

Attachment for City of Hot Springs Board of Directors Agenda Request Form
Received by City Clerk's Office Feb 28, 2011
"Seeking rescission of City of Hot Springs Territorial Jurisdiction - Planning Area control & restriction of real estate matters outside the city limits."

Why does the City of Hot Springs exercise control over real estate matters outside the City limits?

Why are thousands of Garland County citizens outside the City limits under threat of criminal prosecution if they should execute a real estate transaction without conforming to the City of Hot Springs burdensome Planning Department Requirements? (AR 14-56-421 (a)(1) Violations of any provision of ordinances and regulations adopted to carry out the intent of plans shall be considered a misdemeanor.)

Why do people outside the City, who cannot vote for City elected officials or in other City matter elections, and who do not receive services from the City of Hot Springs suffer the City's controls and restrictions, encumbering their private real estate transactions?

A significant part of the answer to that question is because there is State Code that allows it to do so. In further explanation of why, *THE* purpose of the Extra-Territorial Planning area (an assertion affirmed by the Hot Springs City Manager) is anticipation of eventual annexation by the City. In addition to preventing some messy development situations that might be problematic to the City *after* annexation, some savings (perhaps significant savings) to the City might be realized over time by requiring land owners in the planning area surrounding the City to bear the burden of paying for improvements that the City would want or require ahead of time.

The City has specified an area of extra-territorial jurisdiction surrounding the City which is larger in size than the City of Hot Springs, in which the City tells real property owners who aren't in the City what they can and can't do with their land.

This item agenda seeks the rescission of the parts of the City code which authorize this heavy-handed intrusion into the lives of citizens whose lands are not in the City, who cannot vote in City elections, and who are not served by the City.

The City Directors are asked to take this action because it is the right thing to do. The current practice violates the Golden Rule, and in this matter the City is a bad neighbor to land owners outside the City limits.

Rescinding the provisions of City Code which implement the City's control of real estate matters outside the City limits will surely free up some amount of City Planning Department resources for better attention to the needs of the people *inside* the boundaries of the City limits. Perhaps it is possible that by refraining from vexing land owners in the surrounding population, and instead concentrating on providing the best services possible in every respect to the citizens of Hot Springs, surrounding property owners might say "Hey, Hot Springs is really serving its citizens well! I want to be brought into the City limits too."

If the City should successfully annex additional surrounding lands and population into the City limits, then HS Fire, Police Department, and perhaps other City services will then be a benefit to them. Furthermore annexed citizens can vote in City matters ... avoiding the present condition in the extra-territorial planning area of landowners being subjected to "vexation without elected representation".

May the Honorable Mayor and the Honorable City Directors favorably consider this request for rescission of the applicable parts of City Code.

In the event that the Board should not think it prudent to promptly grant this substantial request today on so short notice, without time for more study and additional input, then I would respectfully request that the matter be tabled as an agenda item for two months to allow reasonable time for study and input to the Board from real estate professionals, title companies, surveyors, developers, affected private land owners, and any others with an interest in this matter.

Thank you for your consideration of this important issue,

Clay Herrmann

Herrmann Realty – Principal Broker
4246 Park Avenue, Hot Springs, AR 71901
Office 501-623-0107, cell 501-623-3176
Clay@HerrmannRealty.com