



ARKANSAS SECRETARY OF STATE

MARK MARTIN

May 29, 2018

The Honorable Danna Sivley
Saline County Clerk
351 N 2nd St, Suite 4B
Ashdown, AR 71822

Re: City of Foreman Annexation Resolution 2016-002

Dear Ms. Sivley,

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: 02/24/2016 (default)

County: Little River

City: Foreman

City Resolution: 2016-002

Dated: 01/25/2016

County Court Order: C-2015-56-R

Filed: 12/14/2015

Hon. Mike Cranford, Little River 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.

It appears that the annexation may not be valid due to conflicts with previous court rulings on contiguity. In **Chastain v. Davis**, 294 Ark.134 (1987) it was found that Arkansas has rejected the use of tiny strips of land to reach the larger area to be annexed. See also, **Clark v. Holt**, 218 Ark.504 (1951) (annexation improper, contiguity requirement not met – subterfuge). In **City of Jacksonville v. City of Sherwood**, 375 Ark. 107 (2008), **Vestal** criteria was found to apply even to land being annexed by petition. And in **City of Centerton v. City of Bentonville**, 375 Ark. 439 (2009) the annexation was ruled invalid because part of the proposed area did not meet **Vestal** criteria. [**Vestal v. Little Rock**, 54 Ark. 321 (1891): suitable annexation criteria are any of the following: (1) platted and held for sale or use as municipal lots; (2) whether platted or not, if lands area held to be sold as suburban property; (3) lands furnish the abode for a densely settled community or represent the actual growth of municipality beyond its legal boundary; (4) lands needed for proper municipal purposes (e.g., police regulation, water, sewer, etc.); OR (5) lands are valuable by reason of their adoptability for prospective municipal purposes.]. Please contact a licensed attorney for more information.

.If you have any questions or concerns regarding this pending 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



ARKANSAS SECRETARY OF STATE

MARK MARTIN

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)
Tom-Tom (w/encl)
Ms. Janet Hefner, Foreman City Recorder and Treasurer (w/encl)



Arkansas Secretary of State

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

Municipal Boundary Change Checklist

County: Little River City/Town: Foreman

City Ordinance/Resolution No: 2016-002 Date approved: January 25, 2016

County Court Case No: C-2015-56-R Date Order Filed: 12/14/15

Type: _____
(Choose from the list of Arkansas Code Sections located on the back)

Date Change Effective: _____ 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)

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 (required except for island annexation and annexation approved by election)
- 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 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: Theresa Woods Title: Deputy Recorder/Treasurer

Street Address: P.O. Box 10

City: Foreman St: AR Zip code: 71836

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: Deanna Juley Title: County Clerk

Date: 4-24-18

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: Cynthia Fisher

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Arkansas Secretary of State

RESOLUTION No. 2016-002

A RESOLUTION CONFIRMING , APPROVING AND ACCEPTING CERTAIN TERRITORY ADJOINING AND CONTIGUOUS TO THE CITY OF FOREMAN, ARKANSAS

WHEREAS the County Court for Little River County, Arkansas did on the 14th of December, 2015 enter an order approving the annexation by the City of Foreman, Arkansas of certain property owned by the City of Foreman, to wit:

Part of the N1/2 NE 1/4 NE1/4 Section 27, Township 12 South, Range 32 West, Little River County, Arkansas and being more particularly described as follows: Commence at the Northeast corner of Section 27, Township 12 South, Range 32 West, thence N 89 degrees 17' 35"

West 58.3 feet to a set of 1/2" I. R. for the point of beginning on the West right of way of Highway 41 and 32, thence north 89 degrees 17' 35" West 528.30 feet to a set RR spike in Hwy 108, thence S 0 degrees 19' East 328.63 feet to a set 1/2" I.R. , thence S 89 degrees 17' 35" East 528.30 feet to set 1/2" I.R. on West right of way of Highway 41 and 32, thence N 0 degrees 19' West 328.63 feet along right of way to point of beginning, containing 4 acres, more or less.

LESS AND EXCEPT the following tract of land and being more particularly described as follows: Commence at the Northeast corner of Section 27, Township 12 South, Range 32 West, thence N 89 degrees 17' 35" West 386.60 feet to a set RR spike for the point of beginning, thence S 00 degrees 19' East 328.63 feet to a set 1/2" I.R., thence N 89 degrees 17' 35" West 200.0 feet to a found 1/2" I.R., thence N 00 degrees 19' West 328.63 feet to a found RR spike, thence S 89 degrees 17' 35" East 200.0 feet to the point of beginning, containing 1.5 acres, more or less.

