



# ARKANSAS SECRETARY OF STATE

## MARK MARTIN

November 16, 2018

The Honorable Sarah Smith  
Garland County Clerk  
501 Ouachita Ave, #301  
Hot Springs, AR 71901

Re: City of Fountain Lake Annexation Ordinance 2014-003

Dear Ms. Smith,

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 by petition pursuant to A.C.A § 14-40-609 (petition of 100% of landowners)

Effective Date: 03/19/2014

County: Garland

City: Fountain Lake

City Ordinance: 2014-003

Dated: 02/17/2014

County Court Order: CV-2012-1060-I

Filed: 11/04/2013 Honorable John Homer Wright, Circuit 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 pending filing, please contact our office at 501-682-3401.

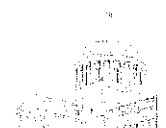
Sincerely,

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)  
Department of Finance and Administration (w/encl)  
Arkansas Public Service Commission (w/encl)  
UALR Institution for Economic Advancement (w/encl)  
Mr. Lance Spicer, Hot Springs City Clerk (w/encl)

enclosures





# Arkansas Secretary of State

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

## Municipal Boundary Change Checklist

County: Garland City/Town: Fountain Lake

City Ordinance/Resolution No: 2014-003 Date approved: 02/17/2014

County Court Case No: CV-2012-1060-I Date Order Filed: 11/04/2013

Type: Annexation by Petition of all Landowners A.C.A §14-40-609

Date Change Effective: 03/19/2014 Set by:  Municipal Ordinance  Emergency Clause  Court  Default  
*(Required by Act 653 of 2017)*

For Circuit Court Challenge: Date Order Filed: 11/04/2013  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 or certified annexation election results *(required except for island annexation)*
- Copy of Arkansas GIS Office 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: Ms. Tracie Taylor Title: Fountain Lake Recorder/Treasurer

Street Address: P.O. Box 1800

City: Hot Springs St: AR Zip code: 71902

*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: Garland County Clerk

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

*Pursuant to Act 655 of 2017, County Officials must submit a file-marked copy of municipal boundary change documentation 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*

**FILED**  
NOV 16 2018  
Arkansas  
Secretary of State

owned by H + L Lake  
7148 Park Ave  
HS 71901

THE TOWN OF FOUNTAIN LAKE, ARKANSAS  
ORDINANCE NO. 2014-003

AN ORDINANCE ACCEPTING THE ANNEXATION OF  
CERTAIN TERRITORY TO THE TOWN OF FOUNTAIN LAKE, ARKANSAS,  
AND MAKING SAME A PART OF THE TOWN OF FOUNTAIN LAKE, ARKANSAS

WHEREAS, a petition and amended petition for voluntary annexation were filed with the County Clerk of Garland County, Arkansas, by the majority of the real estate owners of the herinafter described territory praying that said territory be annexed to, and made a part of, the Town of Fountain Lake, Arkansas; and,

WHEREAS, on November 4, 2013, the Circuit Court of Garland County, Arkansas, in the case of *In the Matter of the Petition of the Petition for the Annexation of Certain Lands, The Town of Fountain Lake, Arkansas, et al v. Rick Davis, et al, Garland County Circuit Court No. V-2012-1060-I*, approved the petition for voluntary annexation, finding 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 limits of the Town of Fountain Lake, Arkansas; that an accurate plat or map of said territory had 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 Town of Fountain Lake, Arkansas, subject to the acceptance of same by the Town Council of said Town at the proper time, as provided by law; and

WHEREAS, the time fixed by law for appealing from said order approving voluntary annexation made by the Circuit Court has expired and no appeal has been taken from said order.

Now, therefore, be it ordained by the town council of the Town of Fountain Lake, Arkansas:

That the following described lands and territory contiguous and adjoining the Town of Fountain Lake, Arkansas, be and the same is hereby accepted as part of and annexed to and made a part of, the Town of Fountain Lake, Arkansas, as set forth in the attached Amended Petition of November 2, 2011, which is hereby incorporated herein and made a part hereof.

