

State of Arkansas

As Engrossed: S1/20/99 S1/21/99 S2/2/99

82nd General Assembly

A Bill

Regular Session, 1999

SENATE BILL 74

By: Senator Hoofman

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE TITLE 14, CHAPTER 40,
SUBCHAPTER 6, REGARDING MUNICIPAL ANNEXATIONS
REQUESTED BY CERTAIN LANDOWNERS; TO ADD A NEW SECTION
TO PROVIDE A RIGHT FOR CERTAIN PERSONS TO DETACH LAND
FROM THE MUNICIPALITY AFTER AN ANNEXATION PROCEEDING;
TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES. "

Subtitle

"TO AMEND ARKANSAS LAW TO PROVIDE A RIGHT
FOR CERTAIN PERSONS TO DETACH LAND FROM
THE MUNICIPALITY AFTER AN ANNEXATION
PROCEEDING. "

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

SECTION 1. Arkansas Code Title 14, Chapter 40, Subchapter 6 is amended
to add a new section § 14-40-608 to read as follows:

"14-40-608. Right to detach certain lands after an annexation
proceeding.

(a) Within three (3) years after an annexation proceeding is completed
under the provisions of this subchapter, and the land remains the boundary of
the city or town, then the person owning ~~lands inside~~ all lands originally
annexed into the city or town may be authorized to detach those annexed lands
from the city or town under the provisions of this section, so long as the
city or town has provided no utility services to those lands.

(b) When a qualifying landowner notifies the municipality that he or
she wishes to detach his or her land from the city or town under this section,
the governing body of the municipality may, within thirty (30) days, pass an
ordinance to detach the annexed, qualifying lands from the municipality. In

1 order to notify the city or town, the landowner shall file an affidavit with
2 the city clerk or recorder stating that his or her lands were annexed, that
3 his or her land is located inside the city or town along the municipal
4 boundary, and that he or she desires the annexed lands to be detached from the
5 municipality. The affidavit shall be filed along with a certified copy of the
6 plat of the annexed land he or she desires to be detached and a copy of the
7 order of the county court approving the annexation and the resolution or
8 ordinance of the municipal governing body accepting the annexation.

9 (c) If the municipal governing body approves the ordinance to detach
10 the territory, the clerk or recorder of the municipality shall duly certify
11 and send one (1) copy of the plat of the detached territory, one (1) copy of
12 the ordinance detaching the territory and one (1) copy of the qualifying
13 affidavit to the county clerk.

14 (d) The county clerk shall forward a copy of each document to the
15 Secretary of State, who shall file and preserve them. The county clerk shall
16 forward one (1) copy of the plat of the detached territory and one (1) copy of
17 the ordinance detaching the territory to the Director of the Tax Division of
18 the Arkansas Public Service Commission, who shall file and preserve them and
19 shall notify all utility companies having property in the municipality of the
20 detachment proceedings."

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22 SECTION 2. All provisions of this act of general and permanent nature
23 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
24 Revision Commission shall incorporate the same in the Code.

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26 SECTION 3. If any provisions of this act or the application thereof to
27 any person or circumstance is held invalid, the invalidity shall not affect
28 other provisions or applications of the act which can be given effect without
29 the invalid provisions or application, and to this end the provisions of this
30 act are declared to be severable.

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

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35 SECTION 5. EMERGENCY CLAUSE. It is hereby found and determined by the
36 Eighty-second General Assembly that certain lands may be inadvertently and

1 unwisely annexed to municipalities in Arkansas while other lands owned by the
2 same person remain outside the municipal boundaries; that this situation
3 creates an inequitable situation for landowners when part of their lands can
4 become divided among various different jurisdictions for land-use regulation
5 and taxation purposes; and that it is possible for these annexation
6 proceedings to occur at any time and this inequitable situation must be
7 remedied at the earliest opportunity. Therefore, an emergency is declared to
8 exist and this act being immediately necessary for the preservation of the
9 public peace, health and safety shall become effective on the date of its
10 approval by the Governor. If the bill is neither approved nor vetoed by the
11 Governor, it shall become effective on the expiration of the period of time
12 during which the Governor may veto the bill. If the bill is vetoed by the
13 Governor and the veto is overridden, it shall become effective on the date the
14 last house overrides the veto.

15 /s/ Hoofman
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