

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1841

5 By: Representative Johnson
6

For An Act To Be Entitled

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

Subtitle

12
13 TO AMEND THE LAW CONCERNING ANNEXATION BY
14 ONE HUNDRED PERCENT (100%) PETITION.
15
16

17
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code § 14-40-609 is amended to read as follows:

21 14-40-609. Annexation by one hundred percent (100%) petition =

Definition.

22
23 (a) As used in this section, "city or town" means:

- 24 (1) A city of the first class;
25 (2) A city of the second class; and
26 (3) An incorporated town.

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

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

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

33 (B) Contain an attestation signed before a notary or
34 notaries by the property owner or owners of the relevant property or
35 properties confirming the desire to be annexed;

36 ~~(B)(C) Shall contain~~ Contain an accurate description of



1 the relevant property or properties; ~~and~~

2 (D) Contain a letter or title opinion from a certified
 3 abstractor or title company verifying that the petitioners are all owners of
 4 record of the relevant property or properties;

5 (E) Contain a letter or verification from a certified
 6 surveyor or engineer verifying that the relevant property or properties are
 7 contiguous with the annexing city or town and that no enclaves will be
 8 created if the property or properties are accepted by the city or town; and

9 ~~(G)(F) Shall include~~ Include a schedule of services of the
 10 annexing city or town that will be extended to the area within three (3)
 11 years after the date the annexation becomes final.

12 (3) The petition shall be filed with the county assessor and the
 13 county clerk, and within fifteen (15) business days of the filing, the county
 14 assessor and the county clerk shall+

15 ~~(A) Verify the identity of the petitioner or petitioners;~~

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

18 ~~(C) Verify that the property or properties are contiguous~~
 19 ~~with the city or town; and~~

20 ~~(D) Verify that no enclaves will be created if the~~
 21 ~~petition is accepted by the city or town~~ verify that the petition meets the
 22 requirements of subdivision (b)(2) of this section.

23 (c)(1) Upon completion of the ~~verifications of the petition by the~~
 24 ~~county assessor and the county clerk~~ requirements under subsection (b) of
 25 this section, the county assessor and the county clerk shall present the
 26 petition and verifications records of the matter to the county judge who
 27 shall review the petition and ~~verifications~~ records for accuracy.

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

30 (A) Review the petition and ~~verifications~~ records for
 31 completeness and accuracy;

32 (B) Determine that no enclaves will be created by the
 33 annexation;

34 (C) Confirm that the petition contains a schedule of
 35 services; ~~and~~

36 (D) Issue an order articulating ~~these~~ the findings under

1 subdivisions (c)(2)(A)-(C) of this section and forward the petition and order
 2 to the contiguous city or town; and

3 (E) Require at his or her discretion that the city or town
 4 annex dedicated public roads and rights of way abutting or traversing the
 5 property to be annexed.

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

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

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

12 (3)(A) If the governing body of the city or town accepts the
 13 contiguous property, the clerk or recorder of the city or town shall certify
 14 and send one (1) copy of the plat of the annexed property and one (1) copy of
 15 the ordinance or resolution of the governing body of the city or town to the
 16 county clerk.

17 (B)(i) The county clerk shall forward a copy of each
 18 document received under subdivision (d)(3)(A) of this section to the county
 19 judge.

20 (ii) If the county judge determines the requirements
 21 of this section have been complied with and the annexation is in all respects
 22 proper, the county judge shall enter an order confirming the annexation.

23 (e) The Upon receipt of the order of the county judge confirming the
 24 annexation, the county clerk shall forward a copy of each document received
 25 under subdivision (d)(3) of this section to the:

26 (1) Secretary of State, who shall file and preserve each copy;
 27 and

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

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

35 (2) The inhabitants residing in the newly annexed property shall
 36 have and enjoy all the rights and privileges of the inhabitants within the

1 original limits of the city or town.

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

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

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

APPROVED: 03/21/2017