JOHN THURSTON

ARKANSAS SECRETARY OF STATE

July 12, 2021

The Hon. Sharon Brooks
Sebastian County Clerk
35 South 6th St., Room 102
Fort Smith, AR 72901

Re: City of Fort Smith Annexation Ordinance 46-21

Dear Ms. Brooks,

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

Filing Type: Annexation pursuant to A.C.A §14-40-609 (petition of all landowners)
Effective Date: 6/18/2021

County: Sebastian	City: Fort Smith
City Ordinance: 46-21	Dated: 5/18/2021
County Court Order: 2021-0071	Date Filed: 4/15/221

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 change by the Arkansas Secretary of State.

If you have any questions or concerns regarding this filing, please do not hesitate to contact our Office at 501-683-3717.

Sincerely,

Shantell McGraw
Elections Division

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 Hon. George McGill, Mayor of Fort Smith (w/encl)
The Hon. Sherri Gard, Fort Smith City Clerk (w/encl)

State Capitol • Suite 256 • 500 Woodlane Street • 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

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: Sebastian **City/Town:** Fort Smith

City Ordinance/Resolution No: Ord. 46-21 **Date approved:** 5/18/2021

County Court Case No: 2021-0071 ~~& 2021-0085~~ **Date Order Filed:** 4/15/2021 ~~& 5/10/2021~~

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

Date Change Effective: 6/18/2021 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: Ward 3
(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)*:

- [x] File marked copy of City Ordinance/Resolution *(**required**)*
- [x] File marked copy of County Court Order or certified annexation election results *(**required** except for A.C.A. §14-40-501)*
- [x] 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)*
- [x] File marked copy of Petition Part *(if applicable)*
- [ ] File marked copy of Complaint and final Circuit Court Order (*Court Challenge only)*

Municipal Contact:

Name: Sherri Gard Title: City Clerk

Street Address: 623 Garrison Avenue

City: Fort Smith St: AR Zip code: 72901

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: Sharon Brooks Title: County Clerk

Date: 6-1-2021

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: _____

FILED

JUL 12 2021

Arkansas Secretary of State

Rev. 2/2019

Sharon Brooks
County Clerk and Recorder
35 S. 6th Street, Room 102
P.O. Box 1089
Fort Smith, Arkansas 72902-1089
479.782.5065 Fax 479.784.1567
sbrooks@co.sebastian.ar.us

June 2, 2021

Arkansas Secretary of State
Attn: Municipal Boundary Filing
500 Woodland Ave Suite 256
Little Rock AR 72201-1094

RE: In the Matter of the Annexation of Real Property
into the City of Fort Smith
Sebastian County Court No. CC-2021-2-G

Dear Sirs:

Please find enclosed a certified copy of the following documents in the above captioned annexation:

1. Plat of area to be annexed
2. Order of Annexation
3. Ordinance No.46-21

RECEIVED
JUN 10 2021
Arkansas
Secretary of State

Thank you for your attention to this matter.

Sincerely,

SHARON BROOKS, COUNTY CLERK AND RECORDER

Jean Sterling

Jean Sterling
Deputy Clerk
CC; City of Fort Smith Sherri Gard

Greenwood
301 East Center
P.O. Box 428
Greenwood, Arkansas 72936-0428
479.996.4195 Fax 479.996.4165

Country

CERTIFIED

2021-12996
Certificate of Record
FORT SMITH DISTRICT
SEBASTIAN COUNTY, ARKANSAS
SHARON BROOKS, CO CLERK & RECORDER
05/19/2021 01:01:45 PM
RECORDING FEE 25.00
Pages: 3

6B

ORDINANCE NO. 46-21

AN ORDINANCE ACCEPTING CERTAIN TERRITORY INTO THE CITY OF FORT SMITH, ARKANSAS

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS,

WHEREAS, on the April 14, 2021, and May 10, 2021 in the County Court of Sebastian County, Arkansas, Greenwood District, there was heard Petitions for Annexation, in proper form and substance, executed by all the real estate owners in the territory to be annexed;

WHEREAS, the County Clerk and the County Assessor have verified the identity of the Petitioners, there are no property owners included in the petition that do not wish to have their property annexed, the property described in the petition is contiguous with the City of Fort Smith, and that no enclaves will be created if the petition is accepted by the City of Fort Smith.

WHEREAS, the County Court for Sebastian County, Arkansas, Greenwood district has approved the Petitions for Annexation and issued county court orders 2021-0071 and 2021-0085 referring the Petitions for Annexation to the City of Fort Smith for consideration.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

Section 1: That the following described property is contiguous to the City of Fort Smith and the same is hereby accepted as part of, and annexed to and made a part of the City of Fort Smith, Arkansas:

Lots 3C and 3D, Industrial Park South No. 5 Tract 3; and

Lots 1-4, Little Massard Creek; and

Beginning at the Southwest Corner of Lot 3, said point being on the East Right-of-Way of Arkansas Highway 45; Thence leaving said East Right-of-Way, South 87°17'09" East a distance of 455.85 feet to the Southwest Corner of Lot 2; Thence South 87°17'09" East a distance of 252.58 feet; Thence North 03°01'13" East a distance of 5.00 feet; Thence South 87°17'09" East a distance of 100.00 feet; Thence South 03°01'13" West a distance of 5.00 feet; Thence South 87°17'09" East a distance of 700.36 feet; Thence South 02°42'51" West a distance of 100.00 feet; Thence North 87°17'09" West a distance of 700.89 feet; Thence South 03°01'13" West a distance

Tx:4092768
8 1 6 2 0 7 2
Sebastian County Recorder

City of Fort Smith
41050101-544000
Return to: City Clerk's Office
P.O. Box 1908, Fort Smith, AR 72902

of 5.00 feet; Thence North 87°17'09" West a distance of 100.00 feet; Thence North 03°01'13" East a distance of 5.00 feet; Thence North 87°17'09" West a distance of 675.27 feet to said East Right-of-Way; Thence North 15°21'35" West a distance of 105.19 along said East Right-of-Way, to the Point Of Beginning, containing 150,248 square feet or 3.45 acres more or less.

