



ARKANSAS SECRETARY OF STATE

MARK MARTIN

February 7, 2017

The Honorable Becky Lewallen
Washington County Clerk
280 North College Ave, Suite 300
Fayetteville, AR 72701

Re: City of Elm Springs Annexation Ordinance 2015-01 with Detachment from Springdale

Dear Ms. Lewallen,

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 with detachment pursuant to A.C.A § 14-40-2002 (for city services)
Effective Date: unknown
County: Washington City: Elm Springs
City Ordinance: 2015-01 Dated: 01/19/2016
County Court Order: N/A

A file marked copy of the ordinance, letter from the Springdale City Attorney 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 pending filing please contact our office at 501-682-3401.

Sincerely,

A handwritten signature in cursive script that reads "Cynthia Fisher".

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)
UALR Institution for Economic Advancement (w/encl)
Tom-Tom (w/encl)
Ms. Twila Taylor, Elm Springs City Recorder and Treasurer (w/encl)

Room 256 State Capitol • Little Rock, Arkansas 72201-1094
501-682-1010 • Fax 501-682-3510
e-mail: arsos@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

County: Washington City/Town: Elm Springs

City Ordinance/Resolution No: 2015-01 Date approved: 01/19/2015

County Court Case No: N/A Date Order Filed: _____

Type: Annexation with Detachment from another municipality at landowner request A.C.A §14-40-2001

Date Change Effective: _____ Emergency clause: Yes No

For Circuit Court Challenge: Date Order Filed: _____ Upheld Overturned Other (attach explanation)

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 (not required for A.C.A §14-40-1801)
- File marked copy of County Court Order (not required for A.C.A. §14-40-501)
- Proof of Publication for all Legal Notices (Hearing, Election, City Ordinance/Resolution)
- Copy of Arkansas GIS approved printed map and certification letter
- File marked copy of Petition Part or File marked copy of the certified special election results (if applicable)
- File marked copy of Complaint and final Circuit Court Order (Court Challenge only)

Municipal Contact:

Name: Ms. Twila Taylor Title: Elm Springs Recorder and Treasurer

Street Address: P.O. Box 74

City: Elm Springs St: AR Zip code: 72728

City/County Official:

Signature: Hon. Becky LeWallen Title: Washington County Clerk

Date: _____

Complete one form for each ordinance/resolution and attach it as a cover page to the supporting document set. Submit the documents to Arkansas Secretary of State, Attn: Municipal Boundary Filing, 500 Woodlane Ave, Little Rock, AR 72201-1094

Office of the Arkansas Secretary of State use only

Received by: Cynthia Fisher

FILED
FEB 07 2017
Arkansas
Secretary of State



BECKY LEWALLEN
County And Probate Clerk

WASHINGTON COUNTY
STATE OF ARKANSAS
Washington County Courthouse
280 North College Avenue, Suite 300
Fayetteville, Arkansas 72701
Telephone: (479) 444-1711
Fax: (479) 444-1894

CERTIFICATE OF COUNTY AND PROBATE COURT

THE STATE OF ARKANSAS,

COUNTY OF WASHINGTON.

I, Becky Lewallen, County and Probate Clerk within and for the County and State aforesaid, do hereby certify that the foregoing is a true and correct copy of an Annexation by Ordinance to the City of Elm Springs as it appears of Record File Thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on

This 12th day of April, 2016.

Becky Lewallen

County Clerk



By:

Jennifer Sharpshaw

Deputy County Clerk



BECKY LEWALLEN
County And Probate Clerk

WASHINGTON COUNTY
STATE OF ARKANSAS
Washington County Courthouse
280 North College Avenue, Suite 300
Fayetteville, Arkansas 72701
Telephone: (479) 444-1711
Fax: (479) 444-1894

April 12, 2016

To Whom it may Concern:

You will find enclosed an Annexation to the City of Elm Springs by Ordinance. If you have any further questions please don't hesitate to call.

