

Annexation Procedures



Petition Method

City of Bryant

ANNEXATION BY PETITION OF PROPERTY OWNERS

- ◆ The petition for annexation must be in writing and must have an accurate legal description of the territory proposed to be annexed, this territory must be contiguous to the City of Bryant. (Contiguous means it must join onto and be adjacent to the present city limits.)
- ◆ The petition must have attached an accurate map of the territory proposed to be annexed and its relationship to the present city.
- ◆ The petition must be signed by a majority of real estate owners. This means the petitions must be signed by a majority of real estate owners in both number and ownership of acreage.
- ◆ The petition is then presented to the county court and filed in the office of the county clerk for action upon by the county judge.

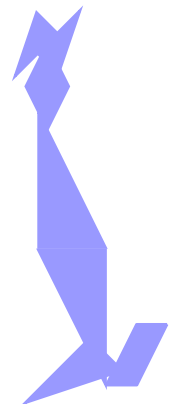
The petition is presented to the county court which is presided over by the county judge. The petitions, notice of hearing, final order, and ordinances must bear the identical accurate legal description of the territory.

- ◆ Between the time of the filing of the petition and the date of the hearing, the petitioners shall cause a notice to be published in some newspaper of general circulation in the county. The notice shall be published one (1) time a week for three (3) consecutive weeks.



DUTIES OF COURT

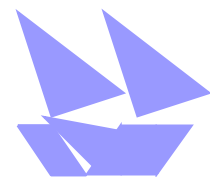
- ◆ Once a petition for annexation of territory by petition of property owners has been filed, the judge of the county court shall fix the time and place for a hearing on said petition and shall communicate to the petitioners, or his agent, a time and place for a hearing on such petition. The time for the hearing shall not be less than thirty (30) days after the filing of petition.



Hearing on the Petition

- ◆ All hearings on petitions shall be public.
- ◆ Any person interested may appear and contest the granting of the petition.
- ◆ Affidavits in support of or against the petition which may be prepared and submitted shall be examined by the court.
- ◆ The court may, in its discretion, permit the agent or agents of petitioners to amend or change the petition, except the petition may not be amended to add new territory.
This means that if someone on the outer edge of the territory proposed to be annexed is protesting, then the petitioner may petition the court to amend the petition and cut him out of the area to be annexed, thereby removing his objection to the petition.
- ◆ If the county court grants the petition, the court shall issue its order and deliver all the papers to the county clerk, who shall record the same.
- ◆ At any time within one (1) month after the county court enters its order, any interested person may institute a proceeding to have the annexation prevented, in the circuit court.
- ◆ After thirty (30) days have passed and no lawsuit has been filed against such annexation in circuit court, the annexation shall be confirmed by a decree of annexation.
- ◆ The Bryant City Council shall pass an ordinance after the 3rd reading accepting the annexed territory to the city and assign it to a designated ward. If the council accepts the annexation, the City Clerk shall certify two (2) copies of the ordinance accepting the annexation to the county clerk. If the council accepts the annexation, the county clerk shall duly certify one (1) copy of the plat, one (1) copy of the order and the ordinance or resolution to the Secretary of State.

The county clerk shall also forward one (1) copy of the plat of such annexed territory and one (1) copy of said order of the county court to the Director of the Tax Division of the Arkansas Public Service Commission, who shall file and preserve the same and shall notify all utility companies having property in said municipality of such annexation, and the clerk shall forward a certified copy of the order of the county court to the city council.

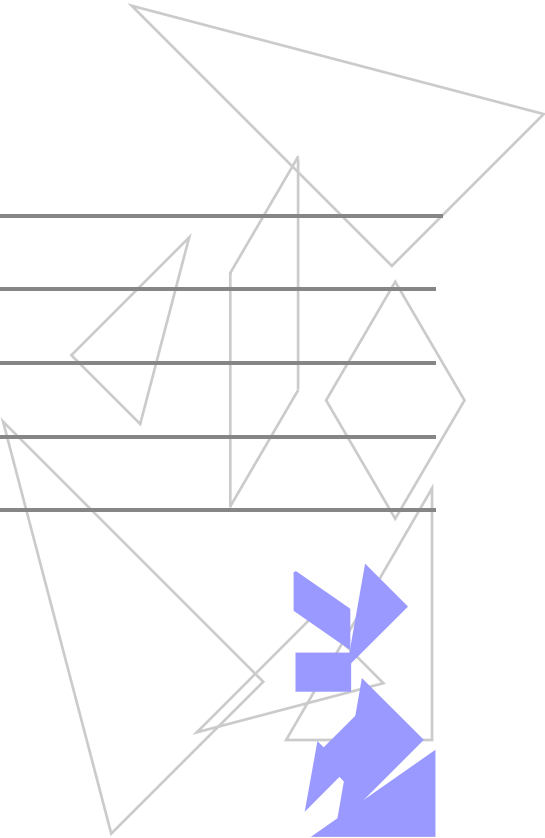


Planning Dept. Checklist:

Documents Required For Annexation

	Date
◆	
◆ County Petition for Annexation	_____
◆ County Order for Public Hearing	_____
◆ Copy of Newspaper Notice	_____
◆ County Order for Annexation	_____
◆ County Order Confirming Annexation	_____
◆ Legal Description verification	_____
◆ City Annexation Ordinance	_____

Notes: _____



IN THE COUNTY COURT OF SALINE COUNTY, ARKANSAS

IN THE MATTER OF ANNEXING CERTAIN TERRITORY TO THE CITY OF BRYANT,
ARKANSAS No. _____

PETITION FOR ANNEXATION

Comes the undersigned and for its Petition states:

1. That Petitioner is the owner of the hereinafter described property, situated in Saline County, Arkansas, to-wit:

Property Description

The area to be annexed is to include all adjacent and abutting public streets and rights-of-way.