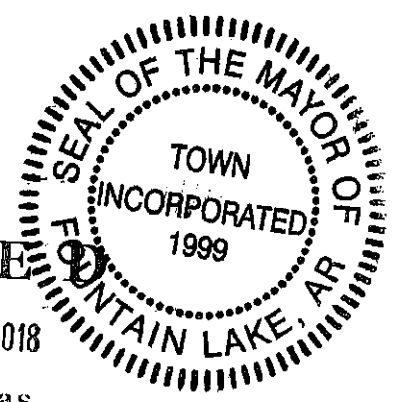
Passed and approved this 17 day of February, 2014.

APPROVED: Jack Fields  
JACK FIELDS, Mayor

ATTEST: Tracie Taylor  
TRACIE TAYLOR, Clerk/Treasurer

Town of Fountain Lake.  
P.O. Box 1800  
Hot Springs National Park, AR. 71902  
Mayor Jack Fields Cell: 501-276-7768

FILED  
NOV 16 2018  
Arkansas  
Secretary of State



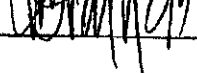
IN THE CIRCUIT COURT OF GARLAND COUNTY, ARKANSAS  
CIVIL DIVISION

FILED

IN THE MATTER OF THE PETITION OF THE  
PETITION FOR THE ANNEXATION OF  
CERTAIN LANDS

2013 NOV 4 PM 4 43

JEANNIE COLE  
GARLAND COUNTY CLERK

BY 

THE TOWN OF FOUNTAIN LAKE, ARKANSAS  
MAYOR JACK FIELDS, AGENT  
FOR PETITIONING LANDOWNERS

PLAINTIFF

VS.

CV-2012-1060-I

RICK DAVIS

RESPONDENT

GILBERT TILLERY

INTERVENOR

ORDER

Came on for hearing on the 9<sup>th</sup> Day of August, 2013, the petition for voluntary annexation to the Town of Fountain Lake by certain landowners, Mayor Jack Fields, agent for petitioners, and said petitioners appearing in person by and through Jack Fields, said agent represented by John Howard, Attorney at Law, P.A.; and Rick Davis, Garland County Judge, appearing not; and the Intervenor, Gilbert Tillery appearing in person, and represented by Justin Hurst, Hurst Morrissey and Hurst; the court upon consideration of the evidence, statements of counsel, and the record as a whole, does hereby find and order:

1. The Petitioning landowners have met the statutory requirements for voluntary annexation under Ark. Code Ann. 14-40-601, to wit:
  - a. The Petitioning landowners represent a majority of the landowners of the area to be annexed.
  - b. The Petitioning landowners own a majority of the land to be annexed.

FILED

NOV 16 2018

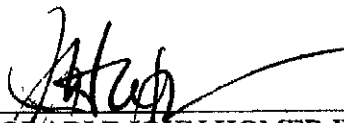
Arkansas  
Secretary of State

c. Said land is contiguous to the current area of the Town of Fountain Lake.

2. The Intervenor and parties in opposition have offered no compelling legal justification to defeat the petition for voluntary annexation.

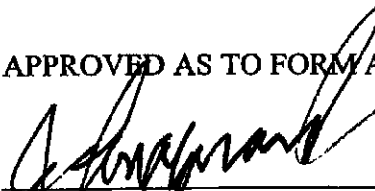
3. The Petition is hereby approved and the annexation is granted.

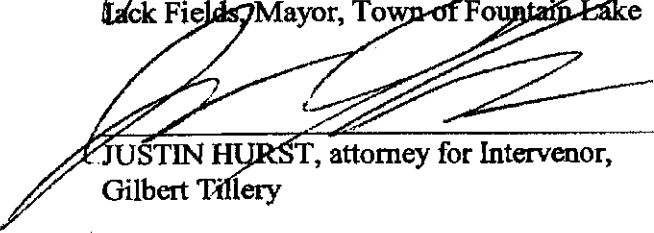
**IT IS SO ORDERED.**

  
\_\_\_\_\_  
HONORABLE JOHN HOMER WRIGHT  
CIRCUIT JUDGE

11/4/2013  
\_\_\_\_\_  
DATE

APPROVED AS TO FORM AND CONTENT:

