



JOHN THURSTON  
ARKANSAS SECRETARY OF STATE

April 15, 2019

The Hon. Crystal Graddy  
Boone County Clerk  
100 North Main, Suite 201  
Harrison, AR 72601

Re: City of Alpena Annexation Ordinance 269

Dear Ms. Graddy,

This letter acknowledges receipt and filing of the following notice of municipal boundary change by the Office of the Secretary of State;

Filing Type: Application by Petition under A.C.A. §14-40-601

Effective Date: 4/01/2019

County: Boone

City Ordinance: 269

County Court Case No: 05CC-2019-4

City: Alpena

Dated: 2/19/19

Date Filed: 2/26/19

A file marked copy of the ordinance, court order and exhibits submitted to our Office are enclosed. By copy of this letter (and its enclosures), the Secretary of State hereby notifies the appropriate mapping authorities for Arkansas. Please retain these copies as official record of the filing of the municipal boundary change by the Arkansas Secretary of State.

If you have any questions or concerns regarding this filing, please contact our office at 501-682-3478.

Sincerely,

Rusty Jackson  
Elections Division  
Room 26  
501-682-3478

cc: Arkansas Geographic Information Systems Office (w/encl)  
Arkansas Department of Transportation Mapping Department (w/encl)  
Department of Finance and Administration (w/encl)  
Arkansas Public Service Commission (w/encl)  
Arkansas Economic Development Institute (w/encl)  
The Honorable Theron McCammond, Mayor of Alpena (w/encl)



# Arkansas Secretary of State

**John Thurston** Arkansas Secretary of State, 500 Woodlane Ave, Little Rock, AR 72201-1094

## Municipal Boundary Change Checklist

Act 655 of 2017 and A.C.A. §14-40-103

County: Boone City/Town: Alpena

City Ordinance/Resolution No: 269 Date approved: 2/19/19

County Court Case No: 05CC-19-4 Date Order Filed: Feb. 26, 2019

Type: Application by Petition (single land owner)  
A.C.A. 14-40-601 Choose from the list of Arkansas Code Sections located on the back

Date Change Effective: April 2019 Set by:  Municipal Ordinance  Emergency Clause  Court  Default  
(Required by Act 655 of 2017)

For Circuit Court Challenge: Date Order Filed: N/A  Upheld  Overturned  Other (attach explanation)

Please indicate which ward(s) the territory will be assigned to: Ward 1  
(See A.C.A § 14-40-203)

Initiating party:  
 All Landowners  Majority Landowners  Municipal Governing Body  State  Other \_\_\_\_\_

- Supporting Documentation attached (check all that apply):
- File marked copy of City Ordinance/Resolution (required)
  - File marked copy of County Court Order or certified annexation election results (required except for A.C.A. §14-40-501)
  - Copy of Arkansas GIS approved printed map and certification letter (required)
  - Proof of Publication for all Legal Notices (include Hearing, Election, and City Ordinance/Resolution notices) N/A
  - File marked copy of Petition Part (if applicable) Per City Attorney
  - File marked copy of Complaint and final Circuit Court Order (Court Challenge only) N/A

Municipal Contact:  
Name: Hon. Theron McCommand Title: Mayor of Alpena, Arkansas  
Street Address: 208 W. Main Street PO Box 128  
City: Alpena St: AR Zip code: 72611

Complete one form per ordinance/resolution, attach it as a cover page to the supporting document set and submit to the County Clerk's Office within 45 days of the Effective Date as required by Act 655 of 2017

County Official:  
Signature: [Signature] Title: Boone Co. Clerk  
Date: 4-9-19

Pursuant to Act 655 of 2017, County Officials must submit a file-marked copy of municipal boundary change documents within 30 days of receipt to: Arkansas Secretary of State, Attn: Municipal Boundary Filing, 500 Woodlane Ave Suite 256, Little Rock, AR 72201-1094

Office of the Arkansas Secretary of State use only

Received by: [Signature]



Crystal Graddy  
Boone County Clerk  
100 North Main, Suite 201  
Harrison, AR 72601  
870-741-8428/Fax 870-741-9724

February 26, 2019

John Thurston  
Arkansas Secretary of State  
Attn: Election Division  
State Capitol, Suite 026  
500 Woodlane Street  
Little Rock AR 72201

RE: *Annexation from Boone County to the City of Alpena*

To Whom It May Concern:

Please find enclosed the following annexation into the City of Alpena:

- 1) Petition filed on February 20, 2019 by Mary Jones, owner of Top Rock Restaurant in Alpena, Arkansas.
- 2) Order of Annexation filed on February 26, 2019.
- 3) Alpena City Ordinance No. 269 "An Ordinance [Pertaining] to the Annexation of the Mary Jones Property, Top Rock Restaurant, located at 407 Highway 62 East, Alpena, Arkansas."
- 4) Plat of Survey dated February 12, 2019 by John Huston, surveyor.

