

### ARKANSAS SECRETARY OF STATE

## MARK MARTIN

December 5, 2018

The Honorable Teresa Armer-Cobbe Crawford County Clerk 300 Main St, Room 7 Van Buren, AR

Re: City of Dyer Annexation Ordinance 2018-10-18

Dear Ms. Armer-Cobbe,

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

Filing Type: Annexation pursuant to A.C.A § 14-40-602 (petition by a majority of the landowners)

Effective Date: 11/17/2018

County: Crawford

City: Dyer

City Ordinance: 2018-10-18

Dated: 10/18/2018

County Court Order: CO 2018-69

Date Filed: 09/04/2018 Hon. Dennis Gilstrap, Crawford County Judge

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 501-682-3401.

Sincerely.

Cynthia Fisher

Arkansas Secretary of State Legal Division

500 Woodlane St, Room 256

Little Rock, AR 72201

501-682-3401

cc: Arkansas Geographic Information Systems Office (w/encl)

Arkansas Highway and Transportation Department Mapping Department (w/encl)

Department of Finance and Administration (w/encl)

Arkansas Public Service Commission (w/encl)

UALR Institution for Economic Advancement (w/encl)

Ms. Lynn Hubbard, Dyer City Recorder/Treasurer (w/encl)

Mr. Sean Brister, Dyer City Attorney (w/encl)

Legal Division • 500 Woodlane Street • Suite 256 • Little Rock, Arkansas 72201-1094

501-682-3401 • Fax: 501-682-1213

e-mail: legal@sos.arkansas.gov • www.sos.arkansas.gov



## **Arkansas Secretary of State**

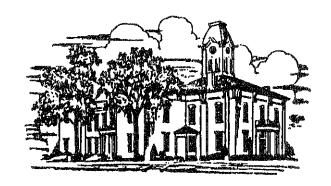
Mark Martin Arkansas Secretary of State, 500 Woodlane Ave, Little Rock, AR 72201-1094

## **Municipal Boundary Change Checklist**

	Z#18 OCT 19 PA
County: Crantord	City/Town:
City Ordinance/Resolution No: 2018	-10-18 Date approved: 10-18 ER DUCONISCOUNT
County Court Case No: 2018-69	Date Order Filed: Fortered 9-4-18
_	- 102 - Majority of Landown
(Choose from the l	list of Arkansas Code Sections located on the back)
Date Change Effective: 14-15-5 (Required by Act 655 of 20	Set by: OMunicipal Ordinance O Emergency Clause O Court Ø (217)
For Circuit Court Challenge: Date Order Fil	led:OUpheldOoverturned Oother (attach explan
Initiating party:	
O All Landowners Majority Landowners	rs OMunicipal Governing Body OState OOther
Supporting Documentation attached (check)	all that apply):
File marked copy of City Ordinance/Res	solution <i>(required)</i>
File marked copy of County Court Orde	er (required except for island annexation and annexation approved by ele
Copy of Arkansas GIS approved printed	d map and certification letter (required)
77 .	es (include Hearing, Election, and City Ordinance/Resolution notices)
<del>v-</del>	
	e marked copy of the certified special election results (if applicable)
File marked copy of Complaint and fina	al Circuit Cou <b>rt</b> Order ( <i>Court Challenge only)</i>
Municipal Contact: ,	
Name: M Sean Brister	Title: City Attainey
Street Address: POBox 1451	11110.
city: Alma A	St: AR Zip code: 7292/
Complete one form per ordinance/resolution, attach	it as a cover page to the supporting document set and submit to the County Gler
within 45 days o	af the Effective Date as required by Act 655 of 2017
County Official:	
Signature: Lineau Hamer Lobbi	Title: Chawy Co Clark
Date: 10-24-18	
Pursuant to Act 655 of 2017, County Officials must receipt to: Arkansas Secretary of State, Attn: M	submit a file-morked copy of municipal boundary change documents within 30 Aunicipal Boundary Filing, 500 Woodlane Ave Suite 256, Little Rock, AR 72201-10
Office of the Arkansas Secretary of State use	only FILED
Post invalidad	DEC 05 2018
Received by:	III. W =
1 En a Marie	Arkansas 31 10
Received by:  1 exetion Book (Q' Pg. 77	Arkansas 31 10 Secretary of State

