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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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Petition Method

14-40-601. Application by petition.

(a) When a majority of the real estate owners of any part of a county contiguous to and adjoining any city or incorporated town desires to be annexed to the city or town, they may apply by attested petition in writing to the county court of the county in which the city or town is situated, shall name the persons authorized to act on behalf of the petitioners, and may include a schedule of services of the annexing municipality that will be extended to the area within three (3) years after the date the annexation becomes final.

(b) The "majority of real estate owners" referred to in this section means a majority of the total number of real estate owners in the area affected if the majority of the total number of owners own more than one half (½) of the acreage affected.

14-40-602. Hearing on petition.

(a)

(1) When the petition shall be presented to the county court, the clerk shall file it, and the court shall set a date for a hearing on the petition.

(2) The date for the hearing shall not be less than thirty (30) days after the filing of the petition.

(b)

(1)

(A) 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.

(B) The notice shall be published one (1) time a week for three (3) consecutive weeks.

(2) If there is no newspaper of general circulation in the county, notice shall be posted at some public place within the limits of the incorporated town or city for at least three (3) weeks before the date of the hearing.

(3) The notice referred to in this subsection shall contain the substance of the petition and state the time and place appointed for the hearing thereof.

(c) The hearing procedure set forth in § 14-38-103 shall be followed in the proceedings concerned in this section insofar as such procedure is not in conflict with any provision expressly set out in this subchapter.

14-40-603. Order for annexation.

(a) After the hearing, if the county court shall be satisfied that the allegations of the petition were sustained by the proof, if the court shall be satisfied that the requirements for signatures under § 14-40-601 have been complied with, and if the court shall be satisfied that the limits of the territory to be annexed have been accurately described and an accurate map thereof made and filed, and that the prayer of the petitioner is right and proper, then the court shall enter its order granting the petition and annexing the territory.

(b) The order shall be recorded by the clerk of the county.

14-40-604. Proceedings to prevent annexation.

(a)

(1) No further action shall be taken for a period of thirty (30) days after the order for annexation has been entered. Within that time any person interested may institute a proceeding in the circuit court to have the annexation prevented.

(2)

(A) If the court or judge hearing the proceeding shall be satisfied that the requirements for annexation as set out in this subchapter have not been complied with, that the territory proposed to be annexed is unreasonably large, or that the territory is not properly described, the court or judge shall make an order restraining any further action under the order of the county court and annulling it. However, the proceeding shall not bar any subsequent petition.

(B) If the court or judge shall determine that the order of the county court was proper, then the order of the county court shall be affirmed, and the proceedings to prevent the annexation shall be dismissed.

(b) When any complaint shall be made in accordance with this section to prevent an annexation of territory, notice thereof shall be given to the city or incorporated town authorities and the agent of the petitioners.

14-40-605. Confirmation of annexation.

(a) If no notice under [§ 14-40-604\(b\)](#) is given within thirty (30) days from the making of the order of annexation by the county court, the proceeding before the court shall in all things be confirmed, if the city or incorporated town council shall accept by ordinance or resolution the territory.

(b)

(1)

(A) If the council accepts the territory and notifies the county clerk of each county in which territory is affected, the county clerk shall certify one (1) copy of the plat of the annexed territory and one (1) copy of the order of the court and the resolution or ordinance of the council.

(B) The county clerk shall forward a copy of each document to the Secretary of State, who shall file and preserve each copy.

(2) The county clerk shall forward a certified copy of the order of the court to the council.