If you require anything further, please contact me at 870-204-6863.

Most respectfully,

A handwritten signature in black ink, appearing to read "Mary Anderson".

Mary Anderson  
Deputy Clerk/Probate Division  
/mla

cc/w/enc.: Arkansas Public Service Commission (Tax Division)  
Brandi Diffey, Boone County Assessor

FILED  
TIME 2:32 AM/PM  
FEB 20 2019

CRYSTAL GRADY  
BOONE COUNTY CLERK  
BY MA D.C.

PETITION FOR ANNEXATION

05CC-19-4

I Mary Jones, Owner of property described herein do hereby Petition the Town of Alpena to be annexed into the incorporated limits of the Town of Alpena.

Signed Mary Jones owner

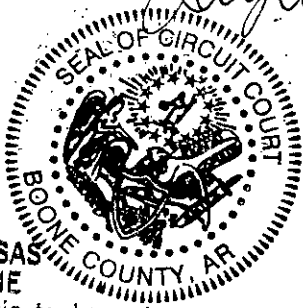
And co-owner (if any) \_\_\_\_\_

On this date 2-19-19

Land description attached.

TAYLOR MARIE SMITH  
Carroll County - Arkansas  
Notary Public #12704572  
My Commission Expires June 7, 2028

Taylor Marie Smith



STATE OF ARKANSAS  
COUNTY OF BOONE  
I hereby certify this to be a true copy of the original Petition filed in the County of this County on 2/20/2019

CRYSTAL GRADY  
CLERK

By [Signature] Deputy

RECORDED IN  
BOOK 2019 PAGE 11-19  
County Court orders

IN THE COUNTY COURT OF BOONE COUNTY, ARKANSAS

IN THE MATTER OF THE ANNEXATION  
OF CERTAIN LANDS INTO THE CITY  
OF ALPENA, ARKANSAS

05CC-2019-4

TIME 10:45 FILED  
FEB 26 2019 AM/PM  
CRYSTAL GRADY  
BOONE COUNTY CLERK  
D.C.

ORDER OF ANNEXATION

On this day comes for hearing the Petition of Mary Jones, being the owner of the following described tract of real estate in Alpena, Boone County, Arkansas, pursuant to Arkansas Code Section 14-40-601, to grant an Order allowing the annexation into the City of Alpena, Arkansas, to wit:

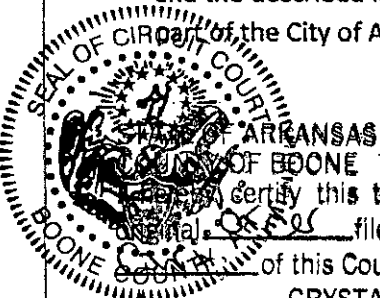
All of the property located at 407 Highway 62 East as shown on Plat of survey dated February 12, 2019, by John Huston, surveyor.

SURVEY DESCRIPTION:

A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP-19-NORTH, RANGE -22-WEST, BOONE COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NW ¼ OF THE NE ¼ OF SAID SECTION 23, THENCE, EAST ALONG THE NORTH LINE OF SAID SECTION 23 AND NORTH LINE OF THE TOWN OF ALPENA, BOONE COUNTY, ARKANSAS 425.97 FEET TO THE NORTHEAST CORNER OF SAID TOWN OF ALPENA, THENCE LEAVING SAID NORTH LINE OF SECTION 23 AND FOLLOWING EAST LINE OF SAID TOWN OF ALPENA S 27°47'02" W 880.64 FEET TO THE POINT BEGINNING, THENCE LEAVING SAID EAST LINE OF THE TOWN OF ALPENA S 38°46'43" E 326.07 FEET, THENCE S 34°22'08" W 114.73 FEET TO THE NORTHERLY R/W OF U.S. HWY 62-412, THENCE WITH SAID NORTHERLY R/W N 39°05'15" W 232.98 FEET TO THE EAST LINE OF SAID TOWN OF ALPENA AND WEST LINE OF SAID NW ¼ OF THE NE ¼ OF SECTION 23, THENCE LEAVING SAID NORTHERLY R/W OF U.S. HWY 62-412 AND FOLLOWING SAID EAST LINE OF THE TOWN OF ALPENA AND WEST LINE OF SAID NW ¼ OF THE NE ¼ N 00°29'09" W 151.51 FEET, THENCE LEAVING SAID WEST LINE OF THE OF THE NW ¼ OF THE NE ¼ AND CONTINUING WITH SAID EAST LINE OF THE TOWN OF ALPENA N 27°47'02" E 18-71 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.73 ACRES AND SUBJECT TO EXISTING EASEMENTS AND ROAD RIGHT OF WAY.