# Teresa Hrmer-Cobbe

COUNTY AND PROBATE CLERK OF CRAWFORD COUNTY 300 MAIN STREET • ROOM 7 VAN BUREN, AR 72956 PHONE: (479) 474-1312 FAX: (479) 471-3236 E-mail: tarmer@crawford-county.org



October 24, 2018

Honorable Mark Martin Arkansas Secretary of State 500 Woodlane Ave. Little Rock, AR 72201-1094

RE: Dyer City Annexation CC-2018-69

To whom it may concern:

Enclosed you will find the final exception for the Dyer City Annexation, County Court Case 2018-69. This includes Municipal Boundary Change Checklist, Dyer City Resolution 2018-10-18, Arkansas GIS letter, map of the annexation and legal description.

Sorry, this was left out at the time the first paper work was mailed to you concerning this annexation.

If any questions, please contact me at 479-922-4643.

Respectfully,

Linda S. Horton Chief Deputy

Crawford County Clerk

Cc: Arkansas Public Service Commission

#### CITY OF DYER, ARKANSAS

RESOLUTION NO. <u>2018-10-18</u>

/36\_ 28#1 OCT 19 PM 2: 49

TERESA ARMER-CHBRE COUNTY & PROBATE CLERK CONTIGUO OS UNITY: AR

AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN C TERRITORY IN THE CITY OF DYER, ARKANSAS.

WHEREAS, the owners of certain lands contiguous to the current corporate limits of the City of Dyer, Arkansas have petitioned the County Court of Crawford County for annexation into the City of Dyer, Arkansas;

WHEREAS, the Court has entered an order of annexation and no objections were filed for a period exceeding thirty days from the entry of the order of annexation;

WHEREAS, the finalization of the annexation requires acceptance by the City Council of the City of Dyer, Arkansas, by either ordinance or resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DYER, ARKANSAS:

**SECTION 1:** Consistent with the order of the Crawford County Court in Case No.: 2018-69 the City Council accepts and approves the annexation of the lands described in the order and identified herein.

SECTION 2: The following real property shall effective immediately upon the passage of this resolution become a part of the City of Dyer, Arkansas, with all rights and responsibilities associated therewith:

All that part of the NE1/4 of the SE1/4 of Section 35 Township 10 N Range 30 W, Crawford County, Arkansas.

**SECTION 3:** A map of the annexed territory is attached hereto as Exhibit A.

**SECTION 4:** The mayor or his representative shall conduct an evaluation of the annexed territory and make a recommendation to the city council for the proper zoning of the annexed territory.

PASSED AND APPROVED THIS 18th DAY OF OCTOBER IN THE YEAR 2018.

APPROVED:

AAVOD

ATTEST:

FOORDER/TREASURER

FILED

DEC 05 2018

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Arkansas Secretary of State

Anneyation Book & Pg 78



July 23, 2018

Mr. Sean Brister Brister Law Firm, PLLC 724 Fayetteville Ave Alma, AR 72921

RE: City of Dyer Annexation Coordination Requirement

Mr. Brister,

Thank you for coordinating with our office as you seek to annex property into the City of Dyer, AR located in Section 35, Township 10 North, Range 30 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 90th 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 /jiw