  
\_\_\_\_\_  
JOHN HOWARD, attorney for Agent for Petitioners,  
Jack Fields, Mayor, Town of Fountain Lake

  
\_\_\_\_\_  
JUSTIN HURST, attorney for Intervenor,  
Gilbert Tillery

cc 11-57  
3rd AMEND THE PETITION

FILED

2011 NOV -2 PM 12:24

TO THE COUNTY COURT OF GARLAND COUNTY TO APPROVE  
THE ANNEXATION ADJOINING PROPERTY BY REQUEST  
INTO THE INCORPORATED TOWN OF FOUNTAIN LAKE,  
ARKANSAS

W. H. SMITH  
GARLAND CO. CLERK  
*W. H. Smith*

**Purpose:** : The purpose of this petition is to obtain a sufficient number of property owners that have adjoining property into the Incorporated Town of Fountain Lake, Arkansas. This petition requests the governing body of Garland County, Arkansas, to annex such land into the Incorporated Town of Fountain Lake, Arkansas.

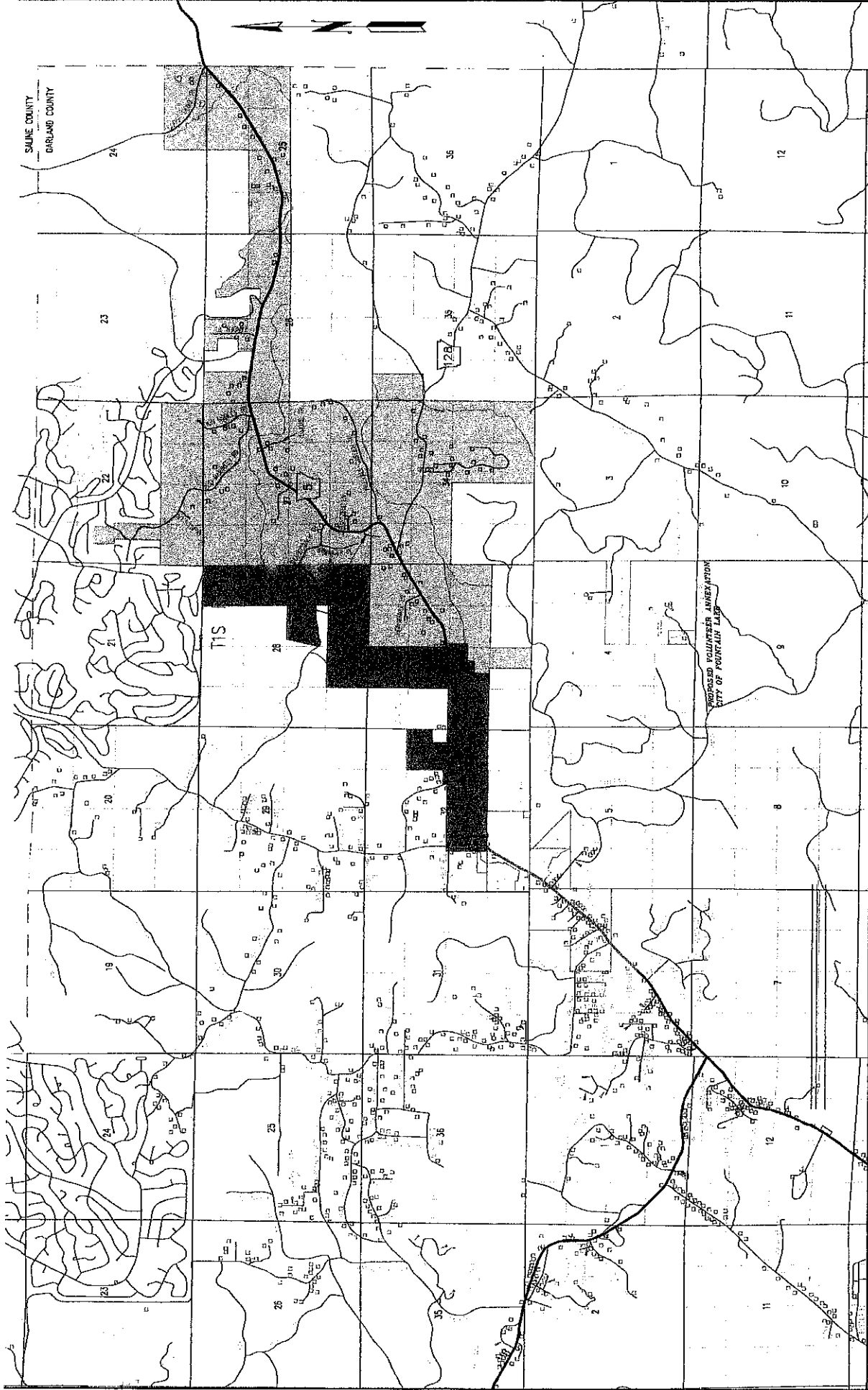
**Qualified Property Owners:** Only legal property owners within the proposed area.