Section 2: The above described property shall be annexed to and made a part of Ward 3 of the City of Fort Smith.

Section 3: Thirty (30) days after passage and publication of this Ordinance, the annexation shall be final and the property shall be within the corporate limits of the City of Fort Smith, except as otherwise ordered by the Circuit Court pursuant to a cause of action filed within said thirty (30) day period.

Section 4: Within forty-five (45) days of the effective date of this ordinance the city clerk shall provide written notice of the annexations, along with complete documentation, to the Sebastian County Clerk.

PASSED AND APPROVED THIS 18th DAY OF MAY, 2021.

ATTEST:

Sherri Gard

City Clerk

APPROVED:

Vice-Mayor

Approved as to form:

Jerry Canfield

Publish One Time

The City of Fort Smith ARKANSAS

OFFICE OF THE CITY CLERK
Sherri Gard MMC, City Clerk
Heather Iames CMC, Assistant City Clerk
623 Garrison Avenue | P.O. Box 1908
Fort Smith, Arkansas 72902
479-784-2208 | Fax 479-784-2256
Email: cityclerk@fortsmithar.gov

CERTIFICATE

State of Arkansas }
} ss.
County of Sebastian }

I, Sherri Gard, City Clerk of the City of Fort Smith, Sebastian County, Arkansas, do hereby certify that the foregoing document is a true and correct copy of the original as the same now appears on file and of record in my office.

WITNESS MY HAND AND SEAL this 18th day of May, 2021.

CITY OF FORT SMITH ARK. INCORPORATED A.D. 1842

Sherri Gard
CITY CLERK

CERTIFIED

CCO - 2021 - 0071

FILED

APR 15 2021

SHARON BROOKS
Sebastian County Clerk & Recorder
BY_____

IN THE COUNTY COURT

OF

SEBASTIAN COUNTY, ARKANSAS

IN THE MATTER OF AN ORDER CONCERNING SEBASTIAN COUNTY COURT CASE NO. CC-2021-2-G, PETITION FOR ANNEXATION, OWENS CORNING COMPOSITE MATERIALS LLC, FM FT SMITH LLC AND STEPHENS PRODUCTION COMPANY, ANNEXATION TO THE CITY

ORDER

On March 24, 2021 a "Petition for Annexation" was filed with the Sebastian County Clerks office in the matter of annexing certain contiguous real property to the City of Fort Smith Arkansas, under Case No. CC-2021-2-G, copy attached.

The Petition and attached records have been reviewed for completeness and accuracy.

The "Verification for Petition for Annexation pursuant to ACA 14-40-609," filed April 8, 2021, by the County Clerk, copy attached, has been reviewed. The verification, as submitted by County Clerk Sharon Brooks and County Assessor Zach Johnson, confirm the identity of the petitioners, that there are no property owners included in the petition that do not want to have their property annexed, that the property described in the petition is contiguous with the City of Fort Smith, and that no enclaves will be created by the annexation.

It is confirmed that the Petition contains a "schedule of services" to be provided by the City of Fort Smith.

Accordingly, in accordance with ACA 14-40-609 (D) this order is issued articulating the findings under subdivisions (c) (2) (A) - (C).

The Petition and this Order shall be forwarded to the City of Fort Smith.

In accordance with ACA 14-40-609 (c) (2) (E), the City of Fort Smith will be required to include in the annexation the dedication of public roads and right of way, Abutting or traversing the property to be annexed, for maintenance by the City.

It is so ordered this 14th day of April 2021.

Attachments:
Petition for Annexation
Verification of Petition for Annexation

DAVID HUDSON
SEBASTIAN COUNTY JUDGE

CERTIFIED

IN THE MATTER OF ANNEXING TO THE

CITY OF FORT SMITH, ARKANSAS

CASE NO 2021-2-G

CERTAIN TERRITORY CONTIGUOUS TO SAID

CITY OF FORT SMITH, ARKANSAS

OWENS CORNING COMPOSITE MATERIALS LLC, FM FT SMITH LLC,

STEPHENS PRODUCTION COMPANY

PETITIONERS

FILED
APR 08 2021
SHARON BROOKS
Sebastian County Clerk & Recorder
BY_____

VERIFICATION OF PETITION FOR ANNEXATION PURSUANT TO ACA $ 14-40-609

We, Sharon Brooks, County Clerk of Sebastian County and Zach Johnson, County Assessor of Sebastian County, attest as follows:

Our offices have received the attached petition seeking annexation. The petition has been reviewed and we hereby verify that:

(A) The identity of the petitioner or petitioners has been confirmed;
(B) There are no property owners included in the petition that do not wish to have their property annexed;
(C) The property described in the petition is contiguous with the City of Fort Smith, and
(D) No enclaves will be created if the petition is accepted by the City of Fort Smith,

Sharon Brooks

HON. SHARON BROOKS, County Clerk

HON. Zach Johnson, County Assessor

CERTIFIED

FILED
MAR 24 2021
SHARON BROOKS
Sebastian County Clerk & Recorder
BY ____

IN THE MATTER OF ANNEXING
CERTAIN CONTIGUOUS REAL PROPERTY TO THE
CITY OF FORT SMITH, ARKANSAS

Case No. CC-2021-2-G

PETITION FOR ANNEXATION

COME NOW Owens Corning Composite Materials, LLC, a Delaware limited liability company, FM Ft. Smith LLC, an Arkansas limited liability company, and Stephens Production Company, an Arkansas limited liability company (collectively, "Petitioners") and for their Petition to the Board of Directors of Fort Smith, Arkansas, pursuant to A.C.A. § 14-40-609 ("Annexation by 100% Petition"), state as follows:

1. The Petitioners, as 100% owner of the herein-described real property lying in Sebastian County, Arkansas, do hereby petition the Board of Directors of Fort Smith, Arkansas (the "Board") to annex the said real property to the City of Fort Smith, Arkansas, as provided for by A.C.A. § 14-40-609. This Petition is signed by counsel and verified by authorized representatives of Petitioners as the sole owners of the real property to be annexed, and the Petitioners own all of the acreage affected hereby.

