

IN THE COUNTY COURT OF MARION COUNTY, ARKANSAS

PETITION

No. 83-40

Comes now the undersigned petitioners and state for their petition to the County Court as follows:

That said petitioners represent a majority of the real estate owners of a part of Marion County contiguous to and adjoining the City of Yellville, Arkansas, more particularly described as follows, less and except that part of which is presently in the corporate limits of the City of Yellville, Arkansas, to-wit:

SEE ATTACHMENT "A"

Said description is represented by a plat attached hereto and marked Exhibit "B". That the petitioners state that the County Court should extend the corporate limits of the City of Yellville by annexing the above described area in to the City of Yellville.

Attached hereto as Exhibit "C" and made a part hereto as if set out herein word for word is an affidavit stating who are the owners of real estate within the area described above.

WHEREFORE, the Petitioners pray the County Court to enter an appropriate order for annexation after due hearing annexing the above described property to be the corporate limits of the City of Yellville and for all other equitable and general relief to which petitioners may be entitled.

Filed in my office on this  
2nd day of Dec 1983  
at 4:15 o'clock P M  
Ledick Williams, Clerk

D.C.

Lester D. Burnes  
LESTER D. BURNES

Marion Burnes  
MARION BURNES

Joyce L. Newton  
JOYCE L. NEWTON

Filed in my office on this  
2<sup>nd</sup> day of Dec 19 83  
at 4:15 o'clock P M  
Jedick Williams, Clerk

D.C.

E.L. MARTIN

CC 60-216  
CITY of Yellowville  
ANNEXATION 10/21/78

Fairy Line

N 01° 10' W

162.5'

SW CORNER of the SW 1/4 S 1/4  
Section 33, T 19 N R 16 W

E.L. MARTIN

290'

60' ROAD EASEMENT - BOOK 124, PAGE 135

390' EAST

E.L. MARTIN

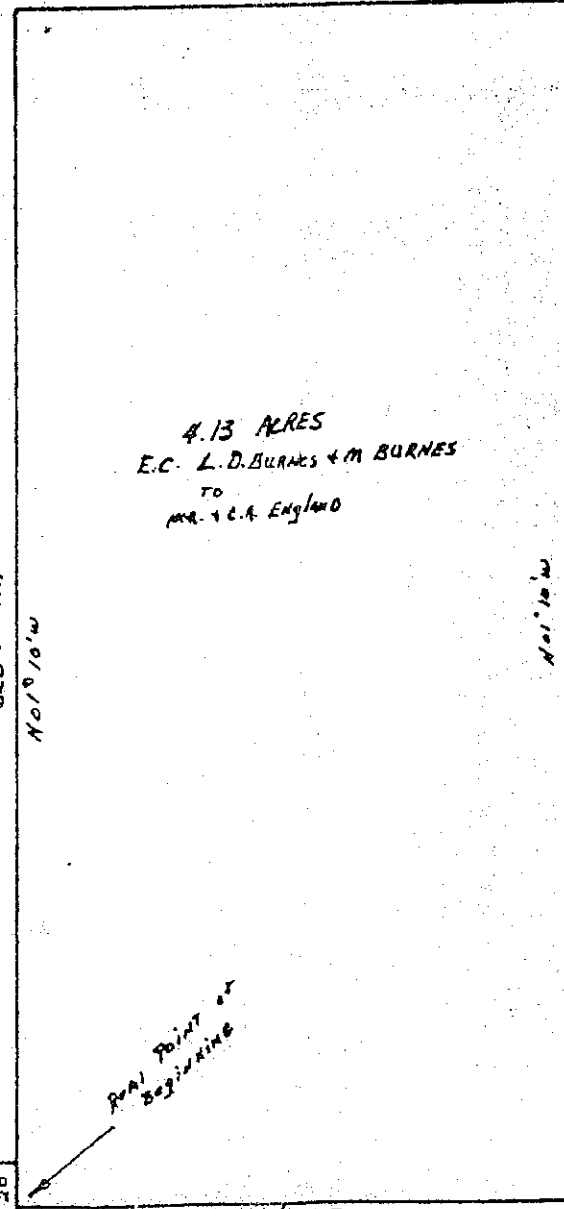
CC 60-216  
CITY of Yellowville  
ANNEXATION 10/21/78

