

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: S3/17/15
A Bill

SENATE BILL 305

By: Senators J. Cooper, Burnett
By: Representatives Wallace, B. Smith

For An Act To Be Entitled

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

Subtitle

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

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

SECTION 1. Arkansas Code Title 14, Chapter 40, Subchapter 6, is amended to add an additional section to read as follows:

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

(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 who owns 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:

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

(B) Shall contain an accurate description of the relevant property or properties; and

(C) Shall 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) 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.

(c)(1) Upon completion of the verifications of the petition by the county assessor and the county clerk, the county assessor and the county clerk shall present the petition and verifications to the county judge who shall review the petition and verifications for accuracy.

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

(A) Review the petition and verifications 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 findings and forward the petition and order to the contiguous city or town.

(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) 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.

(e) 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.

/s/J. Cooper