

**Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.**

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

*As Engrossed: H3/15/01 H3/22/01*

# A Bill

**Act 1751 of 2001**  
HOUSE BILL 2551

5 By: Representative Moore  
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## **For An Act To Be Entitled**

9 AN ACT TO AMEND ARKANSAS CODE 14-40-302  
10 CONCERNING MUNICIPAL ANNEXATION AUTHORITY TO  
11 LIMIT THE *AUTHORITY OF CERTAIN MUNICIPALITIES AND*  
12 FOR OTHER PURPOSES.  
13

## **Subtitle**

14 AN ACT TO LIMIT MUNICIPAL ANNEXATIONS.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 SECTION 1. Arkansas Code 14-40-302 is amended to read as follows:

20 14-40-302. Authority - Exceptions. (a) By vote of two-thirds (2/3) of  
21 the total number of members making up its governing body, any municipality  
22 may adopt an ordinance to annex lands contiguous to the *municipality* if the  
23 lands are any of the following:

24 (1) Platted and held for sale or use as municipal lots;

25 (2) Whether platted or not, if the lands are held to be sold as  
26 suburban property;

27 (3) When the lands furnish the abode for a densely settled  
28 community or represent the actual growth of the *municipality* beyond its legal  
29 boundary;

30 (4) When the lands are needed for any proper municipal purposes  
31 such as for the extension of needed police regulation; or

32 (5) When they are valuable by reason of their adaptability for  
33 prospective municipal uses.

34 (b)(1) Contiguous lands shall not be annexed when they either:

35 (A) Have a fair market value at the time of the adoption  
36 of the ordinance of lands used only for agricultural or horticultural

1 purposes and the highest and best use of the lands is for agricultural or  
2 horticultural purposes; or

3 (B) Are lands upon which a new community is to be  
4 constructed with funds guaranteed in whole or in part by the federal  
5 government under Title IV of the Housing and Urban Development Act of 1968 or  
6 under Title VII of the Housing and Urban Development Act of 1970.

7 (2) Any person, firm, corporation, partnership, or joint  
8 venturer desiring to come within this exclusion must have received from the  
9 Department of Housing and Urban Development a letter of preliminary  
10 commitment to fund the new community under one (1) of the federal acts.

11 (3) If any lands are annexed which are being used exclusively  
12 for agricultural purposes, the lands may continue to be used for such  
13 purposes so long as the owner desires and the lands shall be assessed as  
14 agricultural lands.

15 (c) However, a municipality having a population of less than one  
16 thousand (1,000) persons shall not annex in any one (1) calendar year  
17 contiguous lands in excess of the ten percent (10%) of the current land area  
18 of the municipality.

19 /s/ Moore

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22 APPROVED: 4/18/2001  
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