That this being the day and hour set by this Court for hearing on said Petition. Notice was not required. The Court finds that at the time of filing the Petitioner is the owner of the lands being annexed; that said lands are contiguous to and join existing city limits of the City of Alpena; that a Plat survey of said lands is filed in the official file and that the annexation of said lands is in the best interest of the City of Alpena and Boone County and said Petition should be granted.

NOW, THEREFORE, IT IS THE ORDER OF THE COURT that said Petition be, and hereby is, granted, and the described lands may be annexed when approved by the passing of City Ordinance to become a part of the City of Alpena, Arkansas. See Alpena City Ordinance No. 269.



Certify this to be a true copy of the original filed in the County of Alpena of this County on 2/26/2019  
CRYSTAL GRADY  
CLERK  
By [Signature]  
Deputy

[Signature]

Robert Hathaway, County Judge

2-26-19  
Date

FILED

APR 15 2019

Arkansas  
Secretary of State

RECORDED IN  
BOOK 109 PAGE 20

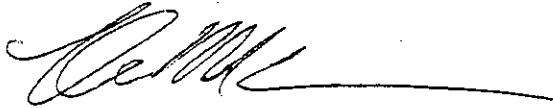
Town of Alpena  
208 Main Street West  
Alpena, Arkansas 72611

ORDINANCE No. 269

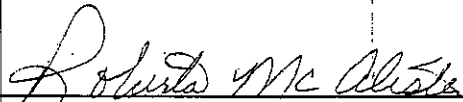
This Ordinance pertains to the Annexation of the Mary Jones property (Top Rock Restaurant) located at 407 Highway 62 East, Alpena, Arkansas.

WHEREAS, of this date 2/19/2019 the Town Council of Alpena Arkansas voted and approved the Annexation of the property located at 407 Highway 62 East owned by Mary Jones into the Alpena City Limits.

PASSED THIS 19<sup>th</sup> DAY OF FEBRUARY, 2019

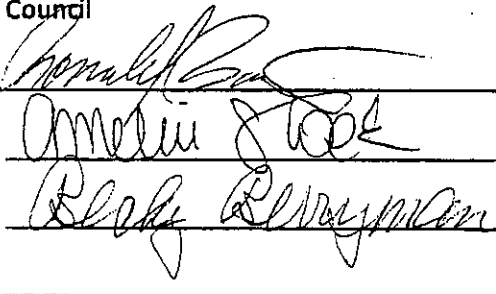


Mayor



Recorder/Treasurer

Council



**FILED**

APR 15 2019

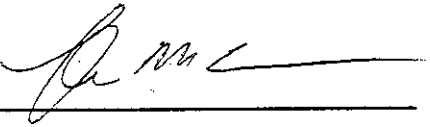
Arkansas  
Secretary of State

Ordinance No. 269

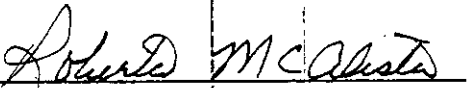
This is an Ordinance regarding the Annexation of the Mary Jones property (Top Rock) restaurant into the Alpena City limits.

Therefore is now declared and determined that an Emergency Clause hereby exists and Ordinance No. 269 be passed by a 2/3 majority vote of the Council, and will be effective immediately after signing.

February 19<sup>th</sup>, 2019.

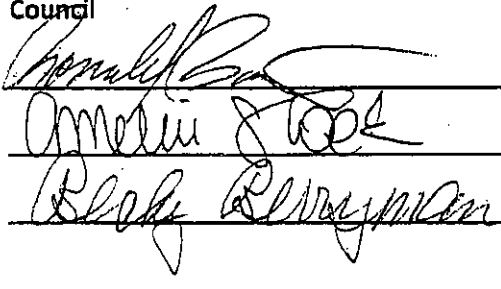


Mayor



Recorder/Treasurer

Council



**FILED**

APR 15 2019

Arkansas  
Secretary of State



**ARKANSAS  
GIS OFFICE**

February 19, 2019

Mayor Theron McCammond  
City of Alpena  
PO Box 128  
Alpena, AR 72611

RE: City of Alpena Annexation Coordination Requirement

Mayor McCammond,

Thank you for coordinating with our office as you seek to annex property into the City of Alpena, AR located in Section 23, Township 19 North, Range 22 West. This letter represents confirmation that you have properly coordinated with our office (Arkansas GIS Office) as specified in § 14-40-101 (Act 914 of 2015) of the 90<sup>th</sup> General Assembly.

