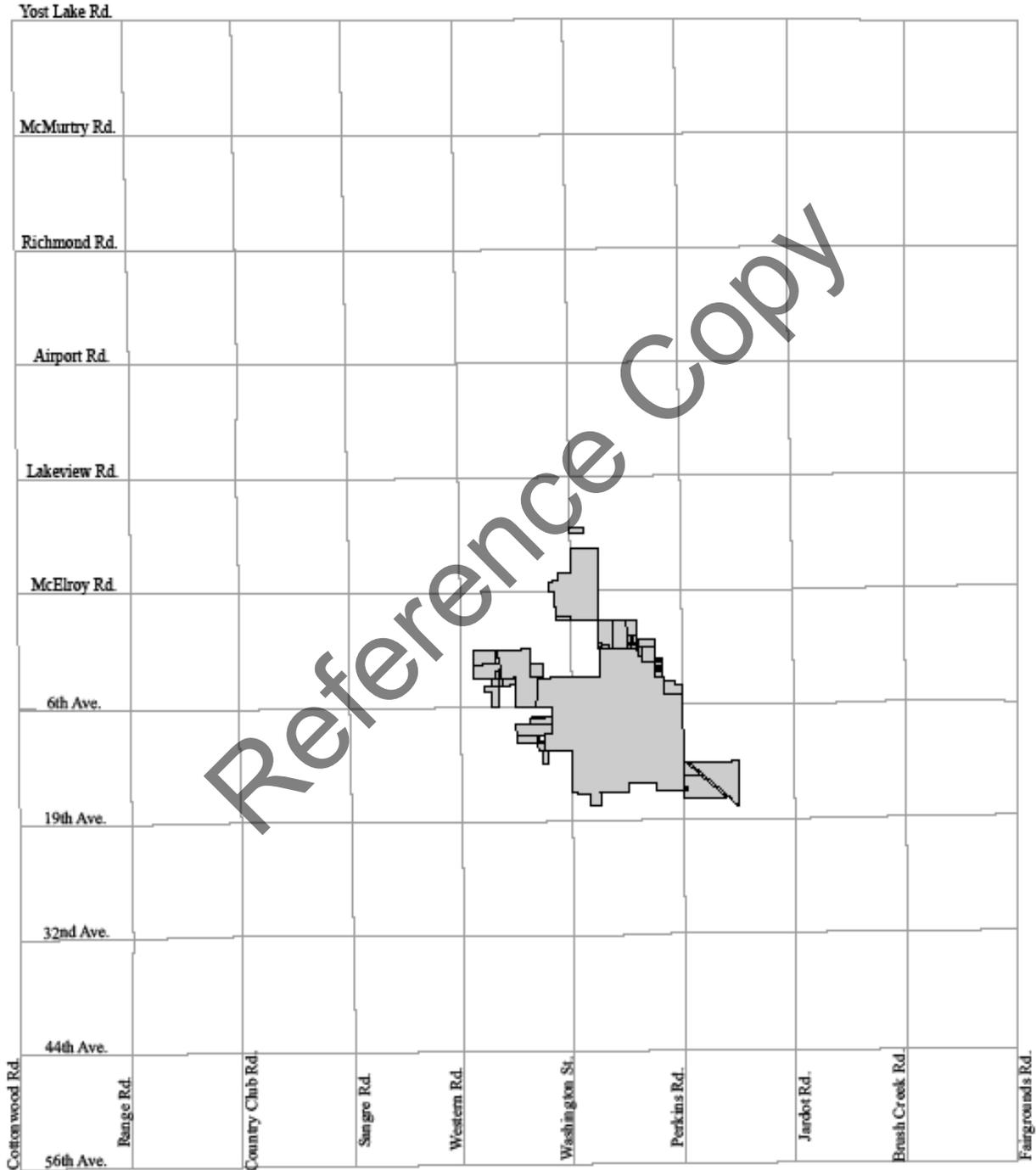
G. Parcels of land situated within an area that is or may be subject to any form of land use or other regulatory control as a result of proximity to an airport, spaceport or military installation shall not be exempt from municipal ordinances or other laws regulating property for the purpose of operations necessary for the use of an airport, spaceport or military installation and such parcels of land shall be subject to all ordinances enacted pursuant to Section 43-101 .1 of this title .