2. By this Petition, the Petitioners appoint J. Dalton Person of Jones, Jackson, Moll, McGinnis & Stocks, PLC to act on their behalf in presenting this matter to the Board and all other governing bodies, as necessary.

3. The description of the real property (five adjoining tracts) to be annexed to the City of Fort Smith, Arkansas is as follows:

Lots 3C and 3D, Industrial Park South No. 5 Tract 3 according to Plat filed March 5, 2008 as Plat 462, an Addition to the Greenwood District of Sebastian County, Arkansas.

Lot 1, Little Massard Creek according to Final Re-Plat filed March 18, 2021 as Document Number 2021-06849, an Addition to the Greenwood District, Sebastian County, Arkansas.

Lot 2, Little Massard Creek according to Final Re-Plat filed March 18, 2021 as Document Number 2021-06849, an Addition to the Greenwood District, Sebastian County, Arkansas.

Lot 3, Little Massard Creek according to Final Re-Plat filed March 18, 2021 as Document Number 2021-06849, an Addition to the Greenwood District, Sebastian County, Arkansas.

Lot 4, Little Massard Creek according to Final Re-Plat filed March 18, 2021 as Document Number 2021-06849, an Addition to the Greenwood District, Sebastian County, Arkansas.

4. Petitioners state that the real property described herein and sought to be annexed to the City of Fort Smith, Arkansas lies in Sebastian County and is contiguous to and adjoins the City of Fort Smith, Arkansas on several boundaries.

5. Copies of maps/surveys of the tracts of real property sought to be annexed are attached hereto collectively as Exhibit "A". A letter from WACO Title (title company) verifying that the Petitioners are the owner of record of the subject property is attached hereto as Exhibit "B". A letter from Morrison-Shipley Engineers, Inc. (surveyors/engineers) verifying that the subject property is contiguous with the annexing City of Fort Smith, Arkansas is attached hereto as Exhibit "C". A copy of the coordination approval letter from the Arkansas Secretary of State GIS department is attached hereto as Exhibit "D".

6. The Schedule of Services to be extended and provided by the annexing City of Fort Smith is as follows:

All of those rights and privileges that are had and enjoyed by the inhabitants within the limits of the City of Fort Smith, Arkansas.

WHEREFORE, pursuant to A.C.A. § 14-40-609, the undersigned Petitioners pray that within fifteen (15) days of the filing of this Petition with the Sebastian County Assessor and Sebastian County Clerk, said Assessor and Clerk verify this Petition and present the same to the Sebastian County Judge; that within fifteen (15) days of receipt of the verified Petition, the County Judge verify the same and issue an Order on the Petition in accordance with A.C.A. § 14-40-609(c)(2)(D) and forward this Petition and said Order to the Board of Directors of the City of Fort Smith; that the Board of Directors of the City of Fort Smith grant the Petition via ordinance or resolution accepting the real property described herein for annexation to the City of Fort Smith, Arkansas; for a final order from the Sebastian County Judge confirming the annexation; and that Petitioners be granted all other relief to which they are entitled.

Respectfully submitted,

OWENS CORNING COMPOSITE MATERIALS, LLC, FM FT. SMITH LLC, and STEPHENS PRODUCTION COMPANY, Petitioners

JONES, JACKSON, MOLL,
McGINNIS & STOCKS, PLC
401 N. 7th Street / P. O. Box 2023
Fort Smith, AR 72902-2023
Phone: 479-782-7203
Fax: 479-782-9460
Email: dperson@jjmlaw.com

By _____
J. Dalton Person – Ark. Bar No. 2016205

VERIFICATION

STATE OF Ohio)
) ss.
COUNTY OF Lucas)

Petitioner Owens Corning Composite Materials, LLC, acting by its authorized officer named below, hereby states upon oath that with respect to this specific Petitioner, the foregoing Petition for Annexation is true and correct to the best of its knowledge, information and belief.

OWENS CORNING COMPOSITE MATERIALS, LLC

By Joan Drew
Joan Drew, Secretary

WITNESS my hand and seal on this 17th day of March, 2021.

Michelle Williams
Notary Public

My Commission Expires:

5/1/2023

NOTARIAL SEAL STATE OF OHIO

MICHELLE WILLIAMS
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Lucas County
My Comm. Exp. 5/1/2023

VERIFICATION

STATE OF GEORGIA GA)
) ss.
COUNTY OF Fulton)

Petitioner FM Ft. Smith LLC, acting by its authorized officer named below, hereby states upon oath that with respect to this specific Petitioner, the foregoing Petition for Annexation is true and correct to the best of its knowledge, information and belief.

FM FT. SMITH LLC

By _____
Gregg Fox, Manager

WITNESS my hand and seal on this 16 day of March, 2021.