Thanks,

A handwritten signature in cursive script, reading "Jennie Sharpshaw".

ORDINANCE NO. 2015-01

CITY OF ELM SPRINGS, ARKANSAS

AN ORDINANCE ACCEPTING THE ANNEXATION CERTAIN TERRITORY, KNOWN AS THE O'BARR PROPERTY TO THE CITY OF ELM SPRINGS, ARKANSAS, AND MAKING SAME A PART OF THE CITY OF ELM SPRINGS, ASSIGNING SAME TO WARDS AND DESIGNATING THE ZONING FOR THE ANNEXED PROPERTY.

FILED
2016 APR -6 AM 8:44
BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON ST.
ELM SPRINGS, ARK.

WHEREAS, the property belonging to the O'Barrs is located in Springdale, Arkansas, and the owners wish to develop it. A request for services was made upon the City of Springdale, which responded, through its City Attorney, that Springdale did not intend to provide services to the property and that the owner should proceed to be annexed by the City of Elm Springs, which borders the property; and that said territory be annexed to, and made a part of the City of Elm Springs, Arkansas; and,

WHEREAS, the Planning Commission has recommend acceptance of the property for annexation and the Mayor of Elm Springs has committed to providing the requested services to the O'barr property and has recommended that Elm Springs annex the property.

THEREFORE, BE IT ORDAINED:

Section 1. That the following described lands, described in EXHIBIT A to this Ordinance, commonly known as the O'Barr Property, and territory contiguous and adjoining the City of Elm Springs, Arkansas, be and the same is hereby accepted as part of and annexed to and made a part of the City of Elm Springs.

Section 2. That the territory described in EXHIBIT A shall be annexed to and made a part of Ward 3 of the City of Elm Springs, and the same shall henceforth be a part of said ward as fully as existing parts of said ward.

Section 3. ZONING. The territory described in EXHIBIT A shall be zoned RA. The City of Elm Springs Zoning Map shall be changed as soon as is practicable to reflect this annexation and these zoning designations.

PASSED AND APPROVED this 19 day of January, 2015.

APPROVED:

Harold Douthit
Harold Douthit, Mayor

Attest:

Glenda Pettus
Glenda Pettus, City Clerk

FILED

FEB 07 2017

Arkansas
Secretary of State

I CERTIFY THIS IS A TRUE AND
CORRECT COPY OF THE ORIGINAL DOCUMENT.
DATED THIS 31 DAY OF March
20 16 *Glenda Pettus*
City / COURT CLERK

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Harold Dauthit and Glenda Pettis, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas that a certified copy of Ordinance No. 2015 01 01 (the "O' Barr Property Annexation Ordinance") was, on the 20 day of January, 2015, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

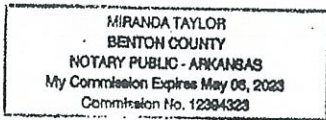
DATED this 20 day of January, 2015.

Harold Dauthit
Mayor

Glenda Pettis
City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 20th Day of January, 2015.



Miranda Taylor
Notary Public

My Commission Expires:

May 6, 2023



ARKANSAS
GIS OFFICE

April 15, 2016

Mayor Harold Douthit
P.O. Box 74
ELM SPRINGS, AR 72728

RE: City of Elm Springs Annexation Coordination Requirement

Honorable Mayor Douthit,

Thank you for coordinating with our office as you seek to annex property into the City of Elm Springs, AR situated to the south of West County Line Road in the northeast quarter of Section 29 -Township 18 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,

Shelby D Johnson, Director
/sdj

STAFF FILENOTE: The annexed area, must be DETACHED from Springdale, Arkansas and ANNEXED to Elm Springs, Arkansas