And the following described property owned by the Arkansas State Highway Commission, which is maintained and operated by the Arkansas Highway and Transportation Department, to wit:

All of that portion of existing Highways 41 and 32 running southward from the intersection of said highways with East Spring Street, Foreman, Arkansas (30 feet on each side of the centerline of said highways) and continuing until said state highways intersect the southeast corner of the NE 1/4 of the NE 1/4 of Section 27, Township 12S - Range 32W of Little River County, AR.

AND WHEREAS a true and correct copy of the map that was filed with the Order and Petition is attached hereto and made a part of this resolution by reference; **AND WHEREAS** it being further noted that no complaints or

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DEANNA SIMLEY, CO. CLERK

BY *Karen M. [Signature]*

objections to the proposed annexation have been made or given;

AND WHEREAS it is the desire of city council for the City of Foreman, Arkansas to confirm, approve and accept the proposed annexation and territory.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF FOREMAN, ARKANSAS THE FOLLOWING:

Section 1: That the following described territory, Tracts 1 and 2, which adjoins and is contiguous to the city of Foreman, Arkansas be annexed to this city with said territory being located in Little River County, Arkansas and described as:

TRACT 1:

Part of the N1/2 NE 1/4 NE1/4 Section 27, Township 12 South, Range 32 West, Little River County, Arkansas and being more particularly described as follows: Commence at the Northeast corner of Section 27, Township 12 South, Range 32 West, thence N 89 degrees 17' 35"

West 58.3 feet to a set of 1/2" I. R. for the point of beginning on the West right of way of Highway 41 and 32, thence north 89 degrees 17' 35" West 528.30 feet to a set RR spike in Hwy 108, thence S 0 degrees 19' East 328.63 feet to a set 1/2" I.R. , thence S 89 degrees 17' 35" East 528.30 feet to set 1/2" I.R. on West right of way of Highway 41 and 32, thence N 0 degrees 19' West 328.63 feet along right of way to point of beginning, containing 4 acres, more or less.

LESS AND EXCEPT the following tract of land and being more particularly described as follows: Commence at the Northeast corner of Section 27, Township 12 South, Range 32 West, thence N 89 degrees 17' 35" West 386.60 feet to a set RR spike for the point of beginning, thence S 00 degrees 19' East 328.63 feet to a set 1/2" I.R., thence N 89 degrees 17' 35" West 200.0 feet to a found 1/2" I.R., thence N 00 degrees 19' West 328.63 feet to a found RR spike, thence S 89 degrees 17' 35" East 200.0 feet to the point of beginning, containing 1.5 acres, more or less.

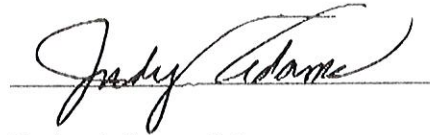
AND

TRACT 2:

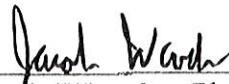
All of that portion of existing Highways 41 and 32 running southward from the intersection of said highways with East Spring Street, Foreman, Arkansas (30 feet on each side of the centerline of said highways) and continuing until said state highways intersect the southeast corner of the NE 1/4 of the NE 1/4 of Section 27, Township 12S - Range 32W of Little River County, AR.

Section 2: That the aforescribed tracts and territory is hereby approved and accepted in all respects by this city council for and on behalf of the City of Foreman, Arkansas and that the County Clerk is hereby authorized to forward a certified copy of this resolution and order along with a certified copy of the plat of the annexed territory to the Secretary of State pursuant to A.C.A. Section 14-40-605(b)(1).

This Resolution adopted on this 25th day of January, 2016.



Judy Adams, Mayor

Attest: 
Jacob Woods, Clerk

IN THE COUNTY COURT FOR LITTLE RIVER COUNTY, ARKANSAS

IN THE MATTER OF PROPOSED ANNEXATION
TO THE CITY OF FOREMAN, ARKANSAS

NO. C-2015-56 R

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MAY 29 2018

Arkansas
Secretary of State

ORDER ON PETITION TO ANNEX TO THE CITY OF FOREMAN, ARKANSAS

Came now to be heard on this 14th day of December, 2015, the Petition For Annexation filed herein by the following property owners, and the court finds:

1. That the City of Foreman is the legal owner in fee simple of the following described real property situated in Little River County, Arkansas, to-wit:

