

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

SENATE BILL 530

5 By: Senator B. Sample
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For An Act To Be Entitled

8 AN ACT TO MODIFY THE LAW CONCERNING DETACHMENT AFTER
9 ANNEXATION IN CERTAIN CIRCUMSTANCES; TO PROHIBIT
10 ENCLAVES; AND FOR OTHER PURPOSES.
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Subtitle

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13 TO MODIFY THE LAW CONCERNING DETACHMENT
14 AND ANNEXATION IN CERTAIN CIRCUMSTANCES.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code Title 14, Chapter 40, Subchapter 5, is
21 amended to add an additional section to read as follows:

22 14-40-504. Enclaves prohibited.

23 (a) Whenever practicable, a city or incorporated town shall annex
24 lands that are contiguous and reasonably compact and in a manner that does
25 not create enclaves.

26 (b) As used in this section, "enclave" means an unincorporated
27 improved or developed area that is enclosed within and bounded on all sides
28 by a single city or incorporated town.
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30 SECTION 2. Arkansas Code § 14-40-601 is amended to read as follows:

31 14-40-601. Application by petition.

32 (a) ~~Whenever~~ When a majority of the real estate owners of any part of
33 a county contiguous to and adjoining any city or incorporated town ~~shall~~
34 desire to be annexed to the city or town, they may apply, by attested
35 petition in writing, to the county court of the county in which the city or
36 town is situated and shall name the persons authorized to act on behalf of



1 the petitioners.

2 (b) The "majority of real estate owners" referred to in this section
3 ~~shall mean~~ means a majority of the total number of real estate owners in the
4 area affected, if the majority of the total number of owners ~~shall~~ own more
5 than one-half (1/2) of the acreage affected.

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7 SECTION 3. Arkansas Code § 14-40-606 is amended to read as follows:
8 14-40-606. Rights and privileges of new inhabitants.

9 (a) As soon as the resolution or ordinance declaring the annexation
10 has been adopted or passed, the territory shall be ~~deemed and taken~~
11 considered to be a part ~~and parcel~~ of the limits of the city or incorporated
12 town, and the inhabitants residing ~~therein~~ in the annexed portion shall have
13 ~~and enjoy~~ all the rights and privileges of the inhabitants within the
14 original limits of the city or incorporated town.

15 (b)(1) Within three (3) years of the adoption or passage of the
16 annexation ordinance or resolution, a city or incorporated town shall notify
17 the county judge and new inhabitants in writing of the schedule of services
18 that are provided by the city or incorporated town.

19 (2)(A)(i) The notice shall include any failure to provide a
20 service.

21 (ii) If a service is provided after the notice is
22 sent, a subsequent notice shall be sent with the information.

23 (B) The notice shall also include information on the right
24 to seek detachment under § 14-40-608.

25 (c) A city or incorporated town may not proceed with any annexation
26 proceeding whatsoever, whether voluntary or involuntary, if there are pending
27 services that have failed to be provided under any annexation proceeding.

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29 SECTION 4. Arkansas Code § 14-40-608 is amended to read as follows:
30 14-40-608. Right to detach certain lands after an annexation
31 proceeding.

32 (a)(1) Within eight (8) years after an annexation proceeding is
33 completed under ~~the provisions of~~ this subchapter and the land remains the
34 boundary of the city or town, the county judge or the person owning all lands
35 originally annexed into the city or town may ~~be authorized to~~ detach those
36 annexed lands from the city or town under ~~the provisions of~~ this section, so

1 long as the city or town has not provided utility and city services to those
2 lands.

3 (2) If the county judge files the detachment petition, he or she
4 shall recuse himself or herself from presiding over the case and a special
5 county judge shall be appointed under § 14-14-1001 et seq.

6 (3) A majority of the real estate owners may also file an
7 attested petition in writing under this subsection.

8 (b)(1) When a qualifying landowner, county judge, or majority of real
9 estate owners notifies the municipality that ~~he or she wishes~~ they wish to
10 detach ~~his or her~~ the land from the city or town under this section, the
11 governing body of the municipality may pass an ordinance within thirty (30)
12 days to detach the annexed, qualifying land from the municipality.

13 (2)(A) In order to notify the city or town, the landowner,
14 county judge, or majority of landowners shall file an affidavit with the city
15 clerk or recorder stating that:

16 (i) ~~His or her~~ The land was annexed;

17 (ii) ~~His or her~~ The land is located inside the city
18 or town along the municipal boundary; and

19 (iii) ~~He or she desires~~ They desire the annexed land
20 to be detached from the municipality.

21 (B) The affidavit shall be filed along with a certified
22 copy of the plat of the annexed land ~~he or she desires~~ to be detached and a
23 copy of the order of the county court approving the annexation and the
24 resolution or ordinance of the municipal governing body accepting the
25 annexation.

26 (c) If the municipal governing body approves the ordinance to detach
27 the territory, the clerk or recorder of the municipality shall ~~duy~~ certify
28 and send one (1) copy of the plat of the detached territory, one (1) copy of
29 the ordinance detaching the territory, and one (1) copy of the qualifying
30 affidavit to the county clerk.

31 (d)(1) The county clerk shall forward a copy of each document to the
32 Secretary of State, who shall file and preserve them.

33 (2) The county clerk shall forward one (1) copy of the plat of
34 the detached territory and one (1) copy of the ordinance detaching the
35 territory to the Director of the Tax Division of the Arkansas Public Service
36 Commission, who shall file and preserve them and shall notify all utility

1 companies having property in the municipality of the detachment proceedings.

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