_____
Notary Public

My Commission Expires:

JESSICA ONORATO
Notary Public, Georgia
Fulton County
My Commission Expires
July 26, 2024

VERIFICATION

STATE OF Arkansas)
) ss.
COUNTY OF Sebastian)

Petitioner Stephens Production Company, acting by its authorized officer named below, hereby states upon oath that with respect to this specific Petitioner, the foregoing Petition for Annexation is true and correct to the best of its knowledge, information and belief.

STEPHENS PRODUCTION COMPANY

By: William S. Walker

Title: Manager

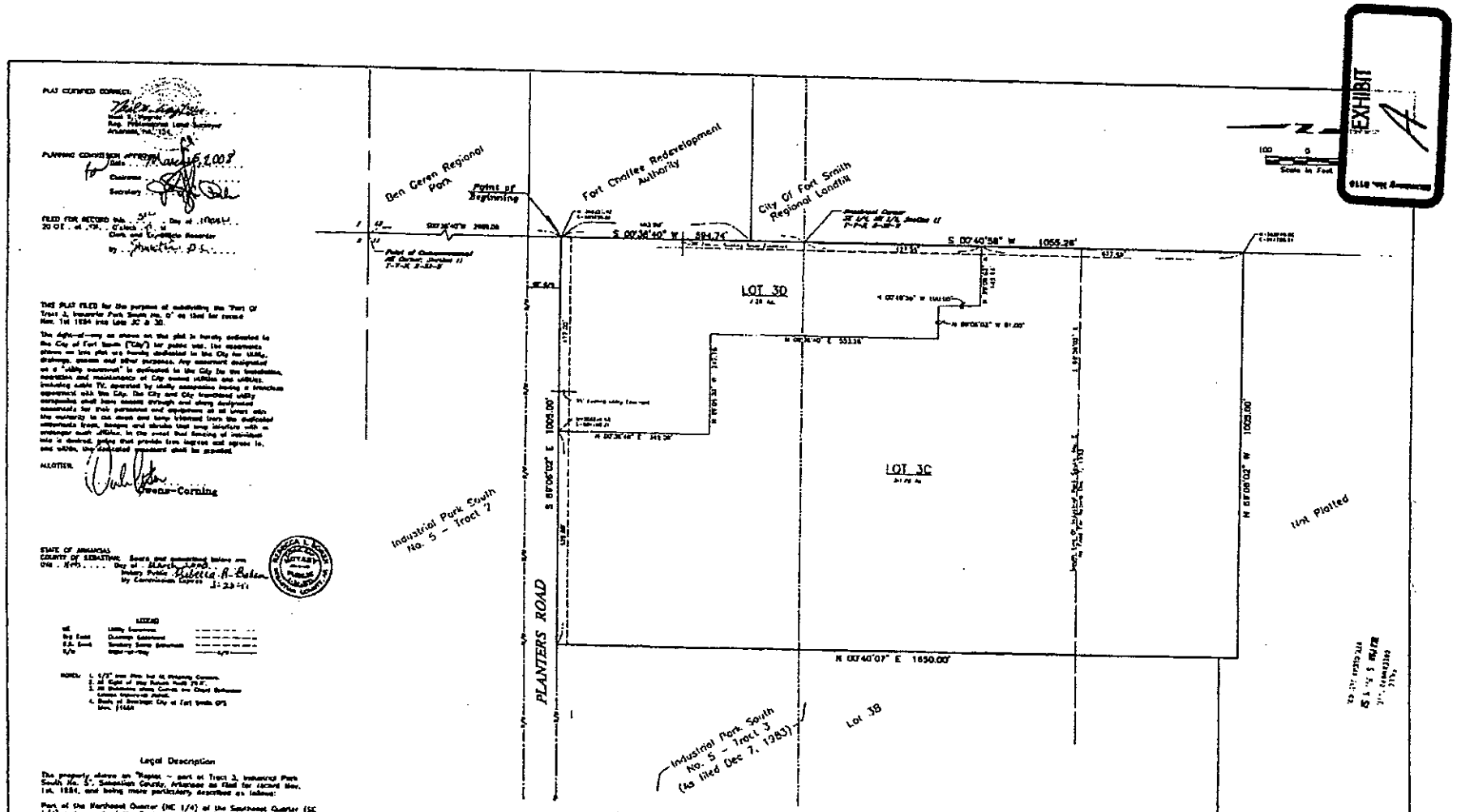
WITNESS my hand and seal on this 24th day of March, 2021.

Robert Patrick Cooper Jr.
Notary Public

My Commission Expires:

02-11-2028

ROBERT PATRICK COOPER JR.
COMM.# 12363991
NOTARY PUBLIC
EXPIRES 2-11-2028
SEBASTIAN COUNTY, AR



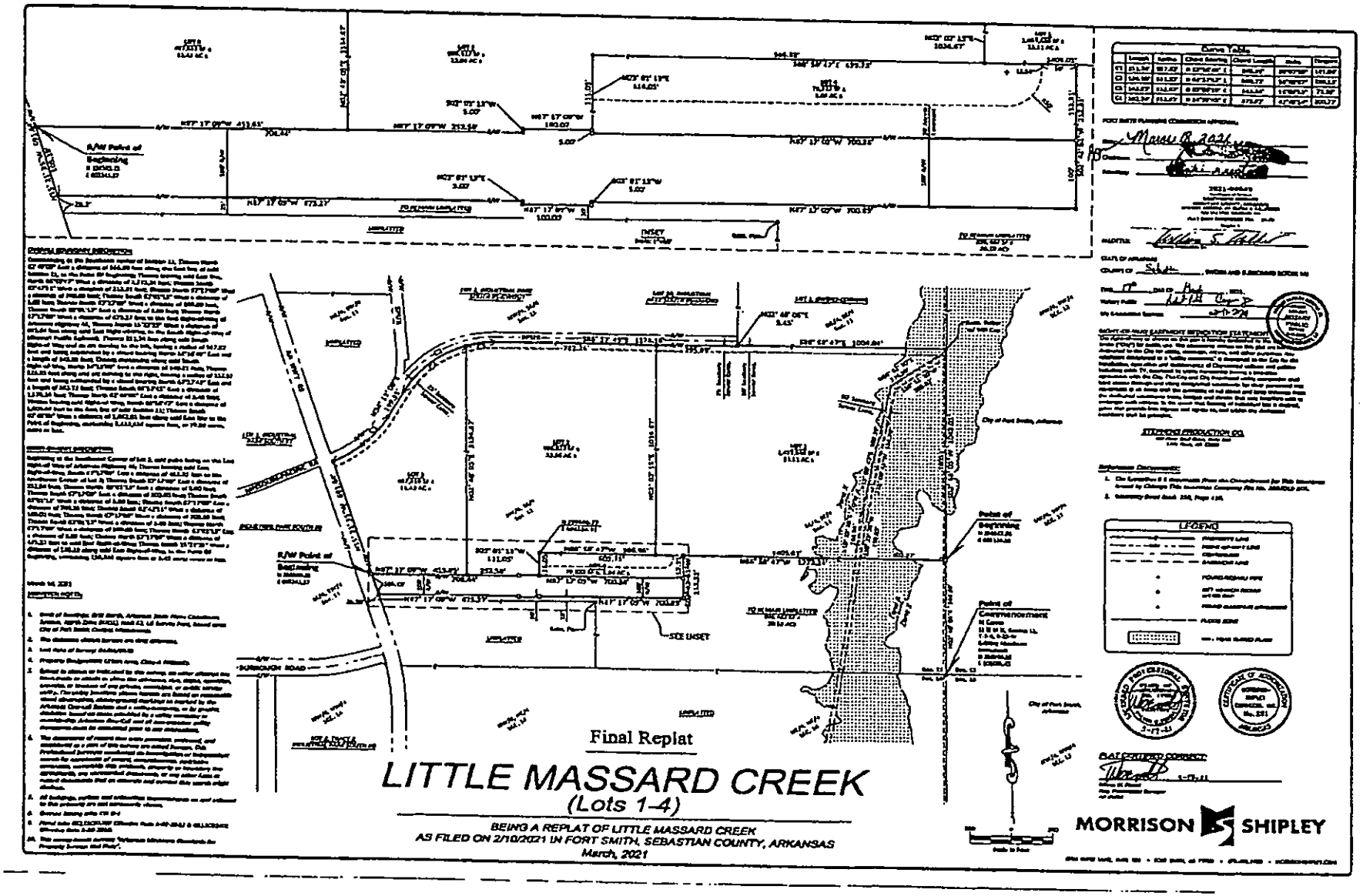
Industrial Park South No. 5
Tract 3 - Lots 3C & 3D

Being a Replat of Part of Tract 3,
Industrial Park South No. 5 - as Filed For Record Nov. 1, 1984

A part of the NE 1/4 of the SE 1/4 & a part of the SE 1/4 of the NE 1/4, Section 11, T-7-N, R-32-W, including a part of Industrial Park South No. 5 - Tract 3
Sebastian County, Arkansas

Owens-Corning
Composite Materials
1 Owens Corning Parkway
Toledo, Ohio 43659

4/62


Final Replat
LITTLE MASSARD CREEK
(Lots 1-4)
BEING A REPLAT OF LITTLE MASSARD CREEK
AS FILED ON 2/10/2021 IN FORT SMITH, SEBASTIAN COUNTY, ARKANSAS
March, 2021
MORRISON SHIPLEY
LEGEND
Curve Table
INSET
SEE INSET
R/W Point of Beginning
Point of Commencement
BURNSIDE ROAD
Fort Smith Planning Commission Approval
Certificate of Acknowledgment
Plat Certified Correct

WACO TITLE
THE LAND TITLE PROFESSIONALS SINCE 1885
2592 S. 48th St.
Springdale, AR 72762
Phone: 479-770-6700
Fax: (479) 770-6876

SPECIAL CERTIFICATE

File #: 2104771-106

For the use and benefit of: Jones, Jackson, Moll, McGinnis & Stocks PLC
Attn: J. Dalton Person

STATE OF ARKANSAS)
COUNTY OF SEBASTIAN)

We the undersigned, being an employee of Waco Title Company, do hereby certify that we have made due and diligent search of the Records in the Assessors Office within and for Sebastian County, Arkansas, and find the adjacent owners and addresses as shown in Exhibit A.

IN-SO-FAR as the same affects the following described property, to-wit:

Lots 3C and 3D, Industrial Park South No. 5 Tract 3 according to Plat filed March 5, 2008 as Plat 462, an Addition to the Greenwood District of Sebastian County, Arkansas.

Lot 1, Little Massard Creek according to Final Re-Plat filed March 18, 2021 as Document Number 2021-06849, an Addition to the Greenwood District, Sebastian County, Arkansas.

Lot 2, Little Massard Creek according to Final Re-Plat filed March 18, 2021 as Document Number 2021-06849, an Addition to the Greenwood District, Sebastian County, Arkansas.

Lot 3, Little Massard Creek according to Final Re-Plat filed March 18, 2021 as Document Number 2021-06849, an Addition to the Greenwood District, Sebastian County, Arkansas.

Lot 4, Little Massard Creek according to Final Re-Plat filed March 18, 2021 as Document Number 2021-06849, an Addition to the Greenwood District, Sebastian County, Arkansas.