Our office will wait completion of any additional steps necessary for the proposed boundary change, which normally comes from the Arkansas Secretary of State Elections Division after any appropriate filing by your County Clerk.

Thank you,

Jennifer Wheeler, GIS Analyst  
/jw

Attachments:  
GIS Office Map of Proposed Annexation  
Legal Description  
Secretary of State Municipal Change Checklist

**FILED**

APR 15 2019

Arkansas  
**Secretary of State**

H:\City\_Annexations\Cities\Alpena\20190219\Doc\20190219\_Alpena\_Annexation\_Coordination\_Letter.docx

ARKANSAS GIS OFFICE · 1 CAPITOL MALL SUITE 6D · LITTLE ROCK · ARKANSAS · 72201

PHONE (501) 682-2767 · [www.gis.arkansas.gov](http://www.gis.arkansas.gov) · FAX (501) 682-6077



# HUSTON SURVEYING

HUSTON SURVEYING  
P.O. BOX 297  
OMAHA, ARKANSAS 72662

CLIENT NAME TOWN OF ALPENA

ADDRESS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

JOB DESCRIPTION: 0.73 A  
NW 1/4 NE 1/4  
SEC 23  
T-13 N R-22 W  
PLAT

DATE OF FIELD WORK	HOURS WORKED	COST
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

