

State of Arkansas  
91st General Assembly  
Regular Session, 2017

# A Bill

HOUSE BILL 1841

By: Representative Johnson

## For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING ANNEXATION BY ONE HUNDRED PERCENT (100%) PETITION; AND FOR OTHER PURPOSES.

### Subtitle

TO AMEND THE LAW CONCERNING ANNEXATION BY ONE HUNDRED PERCENT (100%) PETITION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 14-40-609 is amended to read as follows:

14-40-609. Annexation by one hundred percent (100%) petition =

#### Definition.

(a) As used in this section, "city or town" means:

- (1) A city of the first class;
- (2) A city of the second class; and
- (3) An incorporated town.

(b)(1) ~~An individual~~ Individuals who ~~owns~~ own property in a county that is contiguous to a city or town may petition the governing body of the city or town to annex the property that is contiguous to the city or town.

(2) The petition under subdivision (b)(1) of this section shall:

(A) ~~Shall be~~ Be in writing, ~~attested by the property owner or owners;~~

(B) Contain an attestation signed before a notary or notaries by the property owner or owners of the relevant property or properties confirming the desire to be annexed;

~~(B)(C) Shall contain~~ Contain an accurate description of



the relevant property or properties; ~~and~~

(D) Contain a letter or title opinion from a certified abstractor or title company verifying that the petitioners are all owners of record of the relevant property or properties;

(E) Contain a letter or verification from a certified surveyor or engineer verifying that the relevant property or properties are contiguous with the annexing city or town and that no enclaves will be created if the property or properties are accepted by the city or town; and

~~(G)(F) Shall include~~ Include a schedule of services of the annexing city or town that will be extended to the area within three (3) years after the date the annexation becomes final.

(3) The petition shall be filed with the county assessor and the county clerk, and within fifteen (15) business days of the filing, the county assessor and the county clerk shall+

~~(A) Verify the identity of the petitioner or petitioners;~~

~~(B) Verify that there are no property owners included in the petition that do not wish to have their property annexed;~~

~~(C) Verify that the property or properties are contiguous with the city or town; and~~

~~(D) Verify that no enclaves will be created if the petition is accepted by the city or town~~ verify that the petition meets the requirements of subdivision (b)(2) of this section.

~~(c)(1) Upon completion of the verifications of the petition by the county assessor and the county clerk~~ requirements under subsection (b) of this section, ~~the county assessor and~~ the county clerk shall present the petition and ~~verifications~~ records of the matter to the county judge who shall review the petition and ~~verifications~~ records for accuracy.

(2) Within fifteen (15) days of the receipt of the petition and ~~verifications~~ records, the county judge shall:

(A) Review the petition and ~~verifications~~ records for completeness and accuracy;

(B) Determine that no enclaves will be created by the annexation;

(C) Confirm that the petition contains a schedule of services; ~~and~~

(D) Issue an order articulating ~~these~~ the findings under

subdivisions (c)(2)(A)-(C) of this section and forward the petition and order to the contiguous city or town; and

(E) Require at his or her discretion that the city or town annex dedicated public roads and rights of way abutting or traversing the property to be annexed.

(d)(1)(A) By ordinance or resolution, the city or town may grant the petition and accept the property for annexation to the city or town.

(B) The city or town is not required to grant the petition and accept the property petitioned to be annexed.

(2) The ordinance or resolution shall contain an accurate description of the property to be annexed.

(3)(A) If the governing body of the city or town accepts the contiguous property, the clerk or recorder of the city or town shall certify and send one (1) copy of the plat of the annexed property and one (1) copy of the ordinance or resolution of the governing body of the city or town to the county clerk.

(B)(i) The county clerk shall forward a copy of each document received under subdivision (d)(3)(A) of this section to the county judge.

(ii) If the county judge determines the requirements of this section have been complied with and the annexation is in all respects proper, the county judge shall enter an order confirming the annexation.

(e) The Upon receipt of the order of the county judge confirming the annexation, the county clerk shall forward a copy of each document received under subdivision (d)(3) of this section to the:

(1) Secretary of State, who shall file and preserve each copy; and

(2) Director of the Tax Division of the Arkansas Public Service Commission, who shall file and preserve each copy and notify all utility companies having property in the city or town of the annexation proceedings.

(f)(1) Notwithstanding any other provisions in this chapter, thirty (30) days after passage of the ordinance or resolution by the governing body of the city or town under this section, the annexation shall be final and the property shall be within the corporate limits of the city or town.

(2) The inhabitants residing in the newly annexed property shall have and enjoy all the rights and privileges of the inhabitants within the

original limits of the city or town.

(g)(1) During the thirty-day period under subdivision (f)(1) of this section, a cause of action may be filed in the circuit court of the county of the annexation by a person asserting and having an ownership right in the property objecting to the petition or by any person asserting a failure to comply with this section.

(2) After the thirty-day period, an action under subdivision (g)(1) of this section is not timely.

**APPROVED: 03/21/2017**