EXHIBIT
B

DATED March 22, 2021

Countersigned
Waco Title Company

BY _____

Shani R. Allen, Authorized Signatory
Signing Agent No.: 325490
Title Agency No.: 324797

******* DISCLAIMER *******

This certificate is not certified as to the validity of the title to the above described lands, but rather certifies as to the correctness of the matters of record pertaining to the title to said lands during the period covered by said search. The above certificate is issued solely for the use and benefit of the party set forth above, who agrees that the liability for this certificate shall be expressly limited to the amount paid to Waco Title Company for this special certificate.

EXHIBIT "A"

Current Owner of Lots 3C and 3D, Industrial Park South No. 5 Tract 3 according to Plat filed March 5, 2008 as Plat 462, an Addition to the Greenwood District of Sebastian County, Arkansas is Owens Corning Composite Materials, LLC, a Delaware limited liability company according to Warranty Deed filed January 9, 2007 as Document Number 7206863, Fort Smith District of Sebastian County.

Current Owner of Lot 1, Little Massard Creek according to Final Re-Plat filed March 18, 2021 as Document Number 2021-06849, an Addition to the Greenwood District, Sebastian County, Arkansas is Owens Corning Composite Materials, LLC, a Delaware limited liability company according to Special Warranty Deed filed March 10, 2021 as Document Number 2021-06001, Greenwood District of Sebastian County.

Current Owner of Lot 2, Little Massard Creek according to Final Re-Plat filed March 18, 2021 as Document Number 2021-06849, an Addition to the Greenwood District, Sebastian County, Arkansas is FM Ft. Smith LLC, an Arkansas limited liability company according to Special Warranty Deed filed March 10, 2021 as Document Number 2021-06052, Greenwood District of Sebastian County, Arkansas.

Current Owner of Lots 3 and 4, Little Massard Creek according to Final Re-Plat filed March 18, 2021 as Document Number 2021-06849, an Addition to the Greenwood District, Sebastian County, Arkansas is Stephens Production Company, an Arkansas limited liability company according to Warranty Deed filed March 29, 1974 in Book 250 at Page 755, Greenwood District of Sebastian County, Arkansas.

MORRISON
SHIPLEY

March 15, 2021

Re: Confirmation of Contiguous Boundaries

STATE OF ARKANSAS)
)
COUNTY OF SEBASTIAN)

I, the undersigned, am a licensed professional surveyor with Morrison-Shipley Engineers, Inc. and I do hereby certify that I have examined the property which is depicted and described on Exhibit "A" attached hereto, located in Sebastian County, Arkansas, and find that said property, being the proposed property for annexation, is contiguous and adjacent to the proposed annexing city of Fort Smith, Sebastian County, Arkansas and that no enclaves will be created if this property is accepted by the City of Fort Smith.

Sincerely,

Wade Powell

W. Wade Powell, PS No. 1703
Morrison-Shipley Engineers, Inc.

Enclosure

EXHIBIT
C

Department of Transformation and Shared Services
Governor Asa Hutchinson
Secretary Amy Fecher
Director Shelby Johnson

March 22, 2021

J. Dalton Person
Attorney - JJM
PO Box 2023
Fort Smith, AR 72902

RE: City of Fort Smith Annexation Coordination Requirement

Mr. Person,

Thank you for coordinating with our office as you seek to annex property into the City of Forth Smith, AR located in Section 11, Township 7 North, Range 32 West. This letter represents confirmation that you have 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.

Sincerely,

Jennifer Wheeler, Sr. GIS Analyst

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

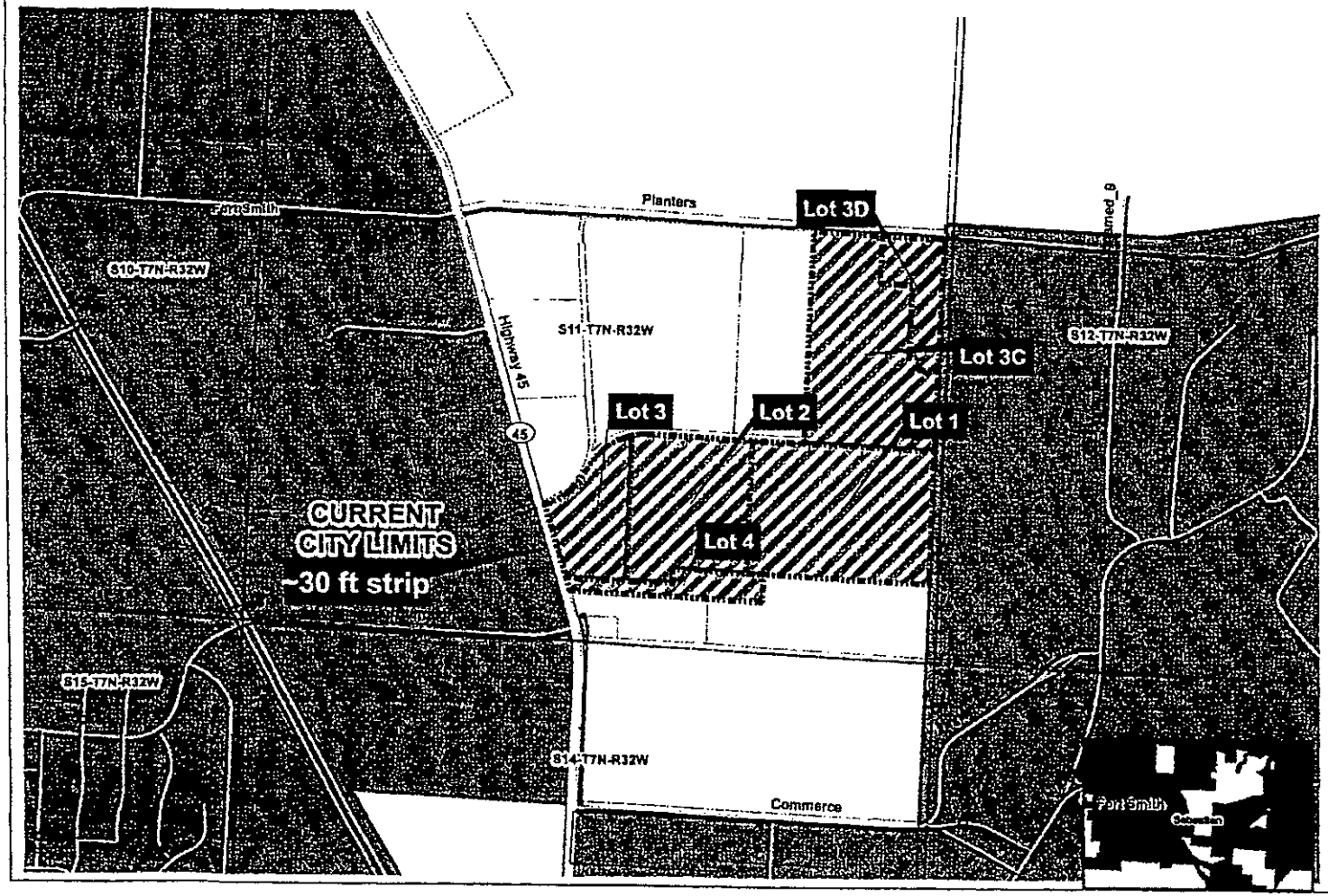
H:\City_Annexations\Cities\Fort_Smith\20210305\Doc\20210322_Fort Smith_Annexation_Coordination_Letter_revised.docx

