

SUPREME COURT OF ARKANSAS

City of Centerton v. City of Bentonville, 375 Ark. 439

291 S.W.3d 594 (2009) · No. No. 08-380 · Decided January 30, 2009

SUMMARY

The Supreme Court of Arkansas affirmed a circuit court judgment invalidating the City of Centerton's annexation of surrounded land known as West Island. The court held that the annexed property south of Motley Road did not satisfy any of the statutory annexation criteria in Arkansas Code Annotated section 14-40-302(a), and that failure rendered the entire annexation void in toto. The court also explained that an adjoining landowners' petition to annex property into Bentonville did not constitute an admission that the property qualified for annexation by Centerton.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Jim Hannah, Chief Justice
JURISDICTION	Arkansas
DECIDED	January 30, 2009
DOCKET	No. 08-380
DISPOSITION	affirmed
PROCEDURAL POSTURE	Centerton appealed a Benton County Circuit Court judgment declaring invalid its annexation of the surrounded land known as West Island.
STANDARD OF REVIEW	The circuit court's annexation findings are reviewed for clear error, with substantial reliance placed on the trial judge's findings because of the nature of annexation litigation.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion; precedential
PARTIES	City of Centerton v. City of Bentonville, George Huber, Nancy Huber, Daniel Davies, Ruby Davies, Sandra Townsend, Gary Townsend, Lois Peters Revocable Trust

TOPICS

- municipal law
- ordinances
- statutory interpretation
- standard of review
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Bentonville's petition annexation constituted an admission that West Island satisfied the statutory criteria for annexation by Centerton.
2. Whether Centerton's prima facie case under Arkansas Code Annotated section 14-40-503(a)(2) required affirmance of its annexation.
3. Whether the land south of Motley Road satisfied at least one of the annexation criteria in Arkansas Code Annotated section 14-40-302(a).
4. Whether the circuit court clearly erred in declaring Centerton's annexation invalid.

HOLDINGS

1. Bentonville's petition annexation did not admit that West Island satisfied the statutory criteria for annexation by Centerton because the criteria must be evaluated in relation to the particular municipality seeking annexation.
2. The prima facie case established by the governing body's vote for annexation was overcome because Bentonville presented sufficient evidence that the disputed land did not satisfy any criterion in section 14-40-302(a).
3. When any part of the proposed annexed area fails to meet at least one of the statutory annexation criteria, the entire annexation is void in toto.
4. The circuit court did not clearly err in declaring Centerton's annexation invalid.

KEY QUOTATIONS

“That West Island met a criterion with respect to Bentonville does not necessarily mean that it met that same criterion or any other criteria with respect to Centerton.” (at 596)

“Annexation is proper where any one of the criteria set out in section 14-40-302(a) is met.” (at 597)

“When part of the annexed land fails to meet at least one of the five criteria of section 14-40-302(a), the entire annexation is void in toto.” (at 598)

FACTUAL BACKGROUND

Centerton annexed West Island, an unincorporated area surrounded by Centerton and Bentonville, by municipal ordinance. Bentonville had separately annexed the area by petition of adjoining landowners and then challenged Centerton's annexation. The disputed portion south of Motley Road consisted primarily of agricultural land, was not densely populated, was not included in Centerton's water-service area, and had no identified municipal plans or uses. Centerton's mayor testified that the area was included only because Centerton sought to annex the whole island.

PROCEDURAL HISTORY

Centerton annexed West Island by ordinance. Bentonville and other affected parties challenged the annexation in circuit court, alleging that the land did not satisfy the statutory criteria for annexation. The circuit court declared the annexation invalid, and the Arkansas Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Ferguson v. State, 362 Ark. 547, 210 S.W.3d 53 (2005)
- City of Marion v. Guaranty Loan & Real Estate Co., 75 Ark. App. 427, 58 S.W.3d 410 (2001)
- City of Jacksonville v. City of Sherwood, 375 Ark. 107, 111, 289 S.W.3d 90, 93 (2008)
- Town of Houston v. Carden, 332 Ark. 340, 965 S.W.2d 131 (1998)
- Gay v. City of Springdale, 298 Ark. 554, 769 S.W.2d 740 (1989)
- Lee v. City of Pine Bluff, 289 Ark. 204, 710 S.W.2d 205 (1986)
- Utley v. City of Dover, 352 Ark. 212, 221, 101 S.W.3d 191, 194 (2003)
- Chastain v. Davis, 294 Ark. 134, 142, 741 S.W.2d 632, 636 (1987)
- Vestal v. Little Rock, 54 Ark. 321, 16 S.W. 291 (1891)
- Posey v. Paxton, 201 Ark. 825, 147 S.W.2d 39 (1941)
- Rooker v. City of Little Rock, 234 Ark. 372, 352 S.W.2d 172 (1961)
- Grayson v. Arrington, 225 Ark. 922, 286 S.W.2d 501 (1956)