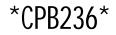
Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1	State of Arkansas	As Engrossed: H4/5/01 S4/10/01	
2	83rd General Assembly A Bill		
3	Regular Session, 2001HOUSE BILL25		
4			
5	By: Representative Hathorn		
6			
7			
8	For An Act To Be Entitled		
9	AN ACT TO AMEND ARKANSAS CODE 14-38-101		
10	CONCERNING THE PETITIONS FOR INCORPORATING CITIES		
11	AND TO	WNS; AND FOR OTHER PURPOSES.	
12			
13		Subtitle	
14	TO AMEND ARKANSAS CODE 14-38-101		
15	CONCERNING THE PETITIONS FOR		
16	I NC	ORPORATING CITIES AND TOWNS.	
17			
18			
19	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:		
20			
21	SECTION 1. Arkansas Code 14-38-101(b), concerning the petitions for		
22	incorporating cities and towns, is amended to read as follows:		
23	(b)(1) The court shall not approve the incorporation of any		
24	municipality if any portion of the territory proposed to be embraced in the		
25	incorporated town sha	all lie within five (5) miles from the	e corporate limits
26	of an existing municipal corporation unless the governing body of the		
27	municipal corporation	n has, by written resolution, affirmat	ively consented to
28	the incorporation.		
29	(2)(A) <u>(i</u>	) The five-mile limitation shall not	apply if the area
30	proposed to be incorporated is separated from the corporate limits of an		
31	existing municipality by a natural barrier that makes the area to be		
32	incorporated inaccessible to the existing municipality.		
33	(ii) If the area proposed to be incorporated is only		
34	accessible by a bridge or other man-made structure, then the area shall be		
35	considered inaccessible for purposes of this subsection (b).		
36	(B) The five-mile limitation shall not apply if the area		



1	proposed to be incorporated are lands upon which a real estate development by
2	a single developer, containing not less than <i><del>five thousand (5,000)</del> <u>four</u></i>
3	thousand (4,000) acres has been or is being developed under a comprehensive
4	plan for a community containing streets and other public services, parks, and
5	other recreational facilities for common use by the residents thereof,
6	churches, schools, and commercial and residential facilities, and which has
7	been subdivided into sufficient lots for residential use to accommodate a
8	projected population of not fewer than one thousand (1,000) persons, and for
9	which a statement of record has been filed with the Secretary of Housing and
10	Urban Development under the Interstate Land Sales Full Disclosure Act.
11	/s/ Hathorn
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