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

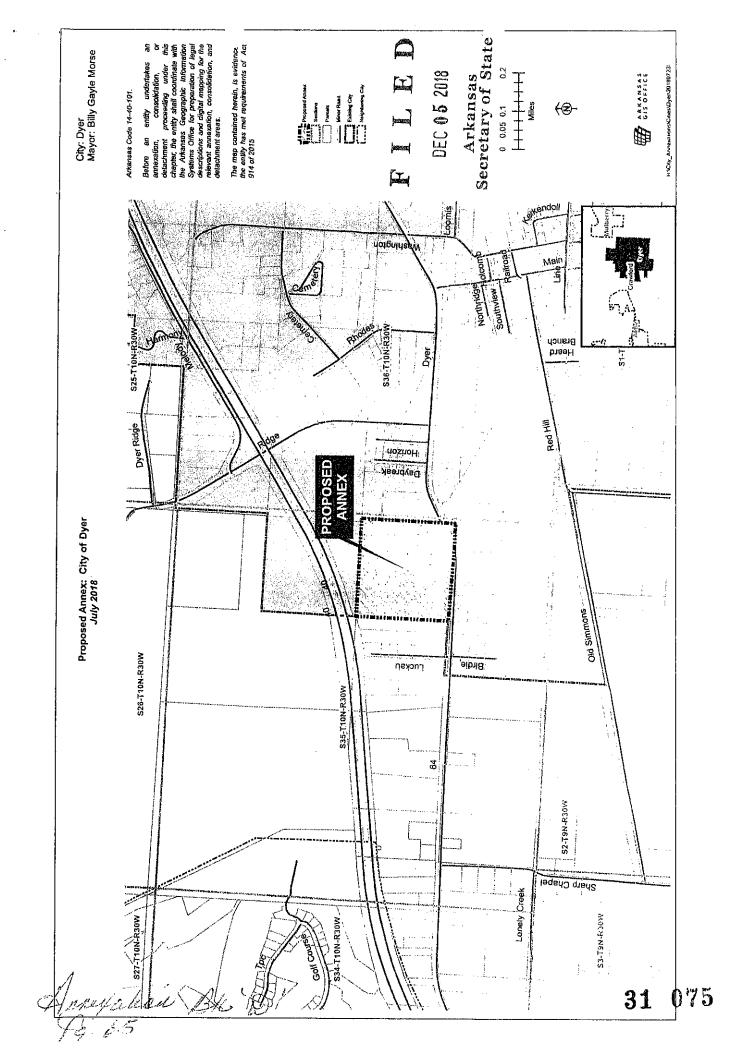
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Arkansas Secretary of State

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ARKANSAS GIS OFFICE + 1 CAPITOL MALL SUITE 6D + LITTLE ROCK + ARKANSAS + 72201 PHONE (501) 682-2767 · www.gis.arkansas.gov · FAX (501) 682-6077

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## Legal Description – Dyer Annexation



All of the NE1/4 of the SE1/4 of Section 35 Township 10 N Range 30 W, Crawford County, Arkansas.

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# IN THE COUNTY COURT OF CRAWFORD COUNTY, ARKANSAS

2818 OCT 12 PM 2: 27

TERESA ARMER-COGRE COUNTY & PROBATE CLERK CRAWFORD COUNTY, AR

BILL MORSE, JO ANN MORSE, CHRIS BROWN, ALEXA BROWN, BRYAN MORSE, AND LITA MORSE,

BRYAN MORSE, AND LITA MORSE,	CASE NO.:_	2018-69	
PETITIONERS.			
ORDER FOR AN	NEXATION	<u></u>	<del></del>

All premises considered the Crawford County Court after a public hearing on September 4, 2018 at 10:00 a.m. on the above-captioned annexation petition makes the following findings and order:

- 1. The allegations of the petitioners in the matter have been sustained by proof.
- 2. The Court is satisfied that the signature requirements of Ark. Code Ann. § 14-40-601 have been met.
- 3. The Court is satisfied that the limits of the territory to be annexed have been accurately described.
- 4. The Court is satisfied that an accurate map of the territory to be annexed has been made and filed herein.
  - 5. The Court is satisfied that the petitioners' prayer for relief is right and proper.
- 6. Following the public hearing, the Court entered an oral order granting the petition and ordering the following lands annexed in to the corporate limits of the City of Dyer, Arkansas: all that part of the NE1/4 of the SE1/4 of Section 35 Township 10 N Range 30 W, Crawford County, Arkansas, and directed counsel for the petitioners to prepare a written order for filing with the clerk.