W.D. E.L. MARTIN  
TO  
MR. & C.A. England

620' NORTH

N 01° 10' W

487  
487



4.13 ACRES  
E.C. L.D. BURNES & M BURNES  
TO  
MR. & C.A. England

N 01° 10' W  
487.029

290' WEST

SECTION LINE



R. SCOTT JACKSON JR.

Scale 1" = 100'  
10-6-83

NOTICE

NOTICE is hereby given that there has been filed in the County Court of Marion County, Arkansas, the petition of Lester D. Burnes and Marion Burnes, Joyce L. Newton, and others, asking for the annexation to the City of Yellville of the following described lands situated in Marion County, Arkansas, and contiguous to City, to-wit:

Part of the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 33, Township 19 North, Range 16 West, more particularly described as follows:

From the SW corner of the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 33, Township 19 North, Range 16 West, run thence East 390 feet to a point; run thence North 40 feet, to a point which is the real point of beginning of the tract being described; run thence North 620 feet to a point; run thence East 290 feet to a point; run thence South 620 feet to a point; run thence West 290 feet to point of beginning, containing 4.13 acres, more or less.

A plat of said land proposed for annexation is on file with said petition in the office of the Clerk of said Court.

A Court has fixed the 3<sup>rd</sup> day of Jan, 1984, at 10:00 o'clock as the date for a hearing on said petition and all interested persons are now notified to be present at said Court at the time and date so fixed.

Given this 2<sup>nd</sup> day of Dec, 1983.

Filed in my office on this  
2<sup>nd</sup> day of Dec 1983  
at 4:15 o'clock P M  
Lois Williams Clerk

Lester D. Burnes  
LESTER D. BURNES

Marion Burnes  
MARION BURNES

Joyce L. Newton  
JOYCE L. NEWTON

AB

EXHIBIT "C"

AFFIDAVIT

STATE OF ARKANSAS

County of Marion

I, SAM PATTON, state on oath that I am the tax assessor for Marion County, Arkansas, and have served in that capacity since Jan - 1st, 1929, and at all times pertinent thereto and that based upon an examination of the books and records of my office the following is a list of the persons who own land within the area described below situated in Marion County, Arkansas to-wit:

SEE ATTACHMENT "A"

Lester D. Burnes and Marion Burnes

IN WITNESS WHEREOF, I hereunto set my hand this 2<sup>nd</sup> day of Dec 1983.

*Sam Patton*  
SAM PATTON

ACKNOWLEDGMENT

STATE OF ARKANSAS

County of Marion

BE IT REMEMBERED, that on this day came before the undersigned, a Notary Public within and for the County aforesaid, duly commissioned and acting, SAM PATTON, to me well known as the affiant in the foregoing affidavit and stated that he had excuted the same for the pruposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary on this 2<sup>nd</sup> day of Dec 1983.

*Edith Williams*  
NOTARY PUBLIC  
*Circuit Clerk*

My Commission Expires:

\_\_\_\_\_

Filed in my office on this  
2<sup>nd</sup> day of Dec 1983  
at 4:15 o'clock P M  
*Edith Williams*, Clerk  
D.C.

**NOTICE**

Notice is hereby given that there has been filed in the county court of Marion County, Arkansas, the petition of Lester D. Burnes and Marian Burnes, Joyce L. Newton and others, asking for the annexation to the city of Yellville of the following described lands situated in Marion County, Arkansas, and contiguous to city, to-wit:

Part of the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 33, Township 19 North, Range 16 West, more particularly described as follows:

From the SW corner of the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 33, Township 19 North, Range 16 West, run thence east 390 feet to a point; run thence north 40 feet, to a point which is the real point of beginning of the tract being described; run thence north 620 feet to a point; run thence east 290 feet to a point; run thence south 620 feet to a point; run thence west 290 feet to point of beginning, containing 4.13 acres, more or less.

A plat of said land proposed for annexation is on file with said petition in the office of the clerk of said court.

A court has fixed the 3rd day of January, 1984, at 10 a.m. o'clock as the date for hearing on said petition and all interested persons are now notified to be present at said court at the time and date so fixed.

Given this 2nd day of December, 1983.

