

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

As Engrossed: S3/18/13

A Bill

SENATE BILL 531

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

8 AN ACT TO AMEND THE LAW CONCERNING THE REQUIREMENTS
9 FOR ANNEXATION; AND FOR OTHER PURPOSES.
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Subtitle

11 TO AMEND THE LAW CONCERNING THE
12 REQUIREMENTS FOR ANNEXATION.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 14-40-302 is amended to read as follows:
20 14-40-302. Authority – Exceptions.

21 (a) By vote of two-thirds (2/3) of the total number of members making
22 up its governing body, any municipality may adopt an ordinance to annex lands
23 contiguous to the municipality if the lands are ~~any of the following~~:

24 (1) Platted and held for sale or use as municipal lots, or,

25 ~~(2) Whether whether~~ platted or not, ~~if the lands are~~ held to be
26 sold as suburban property;

27 ~~(3)(2) When the lands furnish~~ Used to furnish the abode for a
28 densely settled community or represent the actual growth of the municipality
29 beyond its legal boundary;

30 ~~(4)(3) When the lands are needed~~ Needed for any proper municipal
31 purposes such as for the extension of needed police regulation; or

32 ~~(5)(4) When they are valuable~~ Valuable by reason of their
33 adaptability for prospective municipal uses.

34 (b)(1) Contiguous lands shall not be annexed ~~when~~ if they ~~either~~:

35 (A) ~~Have~~ At the time of the adoption of the ordinance,
36 have a fair market value, ~~at the time of the adoption of the ordinance,~~ of



1 lands used only for agricultural or horticultural purposes and the highest
2 and best use of the lands is for agricultural or horticultural purposes; ~~or~~

3 (B) Are lands upon which a new community is to be
4 constructed with funds guaranteed, in whole or in part, by the federal
5 government under Title IV of the Housing and Urban Development Act of 1968 or
6 under Title VII of the Housing and Urban Development Act of 1970;

7 (C) Are lands that are less than one-half (1/2) mile wide
8 at all points, except as authorized by the county judge; or

9 (D) Are lands that do not encompass the entire width of
10 public road right-of-way or public road easements within the lands sought to
11 be annexed, except as authorized by the county judge.

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 that are being used exclusively for
17 agricultural purposes, the lands may continue to be used for such purposes so
18 long as the owner desires and the lands shall be assessed as agricultural
19 lands.

20 (c) However, a municipality having a population of fewer than one
21 thousand (1,000) persons shall not annex in any one (1) calendar year
22 contiguous lands in excess of ten percent (10%) of the current land area of
23 the municipality.

24 (d)(1) Whenever practicable, a city or incorporated town shall annex
25 lands that are contiguous and reasonably compact and in a manner that does
26 not create enclaves.

27 (2) As used in this section, "enclave" means an unincorporated
28 improved or developed area that is enclosed within and bounded on all sides
29 by a single city or incorporated town.

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31 /s/B. Sample
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