

State of Arkansas

82nd General Assembly

Regular Session, 1999

A Bill

HOUSE BILL 2129

By: Representative Elliott

For An Act To Be Entitled

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

Subtitle

"TO PROVIDE A PROCEDURE FOR THE
SIMULTANEOUS DETACHMENT AND ANNEXATION
OF MUNICIPAL TERRITORY IN ADJOINING
CITIES AND TOWNS."

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

SECTION 1. Simultaneous detachment and annexation by two (2) cities.

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

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

(2) The governing body of the city or town in which the lands are 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.