OFFICE TIME (INCLUDING PLATS ) \_\_\_\_\_

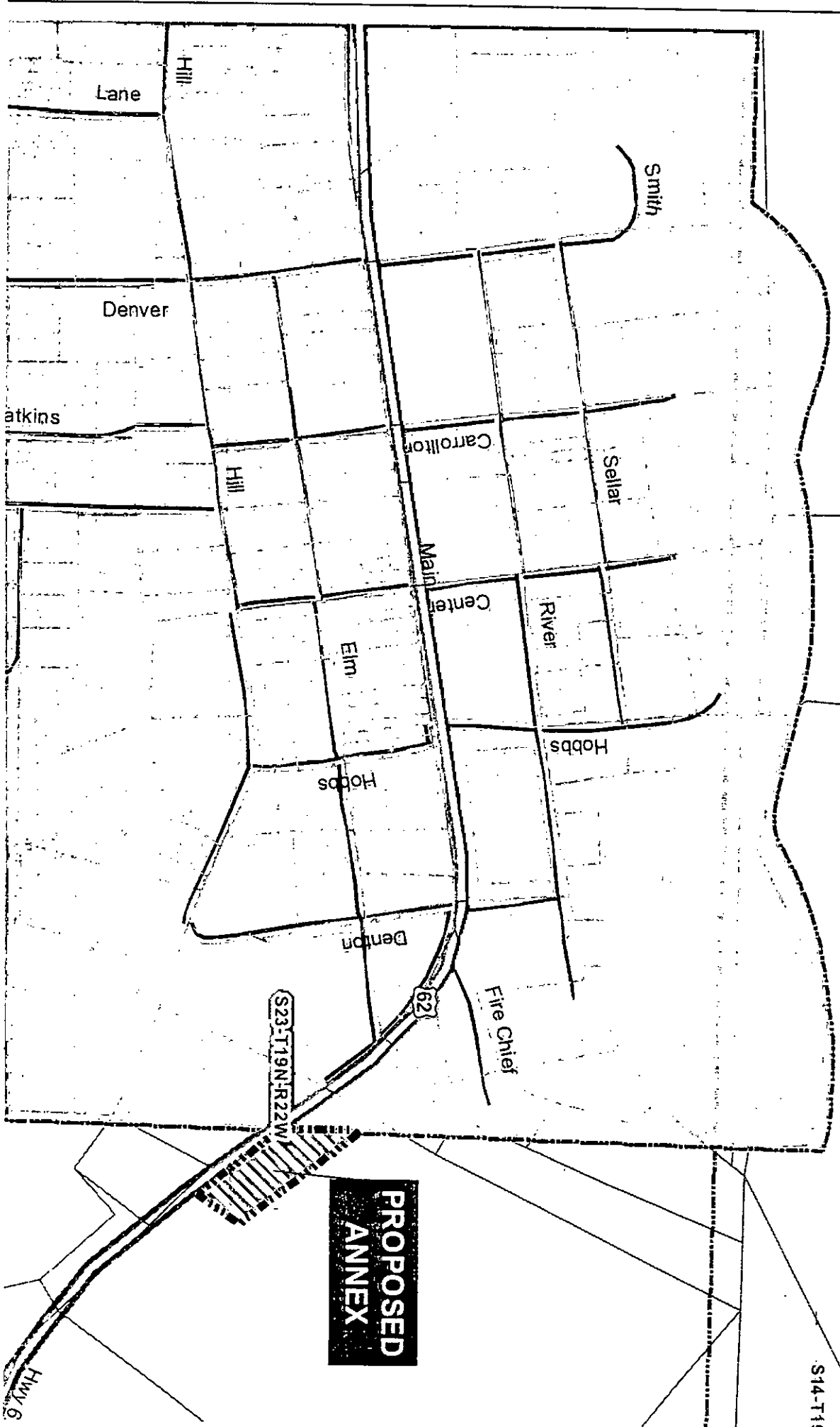
TOTAL \$ 535

DATE OF BILLING \_\_\_\_\_

SURVEY DESCRIPTION;

A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP-19-NORTH, RANGE-22-WEST, BOONE COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE NORTHWEST CORNER OF THE NW ¼ OF THE NE ¼ OF SAID SECTION 23, THENCE EAST ALONG THE NORTH LINE OF SAID SECTION 23 AND NORTH LINE OF THE TOWN OF ALPENA, BOONE COUNTY, ARKANSAS, 425.97 FEET TO THE NORTHEAST CORNER OF SAID TOWN OF ALPENA, THENCE LEAVING SAID NORTH LINE OF SECTION 23 AND FOLLOWING EAST LINE OF SAID TOWN OF ALPENA S 27°47'02" W 880.64 FEET TO THE POINT BEGINNING, THENCE LEAVING SAID EAST LINE OF THE TOWN OF ALPENA S 38°46'43" E 326.07 FEET, THENCE S 34°22'08" W 114.73 FEET TO THE NORTHERLY R/W OF US. HWY 62-412, THENCE WITH SAID NORTHERLY R/W N 39°05'15" W 232.98 FEET TO THE EAST LINE OF SAID TOWN OF ALPENA AND WEST LINE OF SAID NW ¼ OF THE NE ¼ OF SECTION 23, THENCE LEAVING SAID NORTHERLY R/W OF U.S. HWY 62-412 AND FOLLOWING SAID EAST LINE OF THE TOWN OF ALPENA AND WEST LINE OF SAID NW ¼ OF THE NE ¼ N 00°29'09" W 151.51 FEET, THENCE LEAVING SAID WEST LINE OF THE NW ¼ OF THE NE ¼ AND CONTINUING WITH SAID EAST LINE OF THE TOWN OF ALPENA N 27°47'02" E 18.71 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.73 ACRES AND SUBJECT TO EXISTING EASEMENTS AND ROAD RIGHT OF WAY.

Proposed Annex: City of Alpena  
February 2019



**TOWN OF ALPENA**

**PO Box 128**

**ALPENA, ARKANSAS 72611**

Phone (870)437-2272 fax (870)437-5437

*John Thurston*

*Arkansas Secretary of State*

*State Capitol, Suite 256*

*500 Woodlane Street*

*Little Rock, Arkansas 72201-1094*

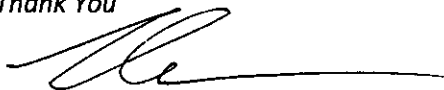
*To Whom It May Concern,*

*My name is Theron McCammond, Mayor of Alpena, Arkansas. I am sending the items listed below which I believe is necessary for this procedure of Annexation of property into the Alpena City limits.*

- 1. Citizens Petition for annexation.*
- 2. Description of property and map from Arkansas GIS Office.*
- 3. Minutes of the February 19, 2019 minutes of the vote for acception into the town, signatures of Council, Recorder, and Mayor, City seal and Notary.*
- 4. Copy of City Ordinance No. 269*

*If you need any further information please let me know.*

*Thank You*



*Theron McCammond, Mayor*

**F I L E D**

**APR 15 2019**

**Arkansas  
Secretary of State**

TIME 2:32 FILED AM/PM

FEB 20 2019

CRYSTAL GRADY  
BOONE COUNTY CLERK

BY MA D.C.