Arkansas Geographic Information Systems
501 Woodlane Street, Suite G04 • Little Rock, AR 72201 • 501.682.27
TRANSFORM.AR.GOV

EXHIBIT
D

Proposed Annex: City of Fort Smith
March 2021

City: Fort Smith
Mayor: George McGill



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

Proposed Annex
Sections
Parcels
Minor Roads
Existing City
Neighboring City

0 0.0450.09 0.18
Miles

ARKANSAS GIS OFFICE

H:\City_Annexation\CNet\Fort_Smith\20210305\

Legal Description for Annexation:

Industrial Park South No. 5 Tract 3 – Lots 3C & 3D, filed on March 5, 2008, Plat GWD 462, also Little Massard Creek, Lots 1 – 4, filed on 03/17/2021, Plat 2021-06849.

JOHN THURSTON

ARKANSAS SECRETARY OF STATE

July 12, 2021

The Hon. Sharon Brooks
Sebastian County Clerk
35 South 6th St., Room 102
Fort Smith, AR 72901

Re: City of Fort Smith Annexation Ordinance 46-21

Dear Ms. Brooks,

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

Filing Type: Annexation pursuant to A.C.A §14-40-609 (petition of all landowners)
Effective Date: 6/18/2021

County: Sebastian	City: Fort Smith
City Ordinance: 46-21	Dated: 5/18/2021
County Court Order: 2021-0085	Date Filed: 5/10/2021

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 change by the Arkansas Secretary of State.

If you have any questions or concerns regarding this filing, please do not hesitate to contact our Office at 501-683-3717.

Sincerely,

Shantell McGraw
Elections Division

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 Hon. George McGill, Mayor of Fort Smith (w/encl)
The Hon. Sherri Gard, Fort Smith City Clerk (w/encl)

State Capitol • Suite 256 • 500 Woodlane Street • 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
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: Sebastian **City/Town:** Fort Smith

City Ordinance/Resolution No: Ord. 46-21 **Date approved:** 5/18/2021

County Court Case No: ~~2021-0071 &~~ 2021-0085 **Date Order Filed:** ~~4/15/2021 &~~ 5/10/2021

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

Date Change Effective: 6/18/2021 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: Ward 3
(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)*:

- [x] File marked copy of City Ordinance/Resolution *(**required**)*
- [x] File marked copy of County Court Order or certified annexation election results *(**required** except for A.C.A. §14-40-501)*
- [x] 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)*
- [x] File marked copy of Petition Part *(if applicable)*
- [ ] File marked copy of Complaint and final Circuit Court Order *(Court Challenge only)*

Municipal Contact:

Name: Sherri Gard Title: City Clerk

Street Address: 623 Garrison Avenue

City: Fort Smith St: AR Zip code: 72901

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: Sharon Brooks Title: County Clerk

Date: 6-1-2021

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: _____

FILED
JUL 12 2021
Arkansas
Secretary of State

Rev. 2/2019

Sharon Brooks
County Clerk and Recorder
35 S. 6th Street, Room 102
P.O. Box 1089
Fort Smith, Arkansas 72902-1089
479.782.5065 Fax 479.784.1567
sbrooks@co.sebastian.ar.us

June 2, 2021

Arkansas Secretary of State
Attn: Municipal Boundary Filing
500 Woodland Ave Suite 256
Little Rock AR 72201-1094

RE: In the Matter of the Annexation of Real Property
into the City of Fort Smith
Sebastian County Court No. CC-2021-4-G

Dear Sirs:

Please find enclosed a certified copy of the following documents in the above captioned annexation:

1. Plat of area to be annexed
2. Order of Annexation
3. Ordinance No.46-21

RECEIVED
JUN 10 2021
Arkansas
Secretary of State

Thank you for your attention to this matter.