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Anneyation Book 'D' Pg. 75

- No further action shall be taken for thirty (30) days from the entry of the order on 7. September 4, 2018, so that any interested person may file a proceeding in circuit court to contest the annexation.
- Should no notice of circuit court proceeding be filed with the Crawford County 8. Court prior to October 5, 2018, the entire proceeding shall be confirmed upon the passage of an ordinance or resolution by the City Council of Dyer, Arkansas, accepting the annexation pursuant to Ark. Code Ann. § 14-40-605.
- Pursuant to Ark. Code Ann. § 14-40-606, as soon as the ordinance or resolution 9. declaring the annexation has been adopted or passed the inhabitants residing in the annexed territory shall have all the rights and privileges of the inhabitants within the original limits of the city.

IT IS SO ORDERED.

DENNIS GILSTRAP. Crawford County Judge

PREPARED BY:

M. Sean Brister, Attorney for Petitioners

CERTIFIED COPY

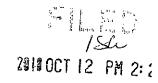
State of Arkansas

1, Teresa Armer-Cobbe, County Clerk, in and for the said County and State do hereby certify that the foregoing is a full, true and complete copy of the original as the same appears of record in my office in

Book Vol.,

Anneyation Book '6'

### IN THE COUNTY COURT OF CRAWFORD COUNTY, ARKANSAS



TERESA ARMER-CODA COUNTY & PROBATE CLE CRAWFORD COUNTY &

BILL MORSE, JO ANN MORSE, CHRIS BROWN, ALEXA BROWN, BRYAN MORSE, AND LITA MORSE,

CASE NO.: 2018-69

PETITIONERS.

#### MINUTES OF COUNTY COURT HEARING

The Crawford County Court was called to order on September 4, 2018 at 10:00 a.m. for a public hearing on the above-captioned annexation hearing.

Present were the County Judge and counsel for the petitioners. No adverse or other parties or members of the public appear.

Counsel presented evidence substantiating the allegations in the petition.

Upon hearing no objections and after the conclusion of the hearing being satisfied that all necessary statutory provisions were met, the Court entered an order orally approving the annexation and directing the counsel for petitioners to prepare a written order for filing with the clerk.

APPROVED:

DENNIS GILSTRAP,

Crawford County Judge

Anneyation Book 'D' Pg. 74

# IN THE COUNTY COURT OF CRAWFORD COUNTY, ARKANSAS

2018 AUG -1 AM 8: 03

BILL MORSE, JO ANN MORSE, CHRIS BROWN, ALEXA BROWN, BRYAN MORSE, AND LITA MORSE, TERESA ARMER-COBBE COUNTY & PROBATE CLERK CRAWFORD COUNTY AR

CASE NO.: 3018-69

PETITIONERS.

FILED

# PETITION FOR ANNEXATION INTO DYER, ARKANSAS

DEC 05 2018

Arkansas Secretary of State

We, the undersigned petitioners seek annexation of our properties into Dyer, Arkansas, and for our petition state:

- 1. The petitioners seek annexation into Dyer, Arkansas, pursuant to Ark. Code Ann. § 14-40-601 et seq.
- 2. Petitioners comprise a majority of the real estate owners of the property being annexed.
- 3. The property to be annexed is contiguous and adjacent to the current city limits, and annexation will not create any enclaves in violation of state law.
- 4. The property to be annexed is described in attached Exhibit A, hereby incorporated by reference.
- 5. The property to be annexed is identified on the map attached as Exhibit B, hereby incorporated by reference.
- 6. Petitioners have duly coordinated with the Arkansas GIS Office and the coordination letter is attached as Exhibit C, hereby incorporated by reference.