**LOCATION OF ADJOINING PROPERTY BY REQUEST:** The location of the adjoining property by request is as described on the following pages.

**PETITION TO THE COUNTY COURT OF GARLAND COUNTY,  
STATE OF ARKANSAS**

I, the person authorized to act on behalf of the petitioners of adjoining property to the Incorporated Town of Fountain lake, Arkansas, as set forth in the legal description. I request the County Court of Garland County , State of Arkansas, to authorize the adjoining property by request be annex into the Incorporated Town of Fountain Lake, Arkansas.

Jack C. Fields



SAWYER COUNTY GARLAND COUNTY

12A

PROPOSED VOLUNTEER ANNEXATION CITY OF FOUNTAIN LAKE

PROPOSED HWY. AND COUNTY RD. R.O.W. ANNEX  
 PROPOSED ANNEX  
 EXISTING FOUNTAIN LAKE TOWNSHIP  
 HOT SPRINGS CITY LIMITS

NOTES:  
 SCALE SHOWN IN THIS DRAWING IS FOR 24" X 36" PLOTS

PROPOSED VOLUNTEER ANNEX PHASE 1  
 FOUNTAIN LAKE CITY LIMITS  
 CITY OF FOUNTAIN LAKE

B&F ENGINEERING, INC.  
 528 AIRPORT ROAD, HOT SPRINGS, ARKANSAS 71833  
 (501) 521-7377-5281 FAX 501-761-8858

BY	DATE
Design	0502 4/27
Drawn	
Checked	
At Scale	
Plot	
Survey	
Revisions	

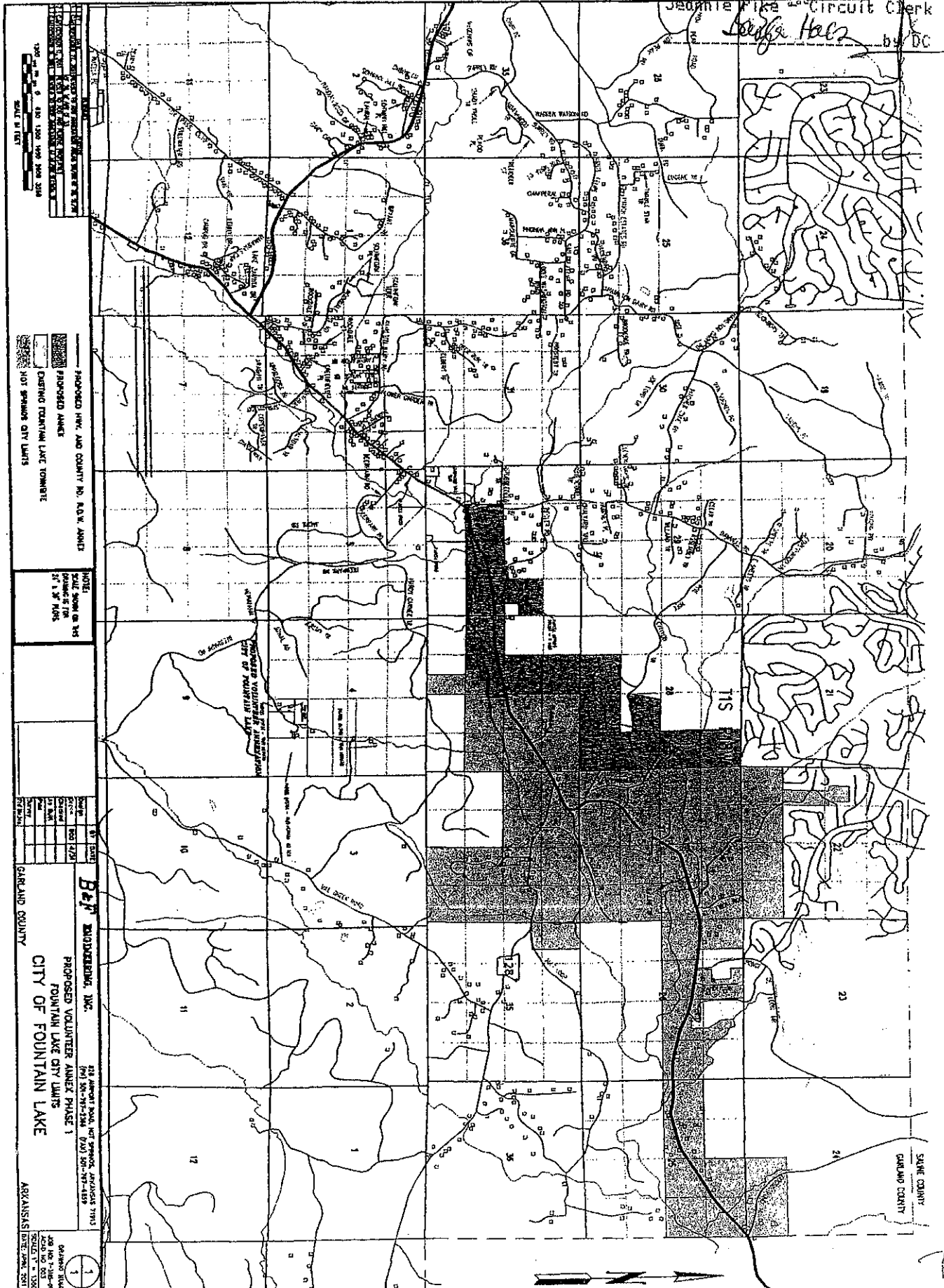
DRAWING NUMBER  
 1306  
 ADDED: REC 033 4/28/01  
 SCALE: 1" = 1,000'  
 ARKANSAS | DATE: APRIL 2001

1306 0 500 1000 1500 2000 2500 3000  
 SCALE IN FEET