And do respectively request this Court to enter an order annexing the above described real property to the City of Bryant, Saline County, Arkansas; that said land be made a part thereof, and that a date for hearing of the Petition be set and notice thereof be published as provided by law.

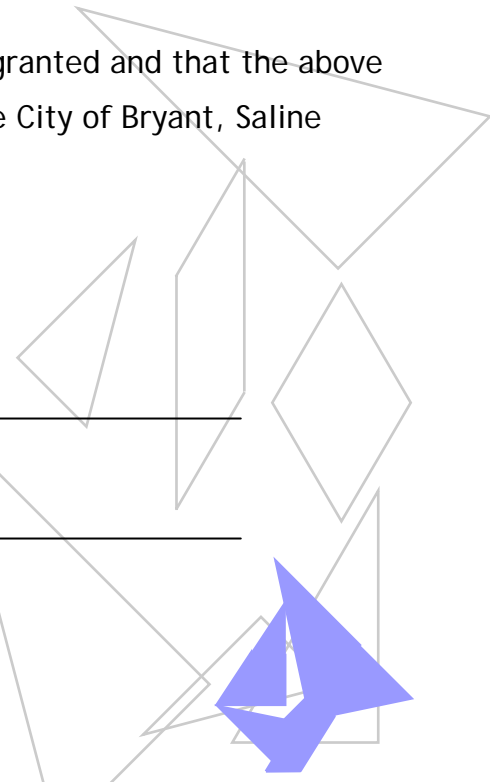
2. That said land is adjacent and contiguous to the City of Bryant, Saline County, Arkansas, a plat of said land being hereto attached and made a part hereof.
3. Petitioner herein designates _____ (Attorney) to act in its behalf. *(sentence optional)*

WHEREFORE, Petitioner prays the court that this Petition be granted and that the above described real property be annexed to and made a part of the City of Bryant, Saline County, Arkansas.

Respectfully Submitted,

NAME

NAME



IN THE COUNTY COURT OF SALINE COUNTY, ARKANSAS

IN THE MATTER OF ANNEXING CERTAIN TERRITORY TO THE CITY OF BRYANT,
ARKANSAS No. _____

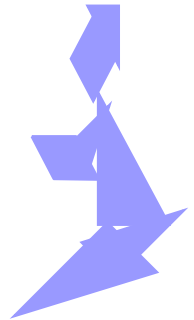
O R D E R

On this day is filed the petition of real estate owners desiring the annexation of territory to the City of Bryant, Arkansas, more particularly described therein, and this Court does hereby fix _____ (date) as the date for hearing on said petition, and the said petitioners shall give notice of such hearing as provided by law, said hearing to be held in the office of the County Judge at _____ a.m.

IT IS SO ORDERED.

County Judge

Entered _____



NOTICE OF PUBLIC HEARING

Notice is hereby given that there has been filed in the County Court of Saline County, Arkansas, the petition of _____, asking for the annexation to the City of Bryant of the following described lands situated in Saline County, Arkansas, and contiguous to said city, to-wit:

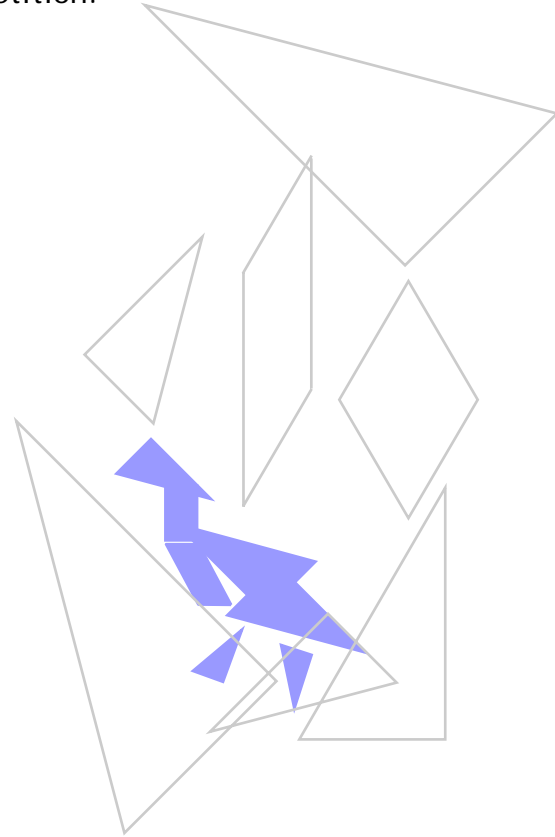
(description of territory)

The area to be annexed is to include all adjacent and abutting public streets and rights-of-way.