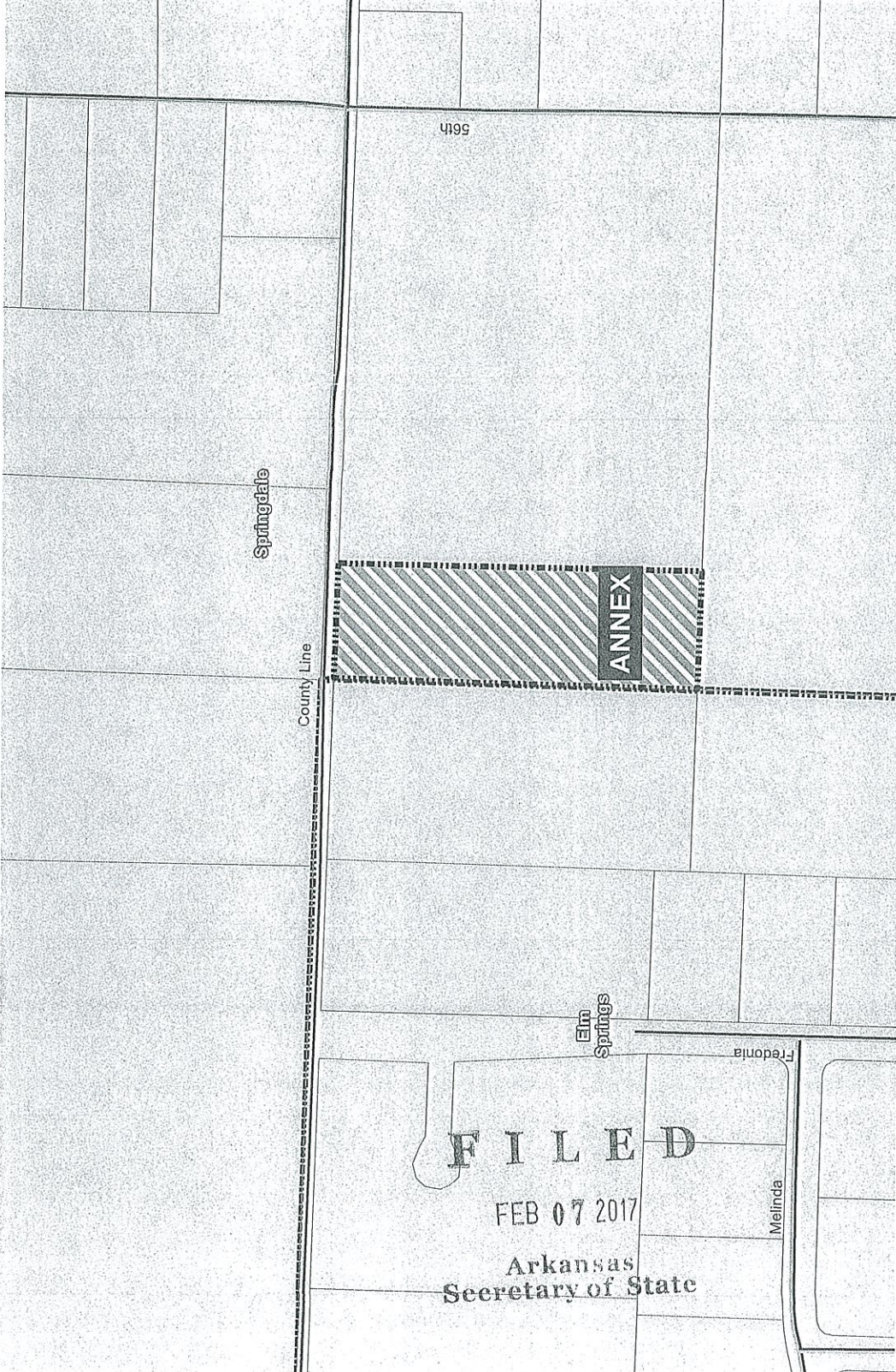
Annexed: Elm Springs, Arkansas April 2016

City: Elm Springs
 Mayor: Harold Douthitt
 City Recorder: Glenda Pettus

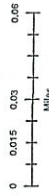
Arkansas Code 14-40-101.