PETITION FOR ANNEXATION

05CC-19-4

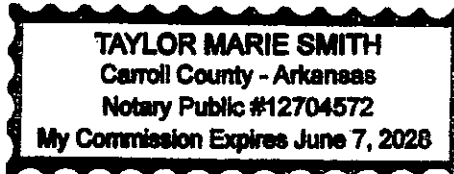
I Mary Jones, Owner of property described herein do hereby Petition the Town of Alpena to be annexed into the incorporated limits of the Town of Alpena.

Signed Mary Jones owner

And co-owner (if any) \_\_\_\_\_

On this date 2-19-19

Land description attached.



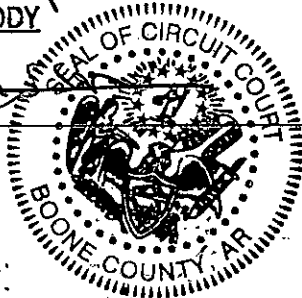
*Taylor Marie Smith*

STATE OF ARKANSAS  
COUNTY OF BOONE

I hereby certify this to be a true copy of the original petition filed in the County of this County on 2/20/2019

CRYSTAL GRADY  
CLERK

By [Signature] Deputy



RECORDED IN

BOOK 2019 PAGE 11-19

*County Court orders*



**ARKANSAS  
GIS OFFICE**

February 19, 2019

Mayor Theron McCammond  
City of Alpena  
PO Box 128  
Alpena, AR 72611

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Thank you,

Jennifer Wheeler, GIS Analyst  
/jw

Attachments:  
GIS Office Map of Proposed Annexation  
Legal Description  
Secretary of State Municipal Change Checklist

**FILED**

APR 15 2019

Arkansas  
**Secretary of State**

# HUSTON SURVEYING

HUSTON SURVEYING  
P.O. BOX 297  
OMAHA, ARKANSAS 72662

CLIENT NAME TOWN OF ALPENA  
ADDRESS \_\_\_\_\_

JOB DESCRIPTION: 0.73 A  
NW 1/4 NE 1/4  
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T-15 N R-22-W  
PLAT

DATE OF FIELD WORK	HOURS WORKED	COST
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OFFICE TIME (INCLUDING PLATS ) \_\_\_\_\_