A plat of said land proposed for annexation is on file with said petition in the office of the Clerk of said Court, and the undersigned has been named by the petitioners as the person authorized to act for them.

This Petition will be heard by the Judge of said County Court on the ____ day of _____, 2008 at _____ (time) at the Saline County Courthouse, at which time all persons, firms and corporations are hereby notified to present any and all objections, if they have any, to said annexation or be forever barred; said date being not less than thirty (30) days from the date of filing of said Petition.

Given this _____ (month, day. Year)



IN THE COUNTY COURT OF SALINE COUNTY, ARKANSAS
IN THE MATTER OF ANNEXING CERTAIN TERRITORY TO THE CITY OF BRYANT,
ARKANSAS No. _____

DECREE OF ANNEXATION

Comes for hearing the Petition of _____ and _____ asking that the following territory be annexed to the City of Bryant, Saline County, Arkansas, to-wit:

PROPERTY DESCRIPTION

The area to be annexed is to include all adjacent and abutting public streets and rights-of-way.

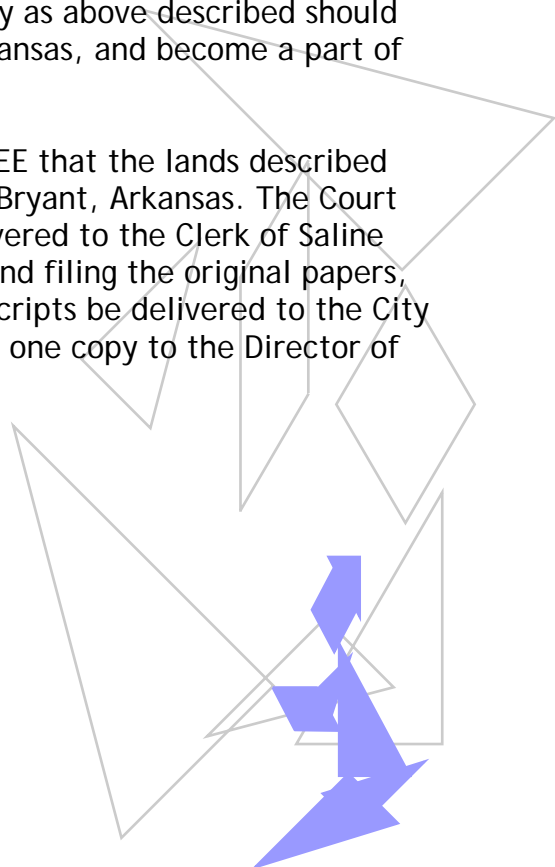
After hearing the evidence, the Court Finds:

1. That the petition was filed more than 30 days prior to this date.
2. That all owners of the territory proposed to be annexed to the City of Bryant, Arkansas, have signed the Petition.
3. That the boundaries of said territory have been accurately described and an accurate map thereof made and filed herewith.
4. That said land is contiguous to and adjoining the City of Bryant, Saline County, Arkansas.
5. That notice of the hearing was published in the form and manner prescribed by law.
6. That said Petition should be granted and the territory as above described should be annexed to the City of Bryant, Saline County, Arkansas, and become a part of said City.

Therefore the Court doth hereby ORDER, JUDGE, and DECREE that the lands described above is hereby annexed to and made a part of the City of Bryant, Arkansas. The Court hereby orders that the original papers in this cause be delivered to the Clerk of Saline County, Arkansas, and the Clerk, after properly recording and filing the original papers, prepare transcripts of same; that one of the certified transcripts be delivered to the City of Bryant, Arkansas, one copy to the Secretary of State and one copy to the Director of the Tax Division of the Arkansas Public Service Commission.

County Judge

Entered _____



ORDINANCE NO. _____

AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN LAND TO THE CITY OF BRYANT, SALINE COUNTY, ARKANSAS.

WHEREAS, _____ filed a Petition with the County Court of Saline County, Arkansas, to annex certain property hereinafter described, to the City of Bryant, Saline County, Arkansas; and,

WHEREAS, on _____ (month. day. year), Lanny Fite, County Judge of Saline County Arkansas, determined that said petition should be granted and that the property hereinafter described should be released from Saline county and annexed to the City of Bryant, Saline County, Arkansas.

WHEREAS, more than thirty (30) days have expired since entry of said order and the City of Bryant desires to accept said property into the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYANT, ARKANSAS:

SECTION 1. That the property hereinafter described be annexed to and made a part of the City of Bryant, Saline County, Arkansas.

(legal description of property)

The area to be annexed is to include all adjacent and abutting public streets and rights-of-way.

SECTION 2. That the hereinabove described property shall be annexed to and made a part of Ward ____ of the City of Bryant with a zoning designation of _____, and the same shall henceforth be a part of said ward as fully as existing parts of said ward.

Passed and approved this _____ day of _____, 20__.

APPROVED: _____
Mayor

ATTEST: _____
City Clerk

