

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 1018

5 By: Representative Cozart  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE PROCEDURE FOR  
9 ANNEXATION OF SURROUNDED LAND; AND FOR OTHER  
10 PURPOSES.  
11

## Subtitle

12  
13  
14 TO AMEND THE LAW CONCERNING THE PROCEDURE  
15 FOR ANNEXATION OF SURROUNDED LAND.  
16  
17

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

20 SECTION 1. Arkansas Code § 14-40-501 is amended to read as follows:

21 14-40-501. Authority – Exceptions.

22 (a)(1)(A)(i) ~~Whenever~~ If the incorporated limits of a municipality  
23 have completely surrounded an unincorporated area, the governing body of the  
24 municipality may propose an ordinance ~~calling for~~ and an election under § 14-  
25 40-303 calling for the annexation of the land surrounded by the municipality.

26 (ii) Subdivision (a)(1)(A)(i) of this section  
27 includes situations in which the incorporated limits of a municipality have  
28 surrounded an unincorporated area on only three (3) sides because the fourth  
29 side is a boundary line with another state, a military base, a state park, a  
30 national forest, a lake, or a river.

31 (B) If the incorporated limits of two (2) or more  
32 municipalities have completely surrounded an unincorporated area, the  
33 governing body of the municipality with the greater distance of city limits  
34 adjoining the unincorporated area's perimeter may propose an ordinance and an  
35 election under § 14-40-303 calling for the annexation of the land surrounded  
36 by the municipalities, unless it is agreed by the adjoining municipalities



1 that another of the adjoining municipalities should propose an ordinance and  
 2 an election under § 14-40-303 calling for the annexation.

3 (2) The ordinance ~~will~~ shall provide a legal description of the  
 4 land to be annexed and describe generally the services to be extended to the  
 5 area to be annexed.

6 (b)(1) The unincorporated area to be annexed shall comply with the  
 7 standards for lands qualifying for annexation which are set forth in § 14-40-  
 8 302.

9 (2) Privately owned lakes exceeding six (6) acres of water  
 10 surface which are used exclusively for recreational purposes and lands  
 11 adjacent to them not exceeding twenty (20) acres in size which are used  
 12 exclusively for recreational purposes in relation to the lake shall not  
 13 qualify for annexation under the provisions of this subchapter.

14  
 15 SECTION 2. Arkansas Code § 14-40-502 is repealed.

16 ~~14-40-502. Hearing—Notice.~~

17 ~~(a) A public hearing shall be conducted within sixty (60) days of the~~  
 18 ~~proposal of the ordinance calling for annexation.~~

19 ~~(b) At least fifteen (15) days prior to the date of the public~~  
 20 ~~hearing, the governing body of the municipality shall publish a legal notice~~  
 21 ~~setting out the legal description of the territory proposed to be annexed and~~  
 22 ~~notify by certified mail all the property owners within the area proposed to~~  
 23 ~~be annexed of their right to appear at the public hearing to present their~~  
 24 ~~views on the proposed annexation.~~

25  
 26 SECTION 3. Arkansas Code § 14-40-503 is repealed.

27 ~~14-40-503. Procedure for annexation.~~

28 ~~(a)(1)(A) Except as provided in subdivision (a)(1)(B) of this section,~~  
 29 ~~at the next regularly scheduled meeting following the public hearing, the~~  
 30 ~~governing body of the municipality proposing annexation may bring the~~  
 31 ~~proposed ordinance up for a vote.~~

32 ~~(B) An ordinance shall not be enacted within fifty-one~~  
 33 ~~(51) days of a scheduled election to consider annexing all or part of the~~  
 34 ~~area in question.~~

35 ~~(2) If a majority of the total number of members of the~~  
 36 ~~governing body vote for the proposed annexation ordinance, then a prima facie~~

1 ~~ease for annexation shall be established, and the city shall proceed to~~  
2 ~~render services to the annexed area.~~

3 ~~(b) The decision of the municipal council shall be final unless suit~~  
4 ~~is brought in circuit court of the appropriate county within thirty (30) days~~  
5 ~~after passage to review the actions of the governing body.~~

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36