

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

*As Engrossed: S3/17/15*  
**A Bill**

SENATE BILL 305

5 By: Senators J. Cooper, Burnett  
6 By: Representatives Wallace, B. Smith  
7

**For An Act To Be Entitled**

9 AN ACT TO AMEND THE LAW CONCERNING ANNEXATIONS BY ONE  
10 HUNDRED PERCENT (100%) PETITION; AND FOR OTHER  
11 PURPOSES.  
12  
13

**Subtitle**

15 TO AMEND THE LAW CONCERNING ANNEXATIONS  
16 BY ONE HUNDRED PERCENT (100%) PETITION.  
17  
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
20

21 SECTION 1. Arkansas Code Title 14, Chapter 40, Subchapter 6, is  
22 amended to add an additional section to read as follows:

23 14-40-609. Annexation by one hundred percent (100%) petition.

24 (a) As used in this section, "city or town" means:

25 (1) A city of the first class;

26 (2) A city of the second class; and

27 (3) An incorporated town.

28 (b)(1) An individual who owns property in a county that is contiguous  
29 to a city or town may petition the governing body of the city or town to  
30 annex the property that is contiguous to the city or town.

31 (2) The petition under subdivision (b)(1) of this section:

32 (A) Shall be in writing, attested by the property owner or  
33 owners;

34 (B) Shall contain an accurate description of the relevant  
35 property or properties; and

36 (C) Shall include a schedule of services of the annexing



1 city or town that will be extended to the area within three (3) years after  
2 the date the annexation becomes final.

3 (3) The petition shall be filed with the county assessor and the  
4 county clerk, and within fifteen (15) days of the filing, the county assessor  
5 and the county clerk shall:

6 (A) Verify the identity of the petitioner or petitioners;

7 (B) Verify that there are no property owners included in  
8 the petition that do not wish to have their property annexed;

9 (C) Verify that the property or properties are contiguous  
10 with the city or town; and

11 (D) Verify that no enclaves will be created if the  
12 petition is accepted by the city or town.

13 (c)(1) Upon completion of the verifications of the petition by the  
14 county assessor and the county clerk, the county assessor and the county  
15 clerk shall present the petition and verifications to the county judge who  
16 shall review the petition and verifications for accuracy.

17 (2) Within fifteen (15) days of the receipt of the petition and  
18 verifications, the county judge shall:

19 (A) Review the petition and verifications for completeness  
20 and accuracy;

21 (B) Determine that no enclaves will be created by the  
22 annexation;

23 (C) Confirm that the petition contains a schedule of  
24 services; and

25 (D) Issue an order articulating these findings and forward  
26 the petition and order to the contiguous city or town.

27 (d)(1)(A) By ordinance or resolution, the city or town may grant the  
28 petition and accept the property for annexation to the city or town.

29 (B) The city or town is not required to grant the petition  
30 and accept the property petitioned to be annexed.

31 (2) The ordinance or resolution shall contain an accurate  
32 description of the property to be annexed.

33 (3) If the governing body of the city or town accepts the  
34 contiguous property, the clerk or recorder of the city or town shall certify  
35 and send one (1) copy of the plat of the annexed property and one (1) copy of  
36 the ordinance or resolution of the governing body of the city or town to the

1 county clerk.

2 (e) The county clerk shall forward a copy of each document received  
3 under subdivision (d)(3) of this section to the:

4 (1) Secretary of State, who shall file and preserve each copy;  
5 and

6 (2) Director of the Tax Division of the Arkansas Public Service  
7 Commission, who shall file and preserve each copy and notify all utility  
8 companies having property in the city or town of the annexation proceedings.

9 (f)(1) Notwithstanding any other provisions in this chapter, thirty  
10 (30) days after passage of the ordinance or resolution by the governing body  
11 of the city or town under this section, the annexation shall be final and the  
12 property shall be within the corporate limits of the city or town.

13 (2) The inhabitants residing in the newly annexed property shall  
14 have and enjoy all the rights and privileges of the inhabitants within the  
15 original limits of the city or town.

16 (g)(1) During the thirty-day period under subdivision (f)(1) of this  
17 section, a cause of action may be filed in the circuit court of the county of  
18 the annexation by a person asserting and having an ownership right in the  
19 property objecting to the petition or by any person asserting a failure to  
20 comply with this section.

21 (2) After the thirty-day period, an action under subdivision  
22 (g)(1) of this section is not timely.

23  
24 /s/J. Cooper  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36