Lester D. Burnes  
Marian Burnes  
Joyce Newton

Pub. Dec. 8, 15, 22, 1983  
29599

Filed in my office on this

3rd day of Jan 1984

at 10:30 o'clock A M

Edith Williams, Clerk

IN THE COUNTY COURT OF MARION COUNTY, ARKANSAS

IN THE MATTER OF ANNEXING TO THE CITY  
OF YELLVILLE, ARKANSAS, CERTAIN TERRITORY  
CONTINGUOUS TO THE CITY OF YELLVILLE, ARKANSAS

On this the 2<sup>nd</sup> day of Dec, 1983, is filed  
the petition of real estate owners desiring the annexation of  
territory to the City of Yellville, Arkansas, more particularly  
described herein, and this Court does hereby fix the 3<sup>rd</sup> day  
of Jan 10<sup>o</sup> 1984, as the date for hearing on said petition,  
and Lester D. and Marion Burnes and Joyce L. Newton shall give  
notice of such hearing as provided by law, said hearing to be  
held in the office of the County Judge at 10:00 am

Berry E. Burleson  
COUNTY JUDGE

I, Edith Williams, Court Clerk of Marion County,  
Arkansas, hereby certify that the foregoing is a  
true, correct and full copy of the instrument  
herewith set out as appears of record in Book Co. 83-40  
Page \_\_\_\_\_ in the Court Clerk's office of Marion  
County, Arkansas.

this 3<sup>rd</sup> day of Jan. 1984  
By Edith Williams Deputy Edith Williams  
Clerk

Filed in my office on this  
2<sup>nd</sup> day of Dec 1983  
at 10:30 o'clock A M  
Edith Williams, Clerk

IN THE MARION COUNTY COURT  
IN THE MATTER OF ANNEXING TO  
THE CITY OF YELLVILLE, ARKANSAS,  
CERTAIN TERRITORY CONTIGUOUS TO  
THE CITY OF YELLVILLE, ARKANSAS.

DECREE OF ANNEXATION

On this a regular day of a regular term of the County Court of Marion County, Arkansas, there is presented to the Court by Lester & Marion Burnes, Joyce Newton, a petition for annexation of certain territory, hereinafter more particularly described, to the City of Yellville, Arkansas, and the Court being fully advised of the facts and the law, doth hereby find, judge and decree as follows:

The Court finds that the petition was filed more than thirty (30) days prior to this date.

The Court doth find that a majority of the total number of real estate owners in the area affected by this petition have signed said petition and that such majority owns more than one-half of the acreage affected.

The Court further finds that the territory sought to be annexed was accurately described in said petition and that said territory is contiguous to the boundaries of the City of Yellville, Arkansas.

The Court further finds that attached to and made a part of said petition is an accurate map of the territory sought to be annexed to the City of Yellville.

The Court further finds that the prayer of the petition is right and proper.

Wherefore, the Court doth hereby ORDER, JUDGE, and DECREE that the following described territory be and the same is hereby annexed to and made a part of the City of Yellville, Arkansas, to-wit:

(See Attachment "A")

Filed in my office on this  
3<sup>rd</sup> day of Jan 1984  
at 10:10 o'clock A M  
Lois Williams Clerk

Page 2

The Court doth further order that the original papers in this cause be delivered to the Clerk of Marion County, Arkansas, same to be properly recorded upon the records of Marion County, Arkansas, and the Clerk, after properly recording and filing the original papers, prepare transcripts of same; that one of the certified transcripts be delivered to the City of Yellville, Arkansas; one copy to the Secretary of State, and one copy to the Director of the Tax Division of the Arkansas Public Service Commission.

Berry E. Burleson  
COUNTY JUDGE



ATTACHMENT "A"

DESCRIPTION

One tract of contiguous land located in Section 33, Township 19 North, Range 16 West, Marion County, Kansas, more specifically described as follows:

Part of the Southwest Quarter of the Southeast Quarter, Section 33, Township 19 North, Range 16 West, more particularly described as follows:

From the Southwest corner of the Southwest Quarter of the Southeast Quarter, Section 33, Township 19 North, Range 16 West, run thence East 390 feet to a point; run thence North 40 feet to a point which is the real point of beginning of the tract being described; run thence North 620 feet to a point; run thence East 290 feet to a point; run thence South 620 feet to a point; run thence West 290 feet to point of beginning, containing 4.13 acres, more or less.