**11 Oklahoma Statutes § 21-105. Annexation by petition--Notice--Cost--  
Governing body ordinance**

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 municipality . 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.



 1890-1939 Annexations

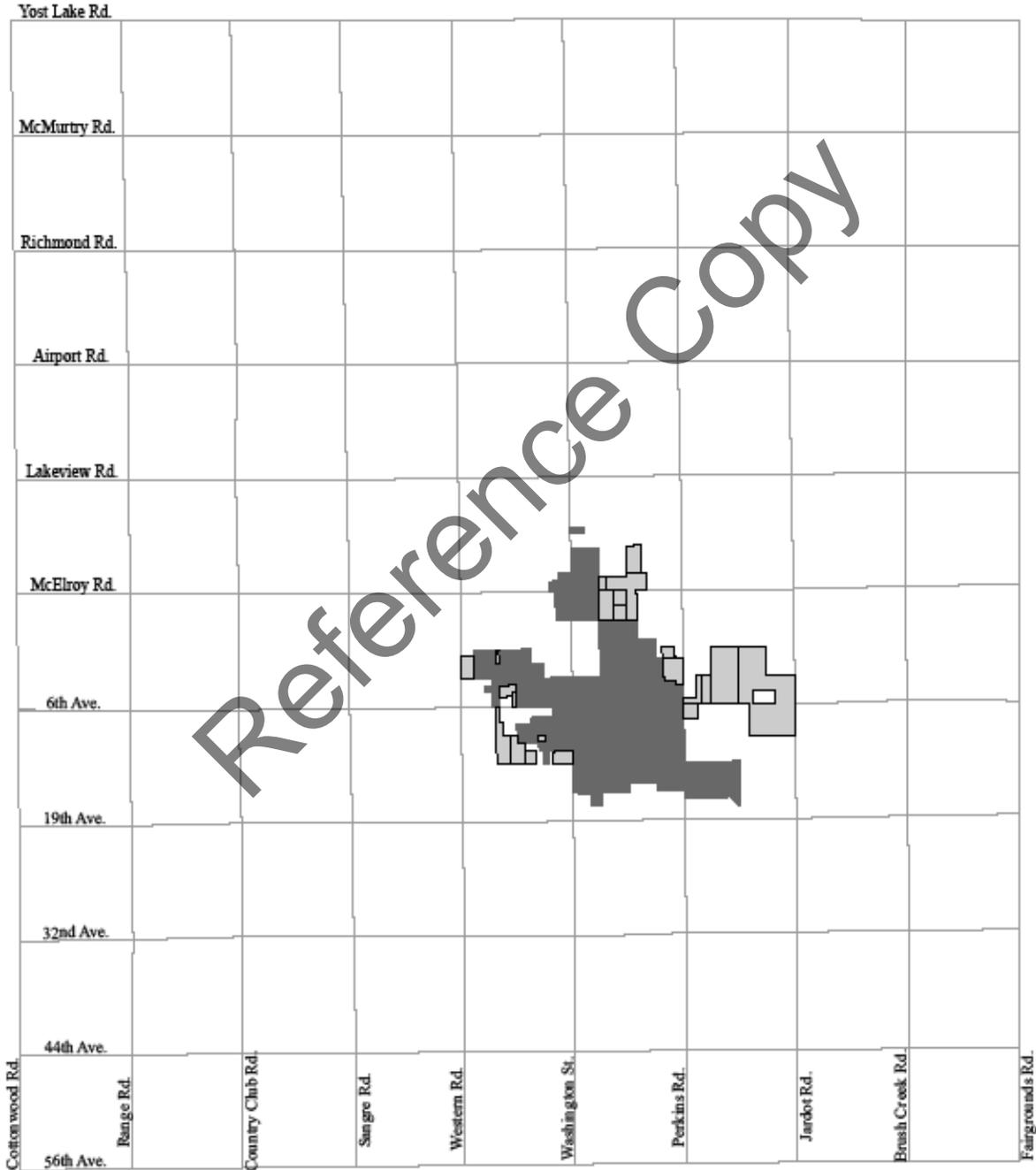


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-  1940-1949 Annexations
-  Existing City Limits