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- 7. Bill Morse is authorized to act on behalf of the petitioners.
- 8. The City of Dyer will provide police, fire, and street department services to the annexed area within three (3) years of annexation.
- 9. Petitioners are both a majority of the real estate owners by number and by acreage.
- 10. Only one owner within the annexation area, Oklahoma Gas and Electric Company, has not consented.
- 11. Petitioners do not expect the utility owner to object to the annexation.

  WHEREFORE, the petitioners pray that their petition be granted and the described property be annexed into the City of Dyer, Arkansas, and for all other relief to which they may be entitled.

Respectfully submitted,

Dyer Annexation Petitioners

By:

M. Sean Brister

BRISTER LAW FIRM, PLLC

P.O Box 1451

Alma, AR 72921

(479) 632-2446

(479) 632-2447 facsimile

sean@bristerlawfirm.com

CERTIFIED COPY

State of Arkansas County of Crawford SS

 Teresa Armer-Cobbe, County Clerk, in and for the said County and State do hereby certify that the foregoing is a full, true and complete copy of the original as the same appears of record in my office in

Witness my hand and seal on this

Up to the Armer Cobbe-Bounty Clerk

Teresa Armer Cobbo Logarty Clerk

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### **ATTESTATION OF PETITIONERS SEEKING**

### ANNEXATION INTO DYER, ARKANSAS

ATTESTED:	hear to a few	·		
BelMane		Men Mo	le	
SIGNATURE OF PROPERT	Y OWNER BO	TH SPOUSES IF	MARRIED)	
PO BOX	27	Dyer	AR	72935
ADDRESS OF PROPERTY (	OWNER			
479- 997	'- 2135	~		
TELEPHONE NUMBER				
Parael	001-	09065	-000	. 29.34AC
LEGAL DESCRIPTION OF I	PROPERTY TO	BE ANNEXED (	OR REFERENC	E TO EXHIBIT
CONTAINING LEGAL DESC	CRIPTION			

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#### **ATTESTATION OF PETITIONERS SEEKING**

### ANNEXATION INTO DYER, ARKANSAS

ATTESTED:	•
Hongan Sita Morse	
SIGNATURE OF PROPERTY OWNER (BOTH SPOUSES IF MARRIED)	
5716 Day 64E Alma AR 7292,	
ADDRESS OF PROPERTY OWNER	
297 6055	
TELEPHONE NUMBER	
001-09065-003	3 AC
I EGAT DESCRIPTION OF PROPERTY TO BE ANNEXED OF REFEREN	VCE TO EVUIDIT

Anny BK D'

CONTAINING LEGAL DESCRIPTION

#### **ATTESTATION OF PETITIONERS SEEKING**

#### ANNEXATION INTO DYER, ARKANSAS

ATTESTED:	
Chie Brun allega Brown	
SIGNATURE OF PROPERTY OWNER (BOTH SPOUSES IF MARRIED)	
5702 HWY 64 E Alma, AR 72921	
ADDRESS OF PROPERTY OWNER	
479-414-4453	
TELEPHONE NUMBER	
001-09045-004	2.46.4c
LEGAL DESCRIPTION OF PROPERTY TO BE ANNEXED OR REFERENCE	TO EXHIBIT

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CONTAINING LEGAL DESCRIPTION

### **EXHIBIT A**

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## Legal Description – Dyer Annexation

All of the NE1/4 of the SE1/4 of Section 35 Township 10 N Range 30 W, Crawford County, Arkansas.