Filed in my office on this

2nd day of Dec 1928

at 11 o'clock A M

Edith Williams, Clerk

D. C.

You have some papers for the City of Yellville, Arkansas and requested this ordinance.

ANNEXATION ORDINANCE NO. 7

AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF YELLVILLE, ARKANSAS, AND MAKING SAME A PART OF THE CITY OF YELLVILLE, AND ASSIGNING SAME TO WARDS

WHEREAS, petition was filed with the County Clerk of Marion County, Arkansas, by the majority of the real estate owners of the hereinafter described territory prays that said territory be annexed to, and made a part of the City of Yellville, Arkansas; and,

WHEREAS, on the 3rd day of January, 1984, the County Court of Marion County, Arkansas, found that the petition was signed by a majority of the real estate owners in said territory; that said territory was contiguous and adjoining the present corporate limit of the City of Yellville, Arkansas; that an accurate plat or map of said territory has been filed with, and made a part of said petition that proper notice had been given for the time and in the manner prescribed by law, and that all things pertaining thereto had been done in the manner prescribed by law, and that said lands and territory should be annexed to, and made a part of the City of Yellville, Arkansas, subject to the acceptance of same by the City Council of said City at the proper time, as provided by law; and,

WHEREAS, the time fixed by law for appealing from said order of annexation made by the County Court has expired and no appeal has been taken from said order,

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

Section 1. That the following described lands and territory contiguous and adjoining the City of Yellville, Arkansas, be and the same is hereby accepted as part of and annexed to and made a part of the City of Yellville:

SEE ATTACHMENT "A"

Section 2. That the above described territory shall be annexed to and made a part of Ward One of the City of Yellville, and the same shall henceforth be a part of said ward as fully as existing parts of said ward.

Section 3. Now, that therefore an emergency is declared to exist and this Ordinance being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage.

PASSED AND APPROVED this 6th day of Feb, 1984

APPROVED: Al Dasher

MAYOR

ATTEST:

Joseph Newton, Clerk

*J. B. Law*  
*clerk*

Being called by the Mayor of the Town of Dardanelle Arkansas to make a survey for the purpose of extending the corporate limits of said town, I, Chas Hunt, did in January, 1908, make said survey as follows:

Begining on the Section line between section 30 and 31 T. 7 N R 20 W. 51 ft. West of where the present corporation line crosses said Section line and 368 ft. East of the N.W. corner of the N.E. 1/4 of the N.W. 1/4 of Section 31 T. 7 N.R. 20 W. Thence <sup>South</sup> 21 degrees E. to cotton-wood tree standing on the North side of the upper Dardanelle and Danville road, thence on South 21 degrees East to Township line on South side of said ~~part~~ Section 31, crossing said Township line 255 ft. West of the S.E. corner of the S.W. 1/4 of the S.E. 1/4 of said Section 31. thence on South 21 degrees East, a distance of 975 ft. from said Township into Section 6 T. 6. N. R. 20, W. to North side of Lower Danville road and to West side of Dardanelle, Ola, and Southern Rail Road right of way, thence ~~North~~ <sup>West</sup> with North side of Lower Danville road N. 6 degrees E., 1470 ft. to South end of Fifth Street, thence N. 19 degrees . with West side of 5th. Street 32 feet to Township line, thence West with said Township line to S.W. corner of present corporation.

See map herewith attache.

Respectfully,

Chas. Hunt,

Surveyor.

