

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

A Bill

HOUSE BILL 2358

4
5 By: Representative M. Steele
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 14-40-302
10 CONCERNING THE AUTHORITY OF FIRST AND SECOND
11 CLASS CITIES TO ANNEX CONTIGUOUS LANDS; AND FOR
12 OTHER PURPOSES.
13

Subtitle

14
15 TO AMEND THE LAW CONCERNING THE
16 AUTHORITY OF FIRST AND SECOND CLASS
17 CITIES TO ANNEX CONTIGUOUS LANDS.
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code 14-40-302 is amended to read as follows:
24 14-40-302. Authority - Exceptions.

25 (a) By vote of two-thirds (2/3) of the total number of members making
26 up its governing body, any ~~municipality~~ city of the first class or city of
27 the second class may adopt an ordinance to annex lands contiguous to the
28 ~~municipality~~ cities if the lands are any of the following:

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

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

32 (3) When the lands furnish the abode for a densely settled
33 community or represent the actual growth of the ~~municipality~~ city beyond its
34 legal boundary;

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

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

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

4 (A) Have a fair market value at the time of the adoption
5 of the ordinance of lands used only for agricultural or horticultural
6 purposes and the highest and best use of the lands is for agricultural or
7 horticultural purposes; or

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

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

16 (3) If any lands are annexed which are being used exclusively
17 for agricultural purposes, the lands may continue to be used for such
18 purposes so long as the owner desires and the lands shall be assessed as
19 agricultural lands.

20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36