

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: S3/17/15
A Bill

SENATE BILL 305

5 By: Senators J. Cooper, Burnett
6 By: Representatives Wallace, B. Smith
7

8 **For An Act To Be Entitled**

9 AN ACT TO AMEND THE LAW CONCERNING ANNEXATIONS BY ONE
10 HUNDRED PERCENT (100%) PETITION; AND FOR OTHER
11 PURPOSES.
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14 **Subtitle**

15 TO AMEND THE LAW CONCERNING ANNEXATIONS
16 BY ONE HUNDRED PERCENT (100%) PETITION.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 14, Chapter 40, Subchapter 6, is
22 amended to add an additional section to read as follows:

23 14-40-609. Annexation by one hundred percent (100%) petition.

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

25 (1) A city of the first class;

26 (2) A city of the second class; and

27 (3) An incorporated town.

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

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

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

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

36 (C) Shall include a schedule of services of the annexing



1 city or town that will be extended to the area within three (3) years after
2 the date the annexation becomes final.

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

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

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

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

11 (D) Verify that no enclaves will be created if the
12 petition is accepted by the city or town.

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

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

19 (A) Review the petition and verifications for completeness
20 and accuracy;

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

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

25 (D) Issue an order articulating these findings and forward
26 the petition and order to the contiguous city or town.

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

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

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

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

1 county clerk.

2 (e) The county clerk shall forward a copy of each document received
3 under subdivision (d)(3) of this section to the:

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

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

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

13 (2) The inhabitants residing in the newly annexed property shall
14 have and enjoy all the rights and privileges of the inhabitants within the
15 original limits of the city or town.

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

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

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24 /s/J. Cooper

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27 **APPROVED: 04/02/2015**
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