Charges, 2 1/2 days @ 6.50 per day

\$16.25

Fred Gray, Bob Howell and Bob Smiley

as chainmen and flgman

6.00 Paid  
\$22.25

**Clerk's Certificate to Transcript.**

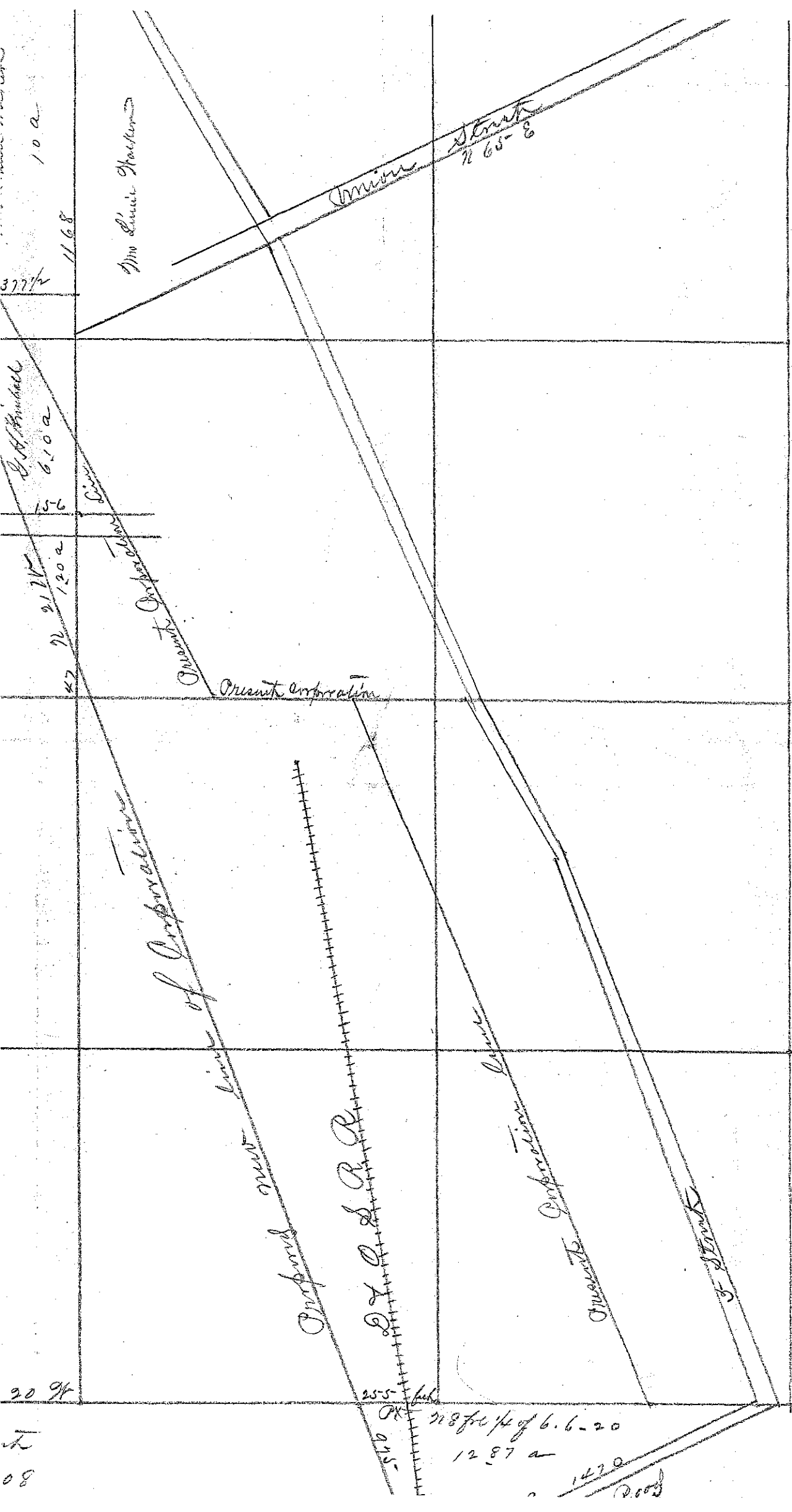
STATE OF ARKANSAS, }  
COUNTY OF YELL. } ss

I, J. B. Law, Clerk of the County Court, and Ex-Officio Clerk of the Probate Court in and for the County aforesaid do hereby certify that the annexed and foregoing pages contain a true and perfect transcript of the

*Plot showing territory annexed to incorporated town of Dardanelle Ark and plat attached*

as herein set forth, and as the same appears of record on page

*42*



10 a

11.68

Mine Street

Mine Street  
72 65-8

377 1/2

W. H. Knobel  
6.10 a

1.56

72 21 1/2  
1.20 a

Present Corporation

Present Corporation

Proposed main line of Corporation

D. C. & R. R.

Present Corporation

5th Street

20 9/4

25.5

218 ft 1/4 of 6.6-20

12.87 a

1470

Roof

80