Garland County, AR  
I certify this instrument was  
filed on 02/18/2014 11:57AM  
and recorded in DEED Book  
3532 at pages 971 - 975

Jeanette Pike, Circuit Clerk

*George Hall* by DC



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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PROPOSED HWY. AND COUNTY RD. R.O.W. ANNEX  
DISTING. TOWNSHIP LINE TOMBIE  
NOT SPRING CITY LIMITS

NOTE:  
SCALE SHOWN ON THIS  
PLAT IS THE  
SCALE OF THE  
PLAT.

DATE	2014
BY	JEANETTE PIKE
FOR	RECORD
IN	BOOK 3532
PAGE	975

**BEH** ENGINEERING, INC.  
218 Airport Road, West Spring, Arkansas 71773  
(501) 581-7728 (Fax) 501-79-4483

PROPOSED VOLUNTEER ANNEX PHASE 1  
FOUNTAIN LAKE CITY LIMITS  
CITY OF FOUNTAIN LAKE

GARLAND COUNTY  
ARKANSAS

Garland Hall  
2014 FEB 18 11:57 AM  
BOOK 3532  
PAGE 975

74





**ARKANSAS  
GIS OFFICE**

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July 3, 2018

Ms. Cynthia Fisher  
Special Projects Manager  
Arkansas Secretary of State Legal Division  
500 Woodlane St, STE 256  
Little Rock, AR 72201

RE: City of Fountain Lake Annexation Coordination Requirement

Ms. Fisher,

Thank you for coordinating with our office as you seek to assist the City of Fountain Lake, AR with historic annexation court case CC 11-57. 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  
/jjw

