

FILED

2017 SEP 29 AM 9:17

TENA O'BRIEN
CO & PROBATE CLERK
BENTON COUNTY, AR

ORDINANCE NO. 2017-37

CITY OF CAVE SPRINGS, BENTON COUNTY, STATE OF ARKANSAS

AN ORDINANCE AMENDING ORDINANCE NO. 2017-36 AN ORDINANCE ANNEXING CERTAIN LANDS WEST OF HIGHWAY 112; SCHEDULING SERVICES TO BE PROVIDED TO THE ANNEXED AREA; CALLING A SPECIAL ELECTION TO SUBMIT THE QUESTION OF ANNEXATION TO VOTERS OF THE CITY OF CAVE SPRINGS AND OTHER AFFECTED PERSONS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES AND DECLARING AN EMERGENCY.

WHEREAS, The City Council for the City of Cave Springs, Arkansas adopted Ordinance No. 2017-36 on September 12, 2017, calling for a special election to submit the question of annexation of certain territories to the voters of the City of Cave Springs and other affected persons;

WHEREAS, it has come to the attention of the City Council of the City of Cave Springs, Arkansas, that Ordinance No. 2017-36 must be amended *only to the extent* to change the City of Cave Springs' Annexation Election date in accordance with Arkansas Code Annotated § 14-40-303(f), as the City of Cave Springs' Annexation Election cannot be held on the same day as the neighboring city of Rogers' Annexation Election and this Amended Ordinance shall reflect a new Annexation Election date in accordance therewith; and

WHEREAS, having fully reviewed the proposed Amended Ordinance, the Cave Springs City Council has determined that it is in the best interest of the citizens of Cave Springs that the Annexation Election date shall be held on December 12, 2017, if approved by the Benton County Clerk's office.

NOW, THEREFORE, BE IT ENACTED, BY THE CITY COUNCIL OF THE CITY OF CAVE SPRINGS, ARKANSAS THAT:

SECTION 1: Section 4: Election of Ordinance No. 2017-36 shall be amended as follows:

The question of the annexation of the lands described in Section 1 and 2 of Ordinance No. 2017-36 shall be submitted to the electors qualified to vote on this issue at a special election to be held on December 12, 2017, if approved by the Benton County Clerk's office, at the time and polling places to be determined by the Benton County Election Commission in accordance with A.C.A. §7-11-201, et seq.;

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

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SECTION 3: All other parts and provisions of Ordinance No. 2017-36 remain unaffected by this Amended Ordinance and shall remain, as of the effective date of Ordinance No. 2016-36, in full force and effect.

SECTION 4: In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Amended Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Amended Ordinance as a whole, or any part or provision, other than the parts so decided to be invalid or unconstitutional, and the remaining provisions of this Amended Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 5: Declaration of Emergency. It is hereby found and determined that Ordinance No. 2017-36 shall be amended to reflect a new Annexation Election date of December 12, 2017, if approved by the Benton County Clerk's office, in accordance with Arkansas Code Annotated § 14-40-303(f). Therefore, an emergency is declared to exist, and this Amended Ordinance being immediately necessary to ensure the proper growth and development of the City of the preservation of the public peace, health, safety and welfare of the citizens of Cave Springs, Arkansas shall become effective immediately from and after the date of this passage, to take effect as provided by the terms of this Amended Ordinance. If the Amended Ordinance is neither approved nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto this Amended Ordinance. If the Amended Ordinance is vetoed by the Mayor and the veto is overridden by the City Council, it shall become effective on the date the City Council overrides the veto.

PASSED and APPROVED, this 28 day of September, 2017.



ATTEST:

Kimberly Hutcheson
Kimberly Hutcheson, Recorder-Treasurer

APPROVED:

[Signature]
Travis Lee, Mayor

FILED FOR RECORD
AT 6:35 O'CLOCK P.M.

SEP 28 2017
CITY OF CAVE SPRINGS, AR
CITY CLERK

Requested by: Travis Lee, Mayor
Prepared by: R. Justin Eichmann, City Attorney

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