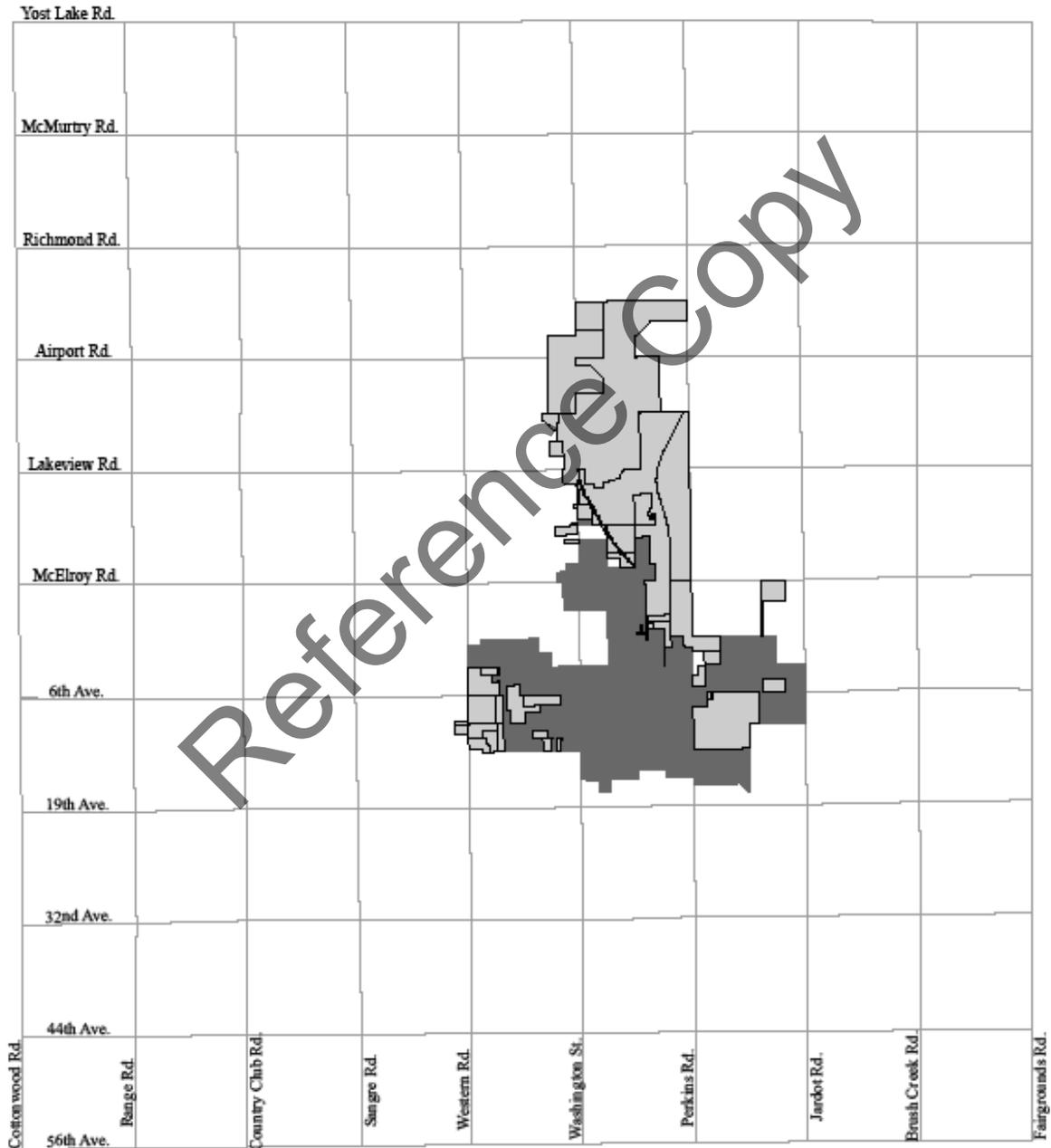


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-  1950-1959 Annexations
