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ANNEXATION PROCEDURES FOR THE CITY OF ROGERS, ARKANSAS

Important: Before an entity undertakes an annexation, consolidation, or detachment proceeding the entity shall coordinate with the Arkansas Geographic Information Systems Office for preparation of legal descriptions and digital mapping for the relevant annexation, consolidation, and detachment areas. (A.C.A §14-40-101)

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Landowner Initiated:

Annexation into Adjoining Municipality (14-40-2002)

14-40-2002. Annexation into adjoining municipality.

- (a)
- (1) A landowner or group of landowners seeking additional municipal services may have its land detached from the municipality in which it is located and annexed into another municipality that borders the land.
- (2) However, before annexation is allowed, the municipality in which the land is located shall have an opportunity to provide the additional services.
- (b) The following procedure shall apply:
- (1) The landowner or landowners shall file a statement with the municipality in which the land is located listing the additional municipal service or services being sought and stating that:
- (A) The municipality is not providing services necessary to create improvements, provide employment or additional employment, subdivide, or otherwise maximize the use and value of the property;
- (B) All the land in the request composes one (1) area that is contiguous to another municipality;
- (C) The additional services are available in another municipality that borders the land subject to the request; and
- (D)
- (i) The municipality is requested to make a commitment to take substantial steps, within ninety (90) days after the statement is filed, toward providing the additional services and, within each thirty-day period thereafter, to continue taking steps to demonstrate a consistent commitment to provide the service within a reasonable time, as determined by the kind of services requested.
- (ii) The commitment shall be made in writing to the landowner within thirty (30) calendar days of the filing of the statement, or the landowner may seek to have the land detached from the municipality and annexed into the other municipality.
- (iii) The landowner shall take appropriate steps to make the land accessible to the service and comply with reasonable requests of the municipality that are necessary for the service to be provided;
- (2) The landowner or landowners may request the annexation of the land into the other municipality and thereby detach the land from the boundaries of the municipality in which the land is currently located if:
- (A) The municipality in which the land is located fails to execute a commitment to services within thirty (30) days after the statement is filed; or
- (B) The municipality executes the commitment to services but fails to take the action required under subdivision (b)(1)(D) of this section;
- (3)
- (A) The land shall be annexed into the other municipality if, after a request by the landowner or landowners, the governing body of the municipality into which annexation is sought indicates by

ordinance, resolution, or motion its commitment to make the services available and its approval of the request for annexation.

(B)

(i) The annexation shall be void and the land shall be returned to the original municipality if the annexing municipality fails to take substantial steps within ninety (90) days after the passage of the ordinance, resolution, or motion to make the services available and, within each thirty-day period thereafter, continues taking steps demonstrating a consistent commitment to make the additional service available within a reasonable time, as determined by the kind of services requested.

(ii) The landowner shall have taken appropriate steps to make the land accessible to the service and complied with the reasonable requests of the municipality that are necessary for the service to be provided.

(iii) However, if the requested services are not available within one hundred eighty (180) days after the property is accepted by the annexing jurisdiction or substantial steps are not taken to make the services available within this time period, then the detachment and annexation shall be void and all property returned to its original jurisdiction; and

(4) The land shall remain in the original municipality until it is annexed into the other municipality.

(c) Land annexed pursuant to this section shall not be eligible for reannexation under this section for a period of two (2) years.

(d) This section shall apply to residential, commercial, industrial, and unimproved land.

(e) For the purposes of this section, "services" means electricity, water, sewer, fire protection, police protection, drainage and storm water management, or any other offering by the municipality that materially affects a landowner's ability to develop, use, or expand the uses of the landowner's property.