

Bond Case Briefs

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MUNICIPAL IMPROVEMENT DISTRICTS - ARKANSAS

City of North Little Rock v. Pfeifer

Supreme Court of Arkansas - April 6, 2017 - S.W.3d - 2017 Ark. 113 - 2017 WL 1288314

Landowner petitioned for a writ of mandamus to order city to enact an ordinance to establish landowner's proposed municipal improvement district that, in addition to what landowner held, contained two city-owned parcels.

The Circuit Court granted writ. City appealed.

The Supreme Court of Arkansas held that:

- Trial court had subject-matter jurisdiction, and
- City failed to perform its duty to make the requisite findings regarding proposed municipal improvement district.

Trial court had subject-matter jurisdiction to hear landowner's petition for a writ of mandamus to order city to enact an ordinance to establish landowner's proposed municipal improvement district. Landowner sought to compel the city to follow the proper statutory scheme set forth in statute on the creation of municipal improvement districts, and state law allowed for mandamus in an improvement-district action.

City failed to perform its duty to make the requisite findings regarding landowner's proposed municipal improvement district, and thus a writ of mandamus was proper to order the city to make the required findings pursuant to the particular statute on landowner's proposed municipal improvement district. Statute on the creation of municipal improvement districts required the city to make a finding as to whether the petition to create a municipal improvement district was signed by a majority in assessed value of the property owners, that finding was to be expressed in an ordinance, and the city council voted against the petition.