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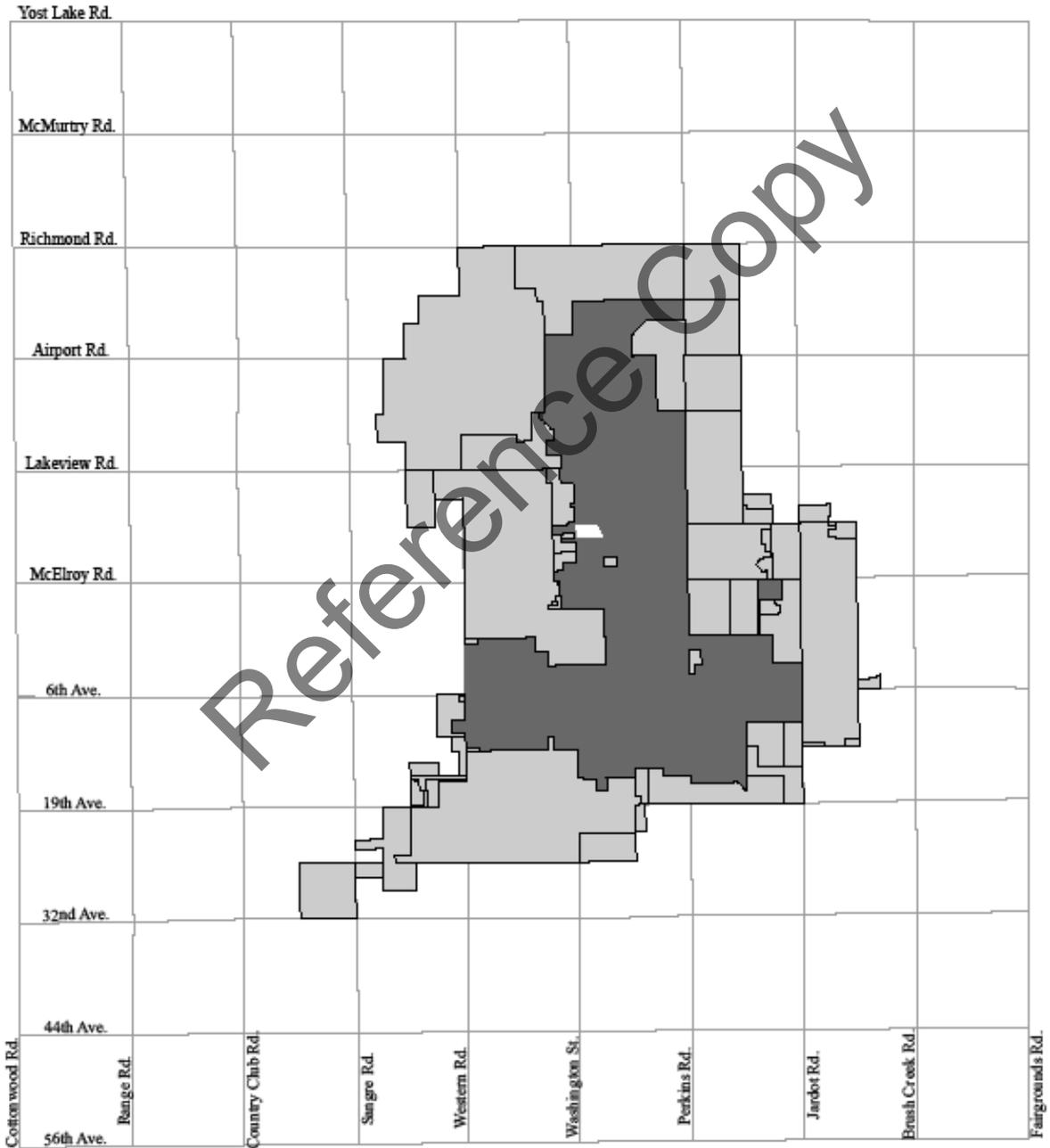