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## **EXHIBIT B**

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July 23, 2018

Mr. Sean Brister Brister Law Firm, PLLC 724 Fayetteville Ave Alma, AR 72921

RE: City of Dyer Annexation Coordination Requirement

Mr. Brister,

Thank you for coordinating with our office as you seek to annex property into the City of Dyer, AR located in Section 35, Township 10 North, Range 30 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  $90^{th}$  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 /jjw FILED

DEC 0 5 2018

Arkansas Secretary of State

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

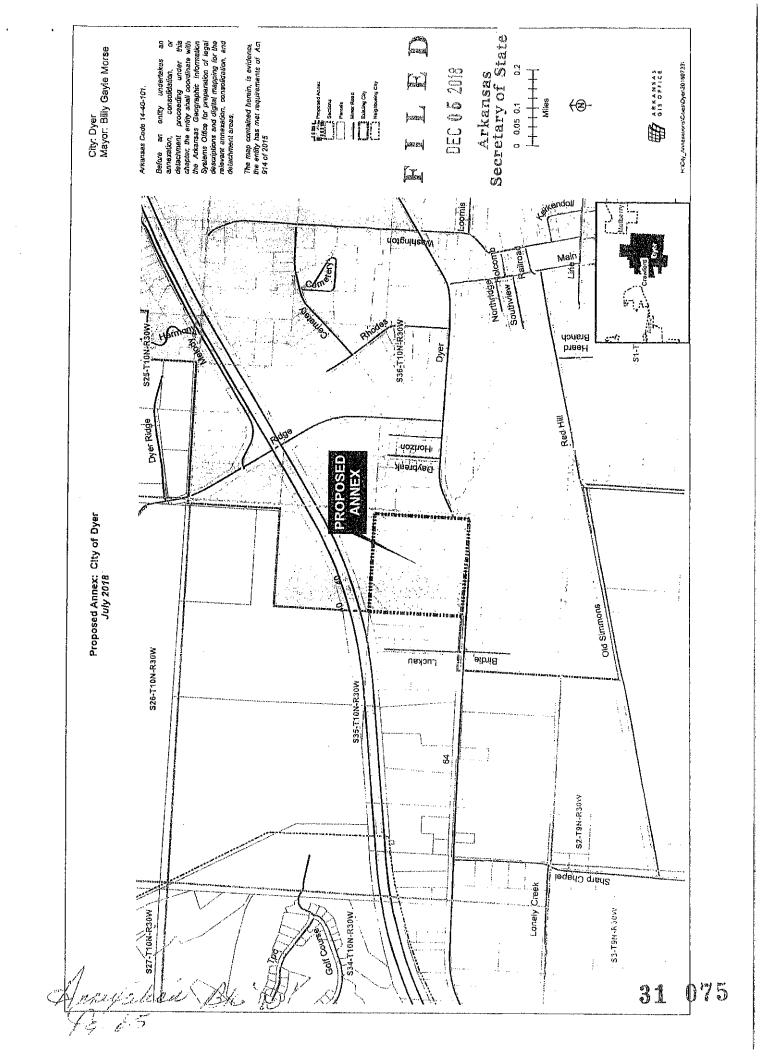
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ARKANSAS GIS OFFICE + 1 CAPITOL MALL SUITE 6D + LITTLE ROCK + ARKANSAS + 72201 PHONE (501) 682-2767 + www.gis.arkansas.gov + FAX (501) 682-6077

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## **EXHIBIT C**

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### IN THE COUNTY COURT OF CRAWFORD COUNTY, ARKANSAS

Total James Street Control 2018 AUG 1 AM 8: 03 TERESA ARMER-COBUE COUNTY & PROBATE CLERK CRAWFORD COUNTY, AR

BILL MORSE, JO ANN MORSE,

CHRIS BROWN, ALEXA BROWN, BRYAN MORSE, AND LITA MORSE  CASE NO.: 30/8-69  PETITIONERS
NOTICE OF HEARING
Take notice all persons that the above-captioned matter has been set for a hearing before the County Court at the following time, date, and location to hear petitioners request for annexation of the following lands into the City of Dyer, Arkansas:
All of the NE1/4 of the SE1/4 of Section 35 Township 10 N Range 30 W, Crawford County, Arkansas.
Time: 10:00 am
Date: September 4, 2018
Date: September 4, 2018  Location: Crarford County Courthonse RM 4; County Judge 300 main st; Van Buren AR  Off
Issued on this the 31 day of July 2018.
Jeresa Anner Cobbi

Annufation DK. W'

By Deputy Salla S. Floriton

Teresa Armer 300 Main Street Rm 7 Van Buren, AR 72956

# Crawford County, Arkansas CLERK CHARGES Receipt 43625

# PAID RECEIPT

If payment is made by check and same is not honored on presentation, receipt is null and void.

