

## **CITY OF DYER, ARKANSAS**

**ORDINANCE NO. 2019-4-23-1**

AN ORDINANCE SUBMITTING TO THE VOTERS OF THE CITY OF DYER, ARKANSAS, AND OTHER AFFECTED PERSONS, THE QUESTION OF ANNEXATION TO SAID CITY OF CERTAIN CONTIGUOUS TERRITORY; AND DECLARING AN EMERGENCY

WHEREAS, it appears to the City Council of the City of Dyer, Arkansas, that the annexation of certain hereinafter described territory, contiguous to the City of Dyer, is necessary for the orderly growth and development of the City;

WHEREAS, represent the actual growth of the municipality beyond its legal boundary;

WHEREAS, the lands are platted and held for sale or use as municipal lots, or whether platted or not, the lands are held to be sold as suburban property; or

WHEREAS, the lands are needed for proper municipal purposes.

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

SECTION 1. That there shall be submitted to the qualified electors of the City of and of the following described area, the question of the annexation of the following described territory to the City of Dyer:

A legal description identifying the area to be annexed is attached hereto as Exhibit A and made a part hereof.

A map depicting said annexation area is attached hereto as Exhibit B and made a part hereof.

SECTION 2. The question of annexation of the territory described above in Section 1 shall be submitted to the electors qualified to vote on this issue at a special election to be held on Tuesday, August 13, 2019, in compliance with A.C.A. 7-11-205. Once this ordinance takes effect, the City Recorder/Treasurer shall immediately notify the County Election Commission and the County Clerk by forwarding to each, a certified copy of this ordinance and the map showing the area to be annexed.

SECTION 3. If at such election a majority of the qualified electors voting in such election shall vote for such annexation, the annexation shall be effective and the territory included within the corporate limits of the City of Dyer thirty [30] days following the County Clerk's certification of the election results and recording of the same, along with the description and a map of the annexed area, in the county records, and filing a certified copy thereof with the Secretary of State; or in the event an action is filed with the Circuit Court, on the date the judgment of said Court becomes final. If a majority of the qualified electors voting on the issue at the election vote against the annexation, the annexation ordinance shall be null and void.

SECTION 4. No later than forty-five (45) days prior to the election, the city shall identify all persons who reside within the area proposed to be annexed, and the county clerk shall assist the city in determining the names and addresses of all qualified electors residing within that area.

SECTION 5. The city recorder/treasurer shall give notice of the election by publication by at least one [1] insertion in some newspaper having a general circulation in the city.

SECTION 6. If the annexation is approved and becomes final, the governing body of the city shall, by ordinance, as soon as practical after the annexation, attach and incorporate such annexed territory to and in one [1] or more wards of the city lying adjacent thereto, and the territory so assigned and attached to a ward shall thereafter be considered and become a part thereof as fully as any other part of the city.

SECTION 7. If the annexation is approved and becomes final, the following services shall be extended to the area within three [3] years: police protection, fire protection, and solid waste collection shall be available immediately upon finalization of the annexation.

The schedule of services shall be included in the annual written report required by A.C.A. 14-40-2201.

SECTION 8. The ballots used at said election on the question of annexation shall be marked as follows:

[ ] FOR annexation of the territory described in Ordinance No. \_\_\_\_\_ .

[ ] AGAINST annexation of the territory described in Ordinance No. \_\_\_\_\_ .

SECTION 9. Emergency Clause. This ordinance being necessary for the immediate preservation of the public peace, health, safety, and welfare, as well as compliance with special election statutes, an emergency is hereby declared to exist and this ordinance shall be effective and in full force and effect from and after its passage and approval.

PASSED AND APPROVED THIS 23<sup>RD</sup> DAY OF APRIL IN THE YEAR 2019.

APPROVED:

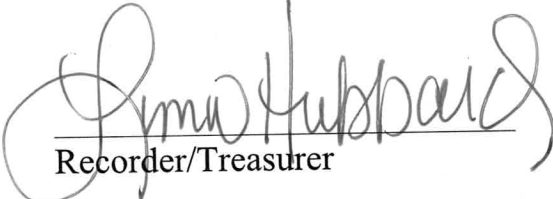
  
MAYOR

ATTEST:

  
RECORDER/TREASURER

**CERTIFICATION**

I, the City Recorder/Treasurer of Dyer, Arkansas, certify that the foregoing ordinance was passed by a vote of 6 to 0 and the included emergency clause was passed by separate vote of 6 to 0 by the City Council of Dyer, Arkansas, at its regular meeting held on April 23, 2019, such that the ordinance was duly adopted and approved and an emergency was declared.

  
Recorder/Treasurer

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**EXHIBIT A**

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All that part of the Southwest Quarter of Section 25, Township 10 North, Range 30  
West not already within the City of Dyer, Arkansas

# Exhibit B

