

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

A Bill

Act 988 of 1999
HOUSE BILL 2129

5 By: Representative Elliott
6
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For An Act To Be Entitled

9 "AN ACT TO PROVIDE A PROCEDURE FOR THE SIMULTANEOUS
10 DETACHMENT AND ANNEXATION OF MUNICIPAL TERRITORY IN
11 ADJOINING CITIES AND TOWNS; AND FOR OTHER PURPOSES."
12

Subtitle

13 "TO PROVIDE A PROCEDURE FOR THE
14 SIMULTANEOUS DETACHMENT AND ANNEXATION
15 OF MUNICIPAL TERRITORY IN ADJOINING
16 CITIES AND TOWNS."
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Simultaneous detachment and annexation by two (2) cities.

23 (a) When the boundaries of two (2) municipalities are contiguous to and
24 adjoining one another, and one municipality desires to detach and annex
25 territory in another municipality, then the governing body of the municipality
26 desiring to detach and annex territory may propose an ordinance calling for
27 the simultaneous detachment of the lands from the one municipality and to
28 annex the lands into its municipal limits. The municipality desiring to annex
29 land in the adjoining city shall, after the passage of the ordinance calling
30 for detachment and annexation, send the ordinance to the governing body of the
31 city or town in which the lands are located.

32 (b)(1) The ordinance will provide a legal description of the lands
33 proposing to be detached and annexed and describe generally the reasons for
34 proposing the action.

35 (2) The governing body of the city or town in which the lands are
36 located shall conduct a public hearing within sixty (60) days of the proposal

1 of the ordinance calling for the detachment and annexation.

2 (3) At least fifteen (15) days prior to the date of the public
 3 hearing, the governing body of the proposing municipality shall publish a
 4 legal notice setting out the legal description of the territory proposed to be
 5 detached and annexed. Municipal officials of the proposing city or town,
 6 officials of the city or town in which the lands are located, and property
 7 owners within the area proposed to be detached and annexed may appear at the
 8 public hearing to present their views on the proposal.

9 (c)(1) At the next regularly scheduled meeting following the public
 10 hearing, the governing body of the municipality in which the lands are located
 11 may bring the proposed ordinance up for a vote to concur in the detachment and
 12 annexation.

13 (2) If a majority of the total number of members of the governing
 14 body vote for the proposed detachment and annexation ordinance, then a prima
 15 facie case for detachment and annexation shall be established, and the
 16 proposing municipality shall proceed to render services to the newly annexed
 17 area.

18 (d) The decision of the municipal governing bodies shall be final
 19 unless suit is brought in chancery court of the appropriate county within
 20 thirty (30) days after passage to review the mutual actions of the governing
 21 bodies.

22 (e) As soon as the ordinance proposing the detachment and annexation is
 23 final, the territory shall be deemed and taken to be a part and parcel of the
 24 limits of the city or town annexing it, and the inhabitants residing therein
 25 shall have and enjoy all the rights and privileges of the inhabitants within
 26 the original limits of the city or town. The governing body of the annexing
 27 city or town shall direct the municipal clerk or recorder to duly certify one
 28 (1) copy of the plat of the annexed territory and one (1) copy of the
 29 proposing ordinance as adopted by both governing bodies to the county clerk.
 30 The clerk shall forward a copy of each document to the Secretary of State, who
 31 shall file and preserve them.

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 33 SECTION 2. All provisions of this act of a general and permanent nature
 34 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 35 Revision Commission shall incorporate the same in the Code.
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1 SECTION 3. If any provision of this act or the application thereof to
2 any person or circumstance is held invalid, such invalidity shall not affect
3 other provisions or applications of the act which can be given effect without
4 the invalid provision or application, and to this end the provisions of this
5 act are declared to be severable.

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7 SECTION 4. All laws and parts of laws in conflict with this act are
8 hereby repealed.

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11 APPROVED: 3/31/1999
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