TOTAL 535

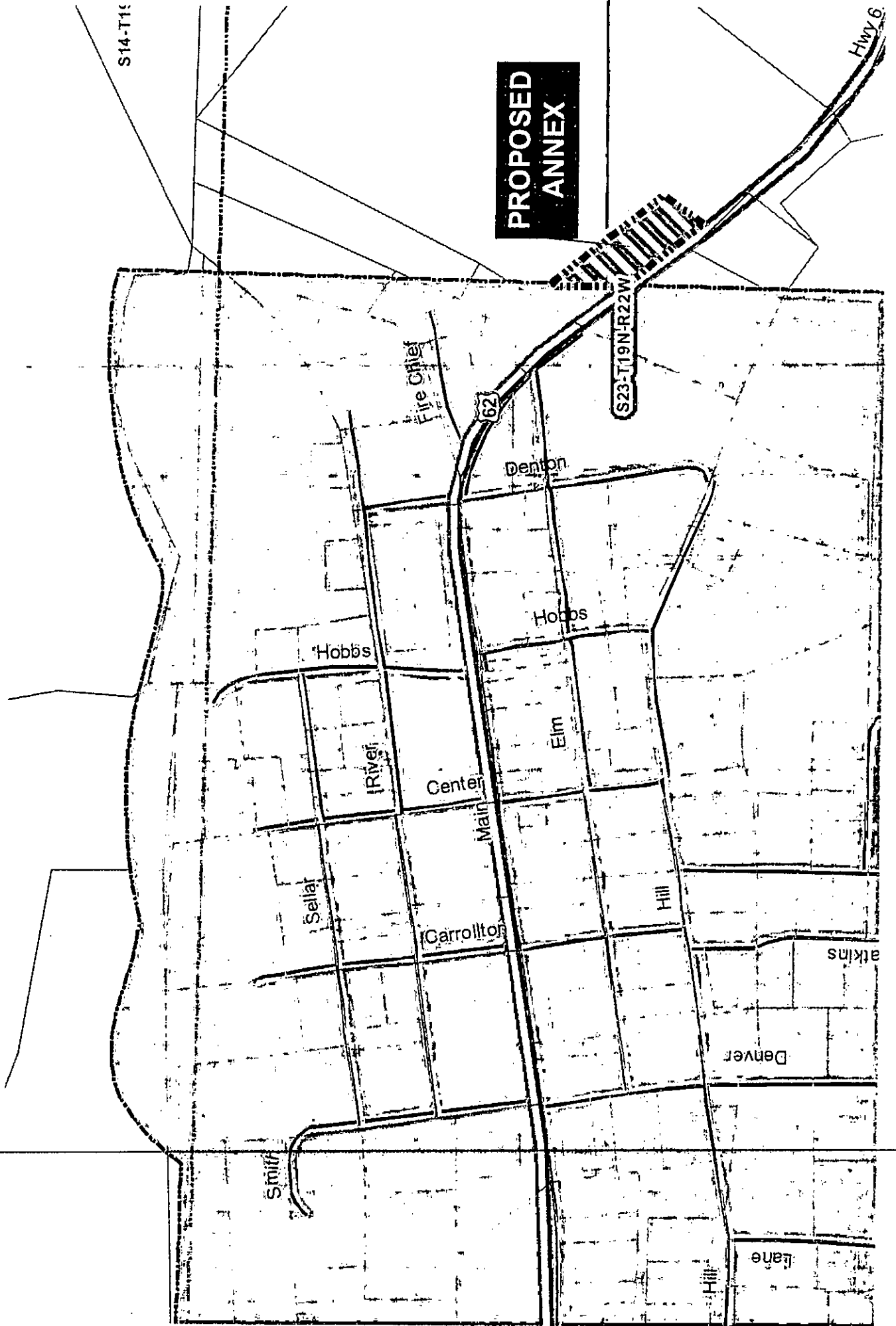
DATE OF BILLING \_\_\_\_\_

SURVEY DESCRIPTION;

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Proposed Annex: City of Alpena  
February 2019



# TOWN OF ALPENA

February 19<sup>th</sup>, 2019

Minutes

A special Council meeting was called by Mayor Theron McCammond Tuesday, February 19<sup>th</sup>, 2019.

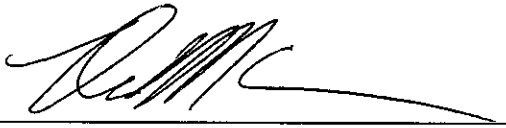
Present Mayor Theron McCammond, Recorder/Treasurer Roberta McAlister, Council members: Ronnie Bailey, Amelia Shook, and Becky Berryman.

The meeting was called to order by Mayor McCammond.

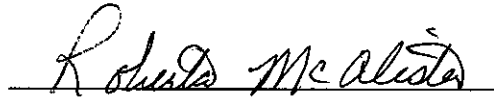
Roll call by Recorder/Treasurer Roberta McAlister.

The Mayor explained the purpose for the called Special Meeting was to pass Ordinance No. 269 with an Emergency Clause regarding the annexation of the Mary Jones property (Top Rock Restaurant) into the Alpena City limits. He explained the Town of Alpena will pay for the survey of the property in the amount of \$535.00. Ronnie Bailey made the motion to pass Ordinance No. 269, Becky Berryman Second the motion, all voted yes.

Ronnie Bailey made the motion to adjourn, Becky Berryman Second, all in favor meeting adjourned.



Mayor



Recorder/Treasurer

Town of Alpena

208 Main Street West

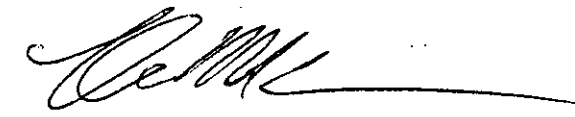
Alpena, Arkansas 72611

**ORDINANCE No. 269**

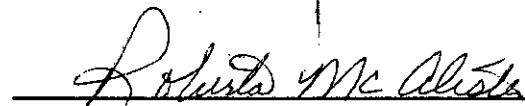
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WHEREAS, of this date 2/19/2019 the Town Council of Alpena Arkansas voted and approved the Annexation of the property located at 407 Highway 62 East owned by Mary Jones into the Alpena City Limits.

PASSED THIS 19<sup>th</sup> DAY OF FEBRUARY, 2019




Mayor



Recorder/Treasurer

Council



**FILED**

APR 15 2019

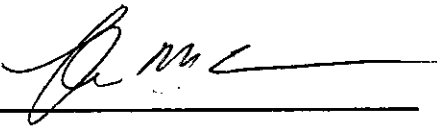
Ark  
Secretary of State

**Ordinance No. 269**

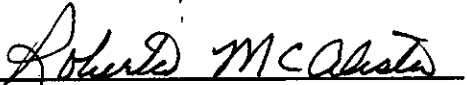
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February 19<sup>th</sup>, 2019.