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-  1960-1969 Annexations
-  Existing City Limits

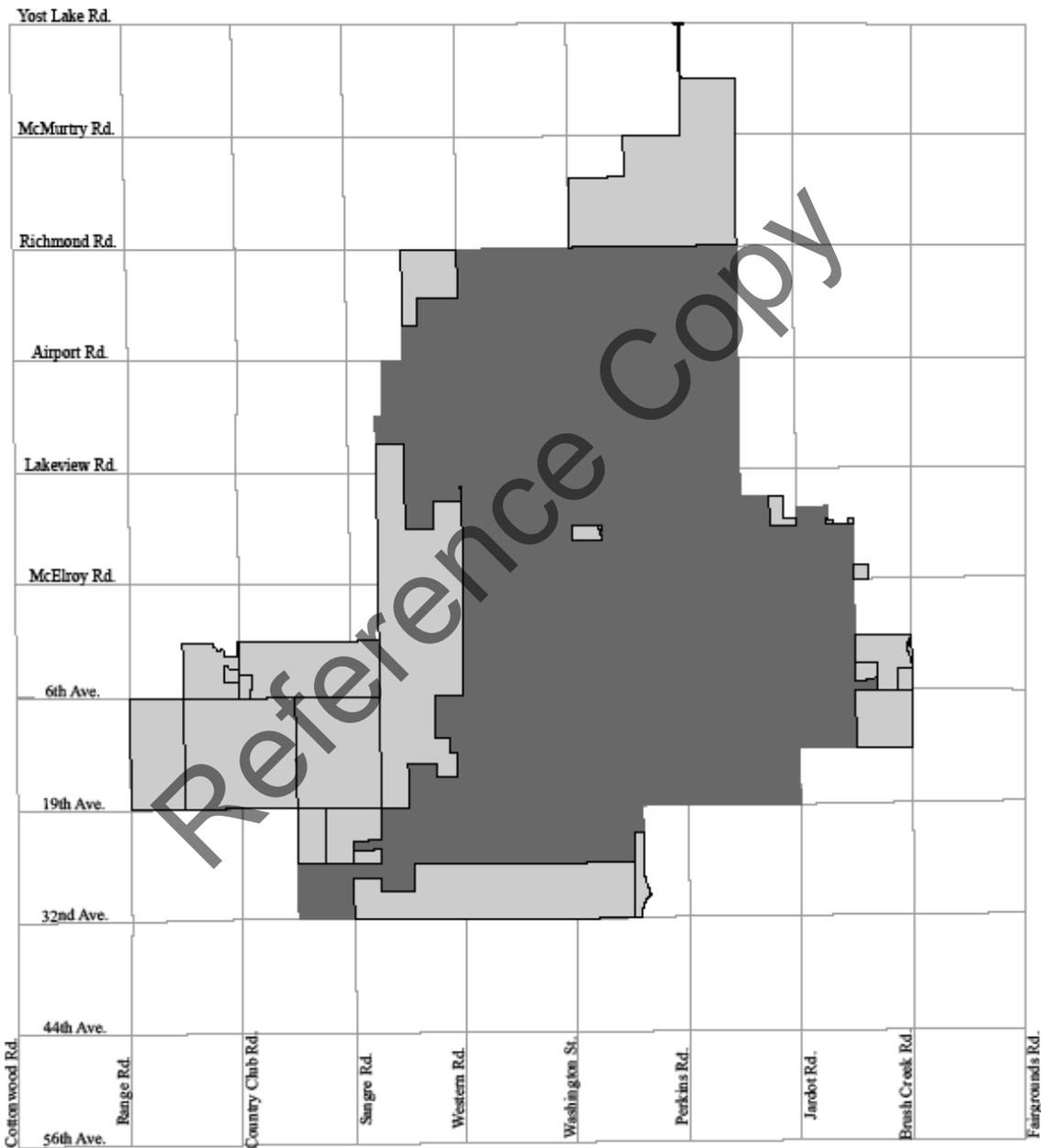


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-  1970-1979 Annexations
-  Existing City Limits