Before an entity undertakes an annexation, consolidation, or detachment proceeding under this chapter, the entity shall coordinate with the Arkansas Geographic Information Systems Office for preparation of legal descriptions and digital mapping for the relevant annexation, consolidation, and detachment areas.

The map contained herein, is evidence, the entity has met requirements of Act 914 of 2015

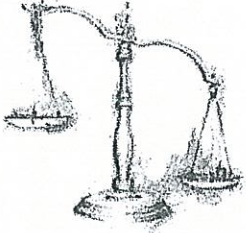


- arkansas.gis.city_limits_ahd
- Annex
 - Parcels
 - Freeway
 - Highway
 - Minor Road
 - Existing City
 - Neighboring City
 - County Boundary



ARKANSAS
GIS OFFICE

FILED
 FEB 07 2017
 Arkansas
 Secretary of State



Office Of The City Attorney

201 Spring Street
Springdale, Arkansas 72764
Phone (479) 756-5900
Fax (479) 750-4732
www.springdalear.gov
Writer's Email:
ecate@springdalear.gov

November 6, 2014

Ernest B. Cate
City Attorney

Taylor Samples
Deputy City Attorney

Sarah Sparkman
Deputy City Attorney

David D. Phillips
Deputy City Attorney

Lynda Belvedresi
Case Coordinator/
Victim Advocate

Steve Helms
Investigator

Cindy Horlick
Administrative Legal
Assistant/Paralegal

Mr. John Obarr
5847 W. County Line Road
Springdale, AR 72762

Re: Ark. Code Ann. §14-40-2002 Annexation request

Dear Mr. Obarr:

I am in receipt of your letter regarding your desire to avail yourself of the provisions of Ark. Code Ann. §14-40-2002, as it pertains to obtaining sewer service to your property located at 5847 W. County Line Road in Springdale. I forwarded your request for services to the Springdale Water & Sewer Commission, who has informed me that they currently have no plans to provide the requested services to your property as requested in your letter.

As such, the City of Springdale is not able to provide you with a commitment to provide the requested services at this time. Accordingly, you are free to pursue your right to de-annex from Springdale and annex into Elm Springs for the purpose of obtaining the services you request.

Please be advised, however, that all of the requirements of Ark. Code Ann. §14-40-2002(b)(3) must be met for the property to be de-annexed from the City of Springdale. In addition, should you wish to rezone the property after it has been annexed into the City of Elm Springs, any such rezoning request would be subject to the requirements of Ark. Code Ann. §14-56-306.

Please let me know should you need any further information from me.

Sincerely,

[Handwritten signature of Ernest B. Cate]

Ernest B. Cate
City Attorney

FILED

FEB 07 2017

Arkansas
Secretary of State

EBC:ebc
cc: file

Springdale City Council

Re: John OBarr
5847 W. County Line Rd
Springdale, AR 72762

Dear City Council Members:

Attached please find a letter from Mayor Wall, this Statement & Request for Municipal Services, and a county boundary map; showing my property marked with an (x), and location of sewer services which Elm Springs can provide and Springdale can't which is necessary to create improvements, provide employment, subdivide and otherwise maximize the use and value of the property. This request is pursuant to A.C.A. §14-40-2002, and is understood as the first step in the de-annexation from Springdale to Elm Springs.

Springdale has the option of executing a written commitment to services within thirty (30) days after this statement is filed per Section 2A or if substantial steps not taken in one hundred eighty (180) days to be de-annexed from Springdale and annexed to Elm Springs.

I will take all necessary steps to make my land accessible to the service requested and to comply with any request made of me by the city of Springdale.

Signing and filing this statement for municipal services,

John OBarr

F I L E D
FEB 07 2017
Arkansas
Secretary of State