Part of the N1/2 NE 1/4 NE1/4 Section 27, Township 12 South, Range 32 West, Little River County, Arkansas and being more particularly described as follows: Commence at the Northeast corner of Section 27, Township 12 South, Range 32 West, thence N 89 degrees 17' 35" 58.4 feet to a set of 1/2" I. R. for the point of beginning on the West right of way of Highway 41 and 32, thence north 89 degrees 17' 35" West 528.30 feet to a set RR spike in Hwy 108, thence S 0 degrees 19' East 328.63 feet to a set 1/2" I.R. , thence S 89 degrees 17' 35" East 528.30 feet to set 1/2" I.R. on West right of way of Highway 41 and 32, thence N 0 degrees 19' West 328.63 feet along right of way to point of beginning, containing 4 acres, more or less.

2. That the Arkansas Highway and Transportation Department is an agency of the State of Arkansas and it constructs, operates and maintains highways throughout the State of Arkansas which may be owned by the Arkansas Highway Commission. The said Commission, along with the Arkansas Highway and Transportation Department (hereinafter AHTD) own and/or maintain an easement within the following described property situated in Little River County, Arkansas, to wit:

All of that portion of existing Highways 41 and 32 running southward from the intersection of said highways with East Spring Street, Foreman, Arkansas (30 feet on each side of the centerline of said highways) and continuing until said state highways intersect the southeast corner of the NE 1/4 of the NE 1/4 of Section 27, Township 12S - Range 32W of Little River County, AR.

3. That said City of Foreman and AHTD constitute a majority of real estate owners of the area affected for this annexation as same is described and defined in A.C.A. §14-40-601(b).

4. That this Court has jurisdiction over this Petition for annexation pursuant to A.C.A. §14-

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DEANNA SIVLEY, CO. CLERK

By Kyra McElhannon D.C.

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Ark
Secretary of State

40-601.

5. That it is the desire of City of Foreman the aforescribed real property be annexed to and become a part of the City of Foreman, Arkansas.

6. That the real property described in previous paragraph 2 is owned by the City of Foreman and said city now desires to have its fire department and city marshal department located upon said premises. It would be in the best interest of the said city that its fire department and the offices of the City Marshall be located within its city limits, along with mentioned highways which are adjacent and contiguous to the previously described property and with all of the property described in this petition being adjacent and contagious to the existing City of Foreman, Arkansas.

7. Attached to the said petition was a map/plat setting forth and displaying the property for the proposed annexation, which the court finds to be accurate, and same is made a part hereof by reference.

8. Notice of the time and place of the hearing was given in accordance with the provisions of A.C.A. 14-40-602.

9. No objections to the proposed annexation were raised at the public hearing and the requests of the petitioners are right and proper.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED, that the Petition For Annexation for the above-described property to the City of Foreman, Arkansas should be and hereby is approved and granted; and the property is hereby authorized to be annexed to the City of Foreman, Arkansas. Further, if no proper action is commenced in the Circuit Court within thirty (30) days of the entry of this order, then these proceedings shall be confirmed.

IT IS SO ORDERED.


MIKE CRANFORD, COUNTY JUDGE

I hereby certify that the foregoing is a true copy of the original on file in this office. Dated this 4/24/18


Dianna Swley
County Clerk, Little River County,
Arkansas

**ARKANSAS
GIS OFFICE**

April 19, 2018

Ms. Theresa Woods
City of Foreman
PO Box 10
Foreman, AR 71836

RE: City of Foreman Annexation Coordination Requirement

Ms. Woods,

Thank you for coordinating with our office as you seek to annex property into the City of Foreman, AR Resolution number 2016-002. 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.

Please note that while mapping this annexation, it appears that the proposed annexation may not be valid due to conflicts with previous court rulings on contiguity. In **Chastain v. Davis**, 294 Ark.134 (1987) it was found that Arkansas has rejected the use of tiny strips of land to reach the larger area to be annexed. See also, **Clark v. Holt**, 218 Ark.504 (1951) (annexation improper, contiguity requirement not met – subterfuge). In **City of Jacksonville v. City of Sherwood**, 375 Ark. 107 (2008), **Vestal** criteria was found to apply even to land being annexed by petition. And in **City of Centerton v. City of Bentonville**, 375 Ark. 439 (2009) the annexation was ruled invalid because part of the proposed area did not meet **Vestal** criteria. [**Vestal v. Little Rock**, 54 Ark. 321 (1891): suitable annexation criteria are any of the following: (1) platted and held for sale or use as municipal lots; (2) whether platted or not, if lands area held to be sold as suburban property; (3) lands furnish the abode for a densely settled community or represent the actual growth of municipality beyond its legal boundary; (4) lands needed for proper municipal purposes (e.g., police regulation, water, sewer, etc.); OR (5) lands are valuable by reason of their adoptability for prospective municipal purposes.] Contact a licensed attorney for more information.

