

RESOLUTION NO. 1777

A RESOLUTION DECLARING THE CITY'S INTENT TO ANNEX CERTAIN UNINCORPORATED LANDS IN THE COUNTY AND FOR OTHER PURPOSES

WHEREAS, the City of Russellville, Arkansas ("City"), is a city incorporated under A.C.A. §14-38-101 *et seq.*; is a body politic and corporate under the name and style of "The City of Russellville," as authorized by A.C.A. §14-54-101; is a city of the first (1st) class under A.C.A. §14-37-104 and the City's corporate authority organized under A.C.A. §14-42-102; and

WHEREAS, Ark Code Ann. §14-43-502 authorizes a city council of a city of the first class all legislative powers and other corporate powers not prohibited by specific state laws; and

WHEREAS, A.C.A. §14-40-301 *et seq.*, authorizes municipalities to annex contiguous lands and sets out the procedural requirements for a city to annex contiguous unincorporated lands; and,

WHEREAS, no part of the proposed area to be annexed is included within the boundary of another incorporated city or town; and,

WHEREAS, the City has identified an area of lands either within one (1) mile of the City limits or within its planning area boundary which the City is exercising its extraterritorial jurisdiction pursuant to A.C.A. §14-56-413 and has developed a map which is attached with this Resolution as "Exhibit A" and incorporated within this Resolution by reference; and,

WHEREAS, the City states its intention in this Resolution to annex the specifically defined portion of territory in "Exhibit A" that the City is currently exercising territorial jurisdiction, its planning authority, has authorized by A.C.A. §14-56-413; and,

WHEREAS, the City also states its intention in this Resolution to annex the specifically defined portion of territory in "Exhibit A" that is within one (1) mile of the City's corporate limits but not under the City's planning authority; and,

WHEREAS, it is the position of the City that the public interests and general welfare of the City, its residents and citizens would be served by the proposed annexation of this area; and,

WHEREAS, it is the intent of the City to annex the identified unincorporated lands in Pope County ("County") as identified on the attached map.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF RUSSELLVILLE, ARKANSAS, OF THE FOLLOWING:

SECTION 1: The recitals in the Preamble of this Resolution is hereby adopted by the City and incorporated into this Resolution by reference.

SECTION 2: This Resolution is passed by the City Council pursuant to the authority granted to it by the State of Arkansas by A.C.A. §§14-40-208; 14-40-301 *et seq.*, 14-43-502(a); 14-43-602 and 14-54-101.

SECTION 3: It is the City's findings that all of the proposed area to be annexed is currently in the City's extraterritorial jurisdiction that the City is currently exercising over the area as defined by A.C.A. §14-56-413 or within one (1) mile of the current City limits, and that annexation of the proposed area that is currently under the City's extraterritorial jurisdiction is made pursuant to

A.C.A. §14-40-208. This proposed area is attached as a map to this Resolution and labelled “Exhibit A”. “Exhibit A” is incorporated in this Resolution by reference.

SECTION 4: It is also the City’s findings that the proposed area to be annexed has at least one (1) or more, of the following pertaining to it:

- (a) the proposed area is platted and held for sale or use as municipal lots;
- (b) whether platted or not, the proposed area is held to be sold as suburban property;
- (c) the proposed area furnish the abode for a densely settled community or represent the actual growth of the City’s legal boundary;
- (d) the proposed area is needed for any proper municipal purposes such as including, but not limited to, the extension of needed police regulation;
- (e) the proposed area is valuable by its adaptability for prospective municipal uses.

SECTION 5: It is another City finding that residences do live inside the proposed area to be annexed and they will be identified and given proper notice per A.C.A. §14-40-303 for the proposed annexation election.

SECTION 6: It is the intent of the City to include the entire width of public road right-of-ways or public road easements in the area to be annexed.

SECTION 7: The City declares its intent to annex the unincorporated area of the county outlined in red into the City, which is identified on the Exhibit A attached with this Resolution and incorporated in this Resolution by reference.

SECTION 8: As the process for annexation is continued by the City, the area identified in Exhibit A may undergo slight alterations or modifications to specifically identify the lands to be annexed into the City. Any subsequent alteration or modification of the map by the City shall not negate or cancel its intent of annexation.

SECTION 9: It is the City’s intent to have a special election under the provisions of A.C.A. §14-40-301 *et seq.*, to annex the proposed area. The date of the special election shall be set in the annexation ordinance to be passed by the City Council. Should the annexation election approve annexation, the boundaries of the corporate limits of the City shall be extended to incorporate the proposed area depicted in “Exhibit A” and other laws affecting the incorporation of the proposed area shall take effect or be implemented within the proposed area.

SECTION 10: The City Council directs the City Planner and the Planning Commission to make recommendations as to the proposed zoning classifications of the properties in the area to be annexed. The City Council also directs the City Planner and the Planning Commission to make recommendations as to the Table of Permitted Uses in the current Zoning Code, Ordinance No. 1966, as subsequently amended, to address any potential uses in the proposed area to be annexed which may not be addressed in the current Table of Permitted Uses.

SECTION 11: The sections of this Resolution are deemed to be severable. Any section, provision, article or sentence declared to be void, unconstitutional, invalid or illegal by a court of competent jurisdiction shall not affect the remaining sections, provisions, articles or sections in this Resolution.

SECTION 12: A copy of this Resolution shall be mailed by certified mail to the current County Judge of Pope County, who pursuant to A.C.A. 14-14-501(b)(2)(i) is the chief executive officer for county government of Pope County to provide notice to the government of Pope County of the City's intent to annex the proposed area as indicated on the attachment labelled Exhibit A.

SECTION 13: Notice is hereby given to the Pope County government by this Resolution that it is subject to potential risk of loss of incomes, revenues, expenditures or value if any services, goods, commitments, agreements, contracts, bonds or pledge of revenues are based on the proposed area as depicted in Exhibit A continuing to be in Pope County after 2020 as it is the City's expressed intent to annex the proposed area as depicted in Exhibit A into the City no later than 2020.

SECTION 14: This Resolution shall go into effect immediately upon and after passage.

ORDERED, this 17th day of October, 2019.



RICHARD HARRIS, MAYOR

ATTEST:



GINA SKELTON, CITY CLERK-TREASURER

I, Gina Skelton, City Clerk-Treasurer of the City of Russellville, Arkansas, hereby certify that the above and foregoing is a true and correct copy of Resolution No. 177 passed by the City Council of the City of Russellville, Pope County, Arkansas, on the 17th day of October, 2019.

APPROVED AS TO LEGAL FORM:



WILLIAM F. SMITH III, CITY ATTORNEY



EXHIBIT A

CITY PLANNER PROPOSED ZONING