Payment received: 8/1/2018

8:04:00 AM

Received by:

LH

Paid By:

**BRISTER LAW FIRM PLLC** 

Notes: annexation of Dyer CC #2018-69

Reference #:

P.O. BOX 1451

ALMA, AR 72921

**BRISTER LAW FIRM PLLC** 

Item#	Item Code	Description		Date	Qty	Amount	Total
1	CCC	COUNTY COURT CASE		8/1/2018	1	\$30.00	\$30.00
						Total Due :	\$30.00
				[ · · · · · · · · · · · · · · · · · · ·		Cash	\$0.00
						Check 2373	\$30.00
						Credit Card	\$0.00
						Total Rec'd	\$30.00
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# IN THE COUNTY COURT OF CRAWFORD COUNTY, ARKANSAS

2818 OCT 12 AMII: 26
COUNTY ARMER CODUE
CRAWS ROBATE (158)

BILL MORSE, JO ANN MORSE, CHRIS BROWN, ALEXA BROWN, BRYAN MORSE, AND LITA MORSE.

CASE NO.: 2018-69

PETITIONERS.

#### PROOF OF PUBLICATION

COME NOW, the petitioners, Bill Morse, Jo Ann Morse, Chris Brown, Alexa Brown, Bryan Morse, and Lita Morse, and provide proof of publication attached hereto as Exhibit A and incorporated by reference.

Respectfully submitted,

Bill Morse, Jo Ann Morse, Chris Brown, Alexa Brown, Bryan Morse, and Lita Morse, Petitioners.

By:

M. Sean Brister BRISTER LAW FIRM, PLLC P.O. Box 1451 Alma, AR 72921

(479) 632-2446 telephone

(479) 632-2447 facsimile

sean@bristerlawfirm.com

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### **EXHIBIT A**

2918 OCT 12 AMII: 26

TERESA ARMER-CUBBE COUNTY & PROBATE CLERI CRAWFORD COUNTY, AR

TAKE NOTICE

A hearing will be held before the Crawford County Court (Crawford County Courty Judge's Office, 300 Main Street, Van Buren, Arkansas) on September 4, 2018 at 10:00 am to consider the annexation petition of Bill Morse, Jo Ann Morse, Chris Brown, Alexa Brown, Bryan Morse, and Lita Morse (County Court Case No. 2018-59) seeking to annex the following lands into the City of Dyer, Arkansas:
All that part of the NEI/4 of the SEI/4 of Section 35 Township 10 N Range 30 W, Crawford County, Arkansas.
Published in the August 18, August 25 and September 1, 2018 of the Press Argus-Courier.

Annequition Book 'W'

TERESA ARMER-COBDE COUNTY & PROBATE CLERK CRAMFORD COUNTY, AR

#### PRESS ARGUS-COURIER

100 N. 11th Street

Van Buren, Arkansas 72957

(479) 474-5215

#### PROOF OF PUBLICATION

State of Arkansas County of Crawford

I, Kim Hattaway, Publisher of the Press Argus-Courier, a newspaper in said County and State, and having general circulation therein, hereby certify that the annexed advertisement was published in said newspaper

three times, with the first publication being on the 18th day of August, 2018 and the last publication being on the 1st day of September, 2018.

Publisher's Fee \$ 101.76

Subscribed and sworn to before me this 10th day of September, 2018.

My Commission expires April 10, 2026

Lawana Notary Public

Publisher

AMANA D. WRIGHT COMMISSION # 12347009 EXPIRES: April 10, 2028

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