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

**F I L E D**

**NOV 16 2018**

**Arkansas  
Secretary of State**

H:\City\_Annexations\Cities\Fountain\_Lake\20180703\Doc\20180703\_Fountain Lake\_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

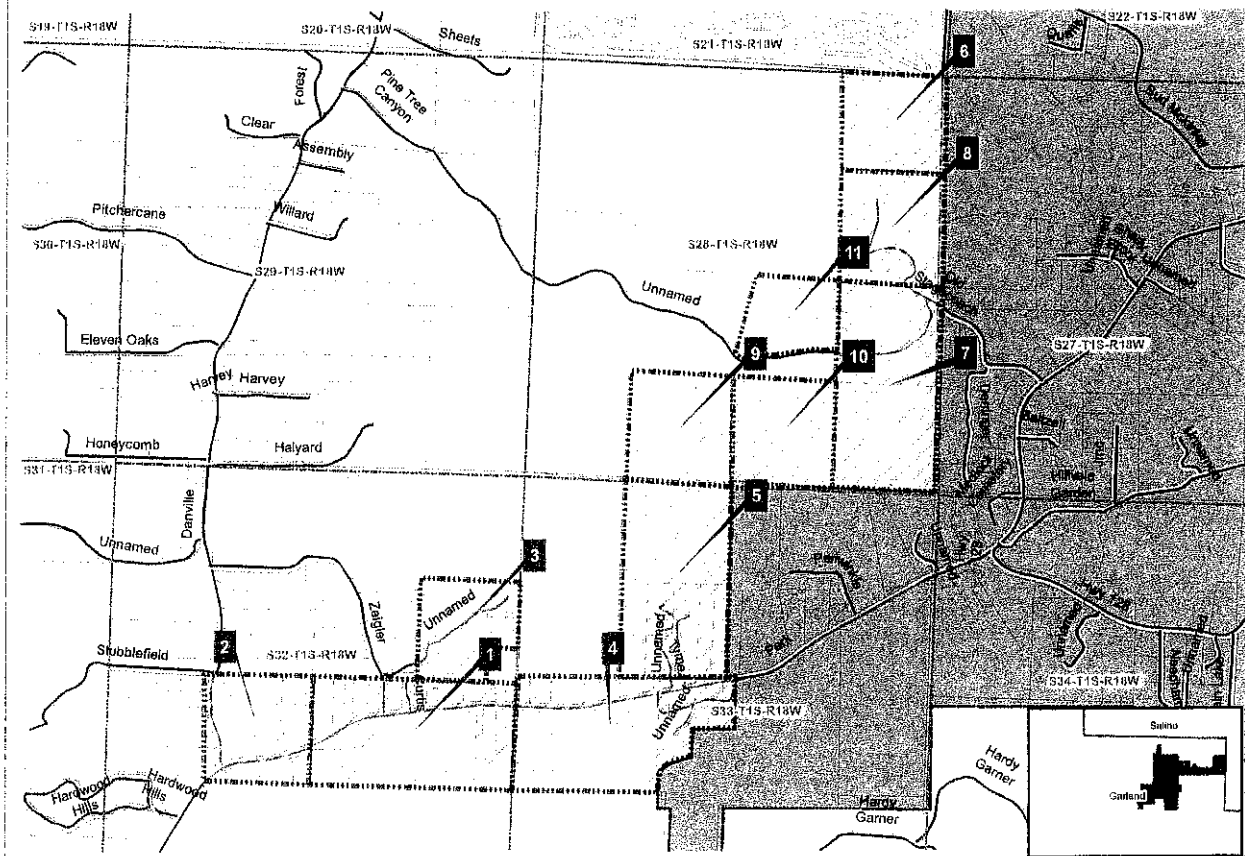
Historic Annex CC 11-57: City of Fountain Lake  
July 2018

City: Fountain Lake  
Mayor: Jack Fields

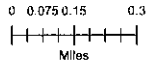
Arkansas Code 14-40-101.

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, in evidence, the entity has met requirements of Act 914 of 2015.