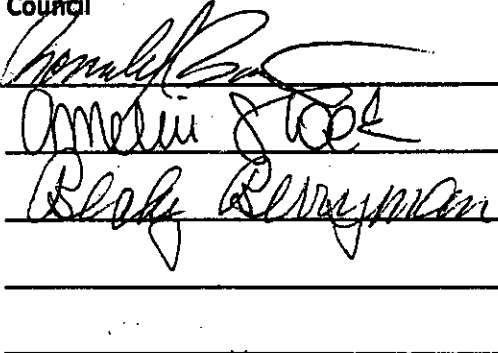


Mayor



Recorder/Treasurer

Council



**FILED**

APR 15 2019

Arkansas  
Secretary of State



JOHN THURSTON  
ARKANSAS SECRETARY OF STATE

COPY

April 3, 2019

The Honorable Crystal Graddy  
Boone County Clerk  
100 North Main, Suite 201  
Harrison, AR 72601

Re: Alpena City Ordinance 269 - Missing Information

Dear Ms. Graddy:

This letter acknowledges receipt of the Alpena City Ordinance 269 and its supporting documentation by the Office of the Arkansas Secretary of State. However, our Office is unable to file the annexation at this time because a completed Municipal Boundary Change form was not included or completed incorrectly. This form is required for all municipal boundary changes pursuant to Ark. Code Ann. § 14-40-103. A blank copy of the form is enclosed for your convenience. A fillable PDF is also available online at: [https://www.sos.arkansas.gov/uploads/elections/Municipal\\_Change\\_Checklist\\_Fillable.pdf](https://www.sos.arkansas.gov/uploads/elections/Municipal_Change_Checklist_Fillable.pdf).

To complete this filing, please provide the completed Municipal Boundary Change form as soon as it becomes available. If you have any questions or concerns regarding this matter, please do not hesitate to contact me at (501) 682-3478. Thank you for your assistance in this matter.

Sincerely,

Rusty Jackson  
Elections Division

Enclosure as stated

cc: The Honorable Theron McCammond, Mayor of Alpena,



# Arkansas Secretary of State

**John Thurston** Arkansas Secretary of State, 500 Woodlane Ave, Little Rock, AR 72201-1094


## Municipal Boundary Change Checklist

Act 655 of 2017 and A.C.A. §14-40-103

County: Boone City/Town: Alpena

City Ordinance/Resolution No: 269 Date approved: 02/19/2019

County Court Case No: \_\_\_\_\_ Date Order Filed: \_\_\_\_\_

Type: by Petition A.C.A. 14-40-60! 

Date Change Effective: 04/01/2019 Set by:  Municipal Ordinance  Emergency Clause  Court  Default  
*(Required by Act 655 of 2017)*

For Circuit Court Challenge: Date Order Filed: \_\_\_\_\_  Upheld  Overturned  Other *(attach explanation)*

Please indicate which ward(s) the territory will be assigned to: \_\_\_\_\_  
*(See A.C.A §14-40-203)*

### Initiating party:

All Landowners  Majority Landowners  Municipal Governing Body  State  Other \_\_\_\_\_

### Supporting Documentation attached *(check all that apply):*

- File marked copy of City Ordinance/Resolution *(required)*
- File marked copy of County Court Order or certified annexation election results *(required except for A.C.A. §14-40-501)*
- Copy of Arkansas GIS approved printed map and certification letter *(required)*
- Proof of Publication for all Legal Notices *(include Hearing, Election, and City Ordinance/Resolution notices)*
- File marked copy of Petition Part *(if applicable)*
- File marked copy of Complaint and final Circuit Court Order *(Court Challenge only)*

### Municipal Contact:

Name: Honorable Theron McCammond Title: Mayor of Alpena, Arkansas

Street Address: 208 West Main St PO Box 128

City: Alpena St: AR Zip code: 72611

*Complete one form per ordinance/resolution, attach it as a cover page to the supporting document set and submit to the County Clerk's Office within 45 days of the Effective Date as required by Act 655 of 2017*

### County Official:

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

Date: \_\_\_\_\_

*Pursuant to Act 655 of 2017, County Officials must submit a file-marked copy of municipal boundary change documents within 30 days of receipt to: Arkansas Secretary of State, Attn: Municipal Boundary Filing, 500 Woodlane Ave Suite 256, Little Rock, AR 72201-1094*

*Office of the Arkansas Secretary of State use only*

Received by: \_\_\_\_\_