

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1554

By: Representative Penzo

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE PROCEDURES FOR ANNEXATION INTO AN ADJOINING MUNICIPALITY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE PROCEDURES FOR ANNEXATION INTO AN ADJOINING MUNICIPALITY.

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

SECTION 1. Arkansas Code § 14-40-2002(b), concerning annexation into an adjoining municipality, is amended to read as follows:

(b) The following procedure shall apply:

(1) The landowner or landowners shall file a statement with the municipality in which the land is located listing the additional municipal service or services being sought and stating that:

(A) The municipality is not providing services necessary to create improvements, provide employment or additional employment, subdivide, or otherwise maximize the use and value of the property;

(B) All the land in the request ~~must compose~~ composes one (1) area that is contiguous to another municipality;

(C) The additional services are available in another municipality that borders the land subject to the request; and

(D)(i) The municipality is requested to make a commitment to take substantial steps, within ~~one hundred eighty (180)~~ ninety (90) days after the statement is filed, toward providing the additional services and,



within each thirty-day period thereafter, to continue taking steps to demonstrate a consistent commitment to provide the service within a reasonable time, as determined by the kind of services requested.

(ii) The commitment ~~must~~ shall be made in writing to the landowner within thirty (30) calendar days of the filing of the statement, or the landowner may seek to have the land detached from the municipality and annexed into the other municipality.

(iii) The landowner ~~must~~ shall take appropriate steps to make the land accessible to the service and comply with reasonable requests of the municipality that are necessary for the service to be provided;

(2) The landowner or landowners may request the annexation of the land into the other municipality and thereby detach the land from the boundaries of the municipality in which the land is currently located if:

(A) The municipality in which the land is located fails to execute a commitment to services within thirty (30) days after the statement is filed; or

(B) The municipality executes the commitment to services but fails to take the action required under subdivision (b)(1)(D) of this section;

(3)(A) The land shall be annexed into the other municipality if, after a request by the landowner or landowners, the governing body of the municipality into which annexation is sought indicates by ordinance, resolution, or motion its commitment to make the services available and its approval of the request for annexation.

(B)(i) The annexation shall be void and the land shall be returned to the original municipality if the annexing municipality fails to take substantial steps within ~~one hundred eighty (180)~~ ninety (90) days after the passage of the ordinance, resolution, or motion to make the services available and, within each thirty-day period thereafter, continues taking steps demonstrating a consistent commitment to make the additional service available within a reasonable time, as determined by the kind of services requested.

(ii) The landowner ~~must~~ shall have taken appropriate steps to make the land accessible to the service and complied with the reasonable requests of the municipality that are necessary for the service to

be provided.

(iii) However, if the requested services are not available within ~~twelve (12) months~~ one hundred eighty (180) days after the property is accepted by the annexing jurisdiction or substantial steps are not taken to make the services available within this time period, then the detachment and annexation shall be void and all property returned to its original jurisdiction; and

(4) The land shall remain in the original municipality until it is annexed into the other municipality.

APPROVED: 4/10/19