- Proposed Annex
- Subarea
- Annex
- Minor Road
- Existing City
- Neighboring City



ARKANSAS  
GIS OFFICE

\\City\_Annexations\Clients\Umountain\_coke\2018\03.18

**FILED**

NOV 16 2018

Arkansas  
Secretary of State

**PETITION AND CONSENT FOR ANNEXATION  
(ADJOINING PROPERTY BY REQUEST)  
INTO THE INCORPORATED TOWN OF  
FOUNTAIN LAKE, ARKANSAS**

**TO:** The Governing Body of Garland County, Arkansas

**STATEMENT OF PURPOSE:** The purpose of this petition is to obtain a sufficient number of property owners that have adjoining property into the Incorporated Town of Fountain Lake, Arkansas, by petition requesting the governing body of Garland County, Arkansas, to annex such land into the Incorporated Town of Fountain Lake, Arkansas.

**Qualified Property Owners:** Only legal property owners within the proposed area.

**PROPOSED AREA:**

**PROPERTY DESCRIPTIONS SECTION 32, TOWNSHIP 1 SOUTH, RANGE 18  
WEST**

ALL OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 1 SOUTH, RANGE 18 WEST OF THE FIFTH PRINCIPLE MERIDIAN IN GARLAND COUNTY, ARKANSAS.

AND

ALL OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 1 SOUTH, RANGE 18 WEST OF THE FIFTH PRINCIPLE MERIDIAN IN GARLAND COUNTY, ARKANSAS.

AND

ALL OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 1 SOUTH, RANGE 18 WEST OF THE FIFTH PRINCIPLE MERIDIAN, GARLAND COUNTY ARKANSAS LESS AND EXCEPT THAT PROPERTY BEING DESCRIBED IN FULL IN COMMISSIONER'S DEED IN FAVOR OF DAVID T. AND GWENETTE L. BRYANT BEING FILED IN DEED BOOK 1054 AT PAGE 246 IN THE RECORDS OF GARLAND COUNTY, ARKANSAS.

**PROPERTY DESCRIPTIONS SECTION 33, TOWNSHIP 1 SOUTH, RANGE 18  
WEST**

ALL OF THE NORTH HALF OF THE SOUTH HALF OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 18 WEST OF THE FIFTH PRINCIPLE MERIDIAN IN GARLAND COUNTY ARKANSAS.

LESS AND EXCEPT ANY PORTION THEREOF INCORPORATED WITHIN THE EXISTING TOWN OF FOUNTAIN LAKE, ARKANSAS.

AND

ALL OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 18 WEST OF THE FIFTH PRINCIPLE MERIDIAN IN GARLAND COUNTY, ARKANSAS

**PROPERTY DESCRIPTIONS SECTION 28, TOWNSHIP 1 SOUTH, RANGE 18 WEST**

ALL OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 18 WEST OF THE FIFTH PRINCIPLE MERIDIAN IN GARLAND COUNTY, ARKANSAS.

AND

ALL OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 18 WEST OF THE FIFTH PRINCIPLE MERIDIAN IN GARLAND COUNTY, ARKANSAS.

AND

ALL OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 18 WEST OF THE FIFTH PRINCIPLE MERIDIAN IN GARLAND COUNTY, ARKANSAS.

AND

ALL OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 18 WEST OF THE FIFTH PRINCIPLE MERIDIAN IN GARLAND COUNTY, ARKANSAS.

AND

ALL OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 18 WEST OF THE FIFTH PRINCIPLE MERIDIAN IN GARLAND COUNTY, ARKANSAS.

AND

ALL THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 18 WEST OF THE FIFTH PRINCIPLE MERIDIAN, GARLAND COUNTY, ARKANSAS BEING DESCRIBED IN CORRECTION DEED IN FAVOR OF JUSTIN T. HARWOOD AND LYNDESEY M. MARTIN HARWOOD FILED AS BOOK 3040 AT PAGE 450 IN THE RECORDS OF GARLAND COUNTY, ARKANSAS.

Jack C. Fields is the person authorized to act on behalf of the petitioners.

Jack C. Fields