

Act 526 of the 1989 Regular Session.

Act 526

HB1293

By: Representative Todd

"AN ACT TO AMEND ARKANSAS CODE 14-122-102 TO REMOVE THE POPULATION LIMIT ON CITIES OF THE FIRST CLASS TO CREATE DRAINAGE IMPROVEMENT DISTRICTS; TO AMEND ARKANSAS CODE 14-122-111 TO ALLOW A DISTRICT TO HAVE EMINENT DOMAIN POWERS OUTSIDE THE BOUNDARIES OF THE CITY; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 14-122-102 is hereby amended to read as follows:

"14-122-102. Creation of drainage improvement districts by certain cities.

Any city of the first class in this state having a mayor-council form of government, may, by ordinance of the governing body, create a drainage improvement district in that city encompassing all or any part of the territory within the limits of the city."

SECTION 2. Arkansas Code 14-122-111 is hereby amended to read as follows:

"14-122-111. Eminent domain.

(a) The right and power of eminent domain is conferred upon a district to enter upon, take, and condemn private property for the construction of improvements described in the plan of improvement, and the right and power of eminent domain conferred shall be exercised by the district in accordance with the procedures in 18-15-301 - 18-15-307, as amended.

(b) The right and power conferred shall include without limitation the right and power to enter upon lands and proceed with the work of construction prior to the assessment and payment of damages and compensation upon posting a deposit by the district in accordance with the procedure described in 18-15-301 - 18-15-303, as amended.

(c) The rights and powers granted in this section shall apply outside the boundaries of the municipality if the board of commissioners determines in writing that the exercise of the powers is necessary to accomplish the plan of improvement. The rights and powers granted in this section shall not apply outside the boundaries of the county in which the municipality is located nor shall the rights and powers apply within the boundaries of another municipality within the county."

SECTION 3. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 4. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 5. Emergency. It is hereby found and determined by the General Assembly that many cities in the state have serious drainage problems; that it is essential to the health and welfare of the citizens of those cities that appropriate drainage facilities be constructed and maintained; that this act

is designed to establish a procedure whereby all cities may create drainage improvement districts for constructing and maintaining such essential drainage facilities and should be given effect immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

APPROVED: March 14, 1989

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