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

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

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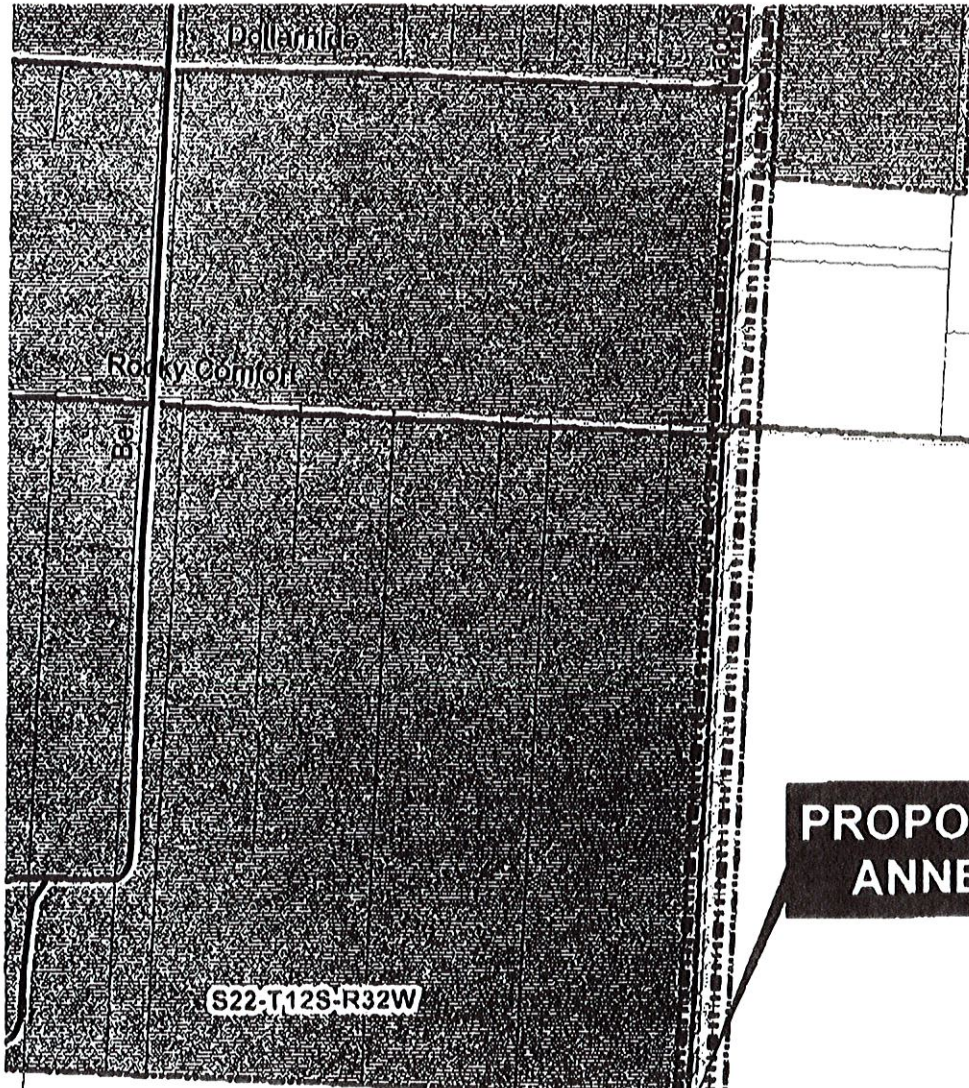
MAY 29 2018

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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



Little River City: Foreman
 Mayor: Judy Adams

Arkansas Code 14-40-101.

S23 Before an entity un-
 annexation, consolid
 detachment proceeding
 chapter, the entity shall c
 the Arkansas Geographi
 Systems Office for prepar
 descriptions and digital m
 relevant annexation, cons
 detachment areas.

The map contained hereir
 the entity has met require
 914 of 2015

**PROPOSED
ANNEX**

S22-T12S-R32W

-  Pr
-  Se
-  Pz
-  Mi
-  Es
-  Nt
-  Ct

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**PROPOSED
ANNEX**

Hwy 41

Hwy 108

Little River 157

0 0.0226.1

