

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

A Bill

HOUSE BILL 2128

4
5 By: Representative Elliott
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For An Act To Be Entitled

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9 "AN ACT TO PROVIDE FOR THE CONCURRENT DETACHMENT AND
10 ANNEXATION OF LANDS FROM ONE MUNICIPALITY BY ANOTHER
11 MUNICIPALITY; AND FOR OTHER PURPOSES."

Subtitle

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14 "TO PROVIDE FOR THE CONCURRENT
15 DETACHMENT AND ANNEXATION OF LANDS FROM
16 ONE CITY BY ANOTHER CITY."
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Right to concurrently detach lands from one municipality and
22 annex to another city.

23 (a) When the boundaries of two (2) municipalities are contiguous to and
24 adjoining one another and one municipality owns property which is within the
25 municipal boundaries of another city but which abuts its boundaries, then the
26 municipality owning the lands can petition the county court to concurrently
27 detach the lands from the one municipality and to annex the lands into its
28 municipal limits. The municipality owning land in the adjoining city shall,
29 after the passage of a resolution by governing body to seek the concurrent
30 detachment and annexation, petition the county court for an order of
31 concurrent detachment and annexation under the procedures set out in this
32 section.

33 (b) The petition shall:

34 (1) Describe the territory proposed to be concurrently detached
35 from the one city or town and annexed to the other;

36 (2) Have attached to it an accurate map or plat thereof; and

1 (3) Have attached a certified copy of the municipal resolution
 2 from the governing body of the municipality authorizing the concurrent
 3 detachment and annexation action.

4 (c) When a petition shall be presented to the court, it shall be filed
 5 in the office of the county clerk, to be kept there, subject to the inspection
 6 of any persons or officials interested, until the time appointed for the
 7 hearing of it.

8 (d)(1) The court shall, at or before the time of the filing, fix and
 9 communicate to the petitioning city or town a time and place for the hearing
 10 of the petition, which time shall not be less than thirty (30) days after the
 11 filing of the petition.

12 (2) The petitioning city or town shall cause a notice to be
 13 published in some newspaper of general circulation in the county which shall
 14 contain the substance of the petition and state the time and place for the
 15 hearing.

16 (e) The court shall hold the hearing at the time and place appointed
 17 for such and shall take comments from any person interested in the petition,
 18 and affidavits in support of or against the petition, which may be prepared
 19 and submitted, shall be examined by the county court.

20 (f)(1) If the county court shall be satisfied, after hearing the
 21 petition, that the boundaries of two (2) municipalities are contiguous and
 22 adjoining, that one municipality owns property within the municipal boundaries
 23 of the other which abuts its boundary, and that the governing body of the
 24 municipality owning the lands has, by resolution, asked for the concurrent
 25 detachment and annexation, then, in the judgment of the court, the petition
 26 shall be granted, and then the court shall make out and endorse on the
 27 petition an order to the effect that the lands as named and described in the
 28 petition shall be detached from the one municipality and concurrently annexed
 29 to the other city or town.

30 (2) The order shall be signed and delivered by the court,
 31 together with the petition and the map or plat, to the recorder of the county,
 32 whose duty it shall be to record it as soon as possible in the proper book or
 33 records and to file and preserve in his office the original papers, having
 34 certified thereon that it has been properly recorded.

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 36 SECTION 2. All provisions of this act of a general and permanent nature

1 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
2 Revision Commission shall incorporate the same in the Code.

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4 SECTION 3. If any provision of this act or the application thereof to
5 any person or circumstance is held invalid, such invalidity shall not affect
6 other provisions or applications of the act which can be given effect without
7 the invalid provision or application, and to this end the provisions of this
8 act are declared to be severable.

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