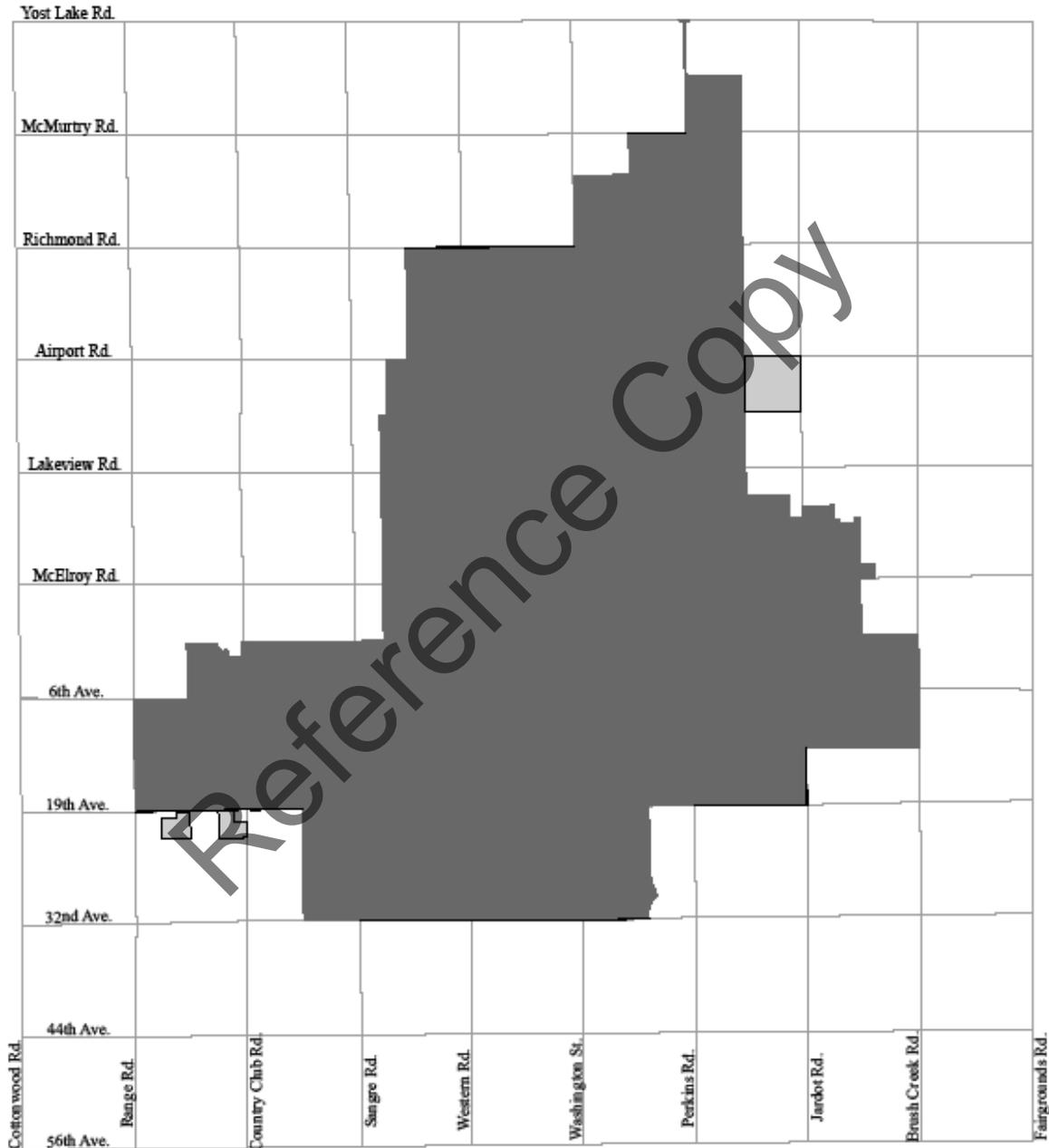




1980-1989 Annexations



Existing City Limits

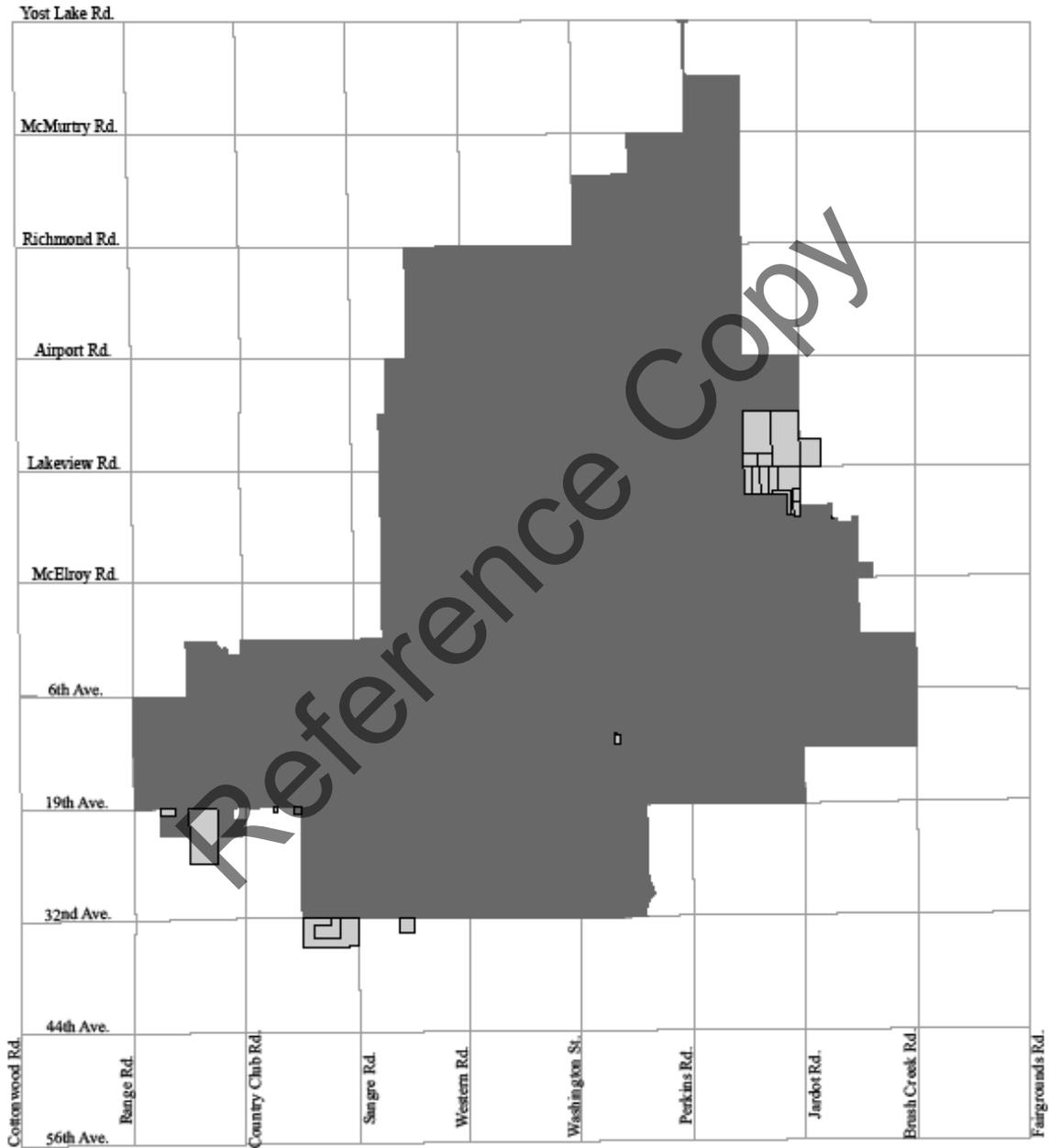


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-  1990-1999 Annexations
-  Existing City Limits



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-  2000-2009 Annexations
-  Existing City Limits

