

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.

State of Arkansas

As Engrossed: H4/5/01 S4/10/01

83rd General Assembly

A Bill

Regular Session, 2001

HOUSE BILL 2558

By: Representative Hathorn

For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS CODE 14-38-101
CONCERNING THE PETITIONS FOR INCORPORATING CITIES
AND TOWNS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND ARKANSAS CODE 14-38-101
CONCERNING THE PETITIONS FOR
INCORPORATING CITIES AND TOWNS.

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

SECTION 1. Arkansas Code 14-38-101(b), concerning the petitions for incorporating cities and towns, is amended to read as follows:

(b)(1) The court shall not approve the incorporation of any municipality if any portion of the territory proposed to be embraced in the incorporated town shall lie within five (5) miles from the corporate limits of an existing municipal corporation unless the governing body of the municipal corporation has, by written resolution, affirmatively consented to the incorporation.

(2)(A)(i) *The five-mile limitation shall not apply if the area proposed to be incorporated is separated from the corporate limits of an existing municipality by a natural barrier that makes the area to be incorporated inaccessible to the existing municipality.*

(ii) If the area proposed to be incorporated is only accessible by a bridge or other man-made structure, then the area shall be considered inaccessible for purposes of this subsection (b).

(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 ~~five thousand (5,000)~~ four
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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