Sincerely,

SHARON BROOKS, COUNTY CLERK AND RECORDER

Jean Sterling

Jean Sterling
Deputy Clerk
CC; City of Fort Smith Sherri Gard

Greenwood
301 East Center
P.O. Box 428
Greenwood, Arkansas 72936-0428
479.996.4195 Fax 479.996.4165

Carolyn

CERTIFIED

2021-12996
Certificate of Record
FORT SMITH DISTRICT
SEBASTIAN COUNTY, ARKANSAS
SHARON BROOKS, CO CLERK & RECORDER
05/19/2021 01:01:45 PM
RECORDING FEE 25.00
Pages: 3

6B

ORDINANCE NO. 46-21

AN ORDINANCE ACCEPTING CERTAIN TERRITORY INTO THE CITY OF FORT SMITH, ARKANSAS

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS,

WHEREAS, on the April 14, 2021, and May 10, 2021 in the County Court of Sebastian County, Arkansas, Greenwood District, there was heard Petitions for Annexation, in proper form and substance, executed by all the real estate owners in the territory to be annexed;

WHEREAS, the County Clerk and the County Assessor have verified the identity of the Petitioners, there are no property owners included in the petition that do not wish to have their property annexed, the property described in the petition is contiguous with the City of Fort Smith, and that no enclaves will be created if the petition is accepted by the City of Fort Smith.

WHEREAS, the County Court for Sebastian County, Arkansas, Greenwood district has approved the Petitions for Annexation and issued county court orders 2021-0071 and 2021-0085 referring the Petitions for Annexation to the City of Fort Smith for consideration.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

Section 1: That the following described property is contiguous to the City of Fort Smith and the same is hereby accepted as part of, and annexed to and made a part of the City of Fort Smith, Arkansas:

Lots 3C and 3D, Industrial Park South No. 5 Tract 3; and

Lots 1-4, Little Massard Creek; and

Beginning at the Southwest Corner of Lot 3, said point being on the East Right-of-Way of Arkansas Highway 45; Thence leaving said East Right-of-Way, South 87°17'09" East a distance of 455.85 feet to the Southwest Corner of Lot 2; Thence South 87°17'09" East a distance of 252.58 feet; Thence North 03°01'13" East a distance of 5.00 feet; Thence South 87°17'09" East a distance of 100.00 feet; Thence South 03°01'13" West a distance of 5.00 feet; Thence South 87°17'09" East a distance of 700.36 feet; Thence South 02°42'51" West a distance of 100.00 feet; Thence North 87°17'09" West a distance of 700.89 feet; Thence South 03°01'13" West a distance

City of Fort Smith
41050101-544000
Return to: City Clerk's Office
P.O. Box 1908, Fort Smith, AR 72902

of 5.00 feet; Thence North 87°17'09" West a distance of 100.00 feet; Thence North 03°01'13" East a distance of 5.00 feet; Thence North 87°17'09" West a distance of 675.27 feet to said East Right-of-Way; Thence North 15°21'35" West a distance of 105.19 along said East Right-of-Way, to the Point Of Beginning, containing 150,248 square feet or 3.45 acres more or less.

Section 2: The above described property shall be annexed to and made a part of Ward 3 of the City of Fort Smith.

Section 3: Thirty (30) days after passage and publication of this Ordinance, the annexation shall be final and the property shall be within the corporate limits of the City of Fort Smith, except as otherwise ordered by the Circuit Court pursuant to a cause of action filed within said thirty (30) day period.

Section 4: Within forty-five (45) days of the effective date of this ordinance the city clerk shall provide written notice of the annexations, along with complete documentation, to the Sebastian County Clerk.

PASSED AND APPROVED THIS 18th DAY OF MAY, 2021.

ATTEST:

Sherri Gard

City Clerk

APPROVED:

Vice-Mayor

Approved as to form:

Jerry Canfield

Publish One Time

The City of Fort Smith ARKANSAS

OFFICE OF THE CITY CLERK
Sherri Gard MMC, City Clerk
Heather Iames CMC, Assistant City Clerk
623 Garrison Avenue | P.O. Box 1908
Fort Smith, Arkansas 72902
479-784-2208 | Fax 479-784-2256
Email: cityclerk@fortsmithar.gov

CERTIFICATE

State of Arkansas }
} ss.
County of Sebastian }

I, Sherri Gard, City Clerk of the City of Fort Smith, Sebastian County, Arkansas, do hereby certify that the foregoing document is a true and correct copy of the original as the same now appears on file and of record in my office.

WITNESS MY HAND AND SEAL this 18th day of May, 2021.

CITY OF FORT SMITH ARK. INCORPORATED A.D. 1842

Sherri Gard
CITY CLERK

CERTIFIED

CCO - 2021 - 0085

FILED

MAY 10 2021

SHARON BROOKS
Sebastian County Clerk & Recorder
BY_____

IN THE COUNTY COURT

OF

SEBASTIAN COUNTY, ARKANSAS

IN THE MATTER OF AN ORDER CONCERNING SEBASTIAN COUNTY COURT CASE NO. CC-2021-4-G, PETITION FOR ANNEXATION, STEPHENS PRODUCTION COMPANY, ANNEXATION TO THE CITY

ORDER

On April 27, 2021 a "Petition for Annexation" was filed with the Sebastian County Clerks office in the matter of annexing certain contiguous real property to the City of Fort Smith Arkansas, under Case No. CC-2021-4-G, copy attached.

The Petition and attached records have been reviewed for completeness and accuracy.

The "Verification for Petition for Annexation pursuant to ACA 14-40-609," filed April 29, 2021, by the County Clerk, copy attached, has been reviewed. The verification, as submitted by County Clerk Sharon Brooks and County Assessor Zach Johnson, confirm the identity of the petitioners, that there are no property owners included in the petition that do not want to have their property annexed, that the property described in the petition is contiguous with the City of Fort Smith, and that no enclaves will be created by the annexation.

It is confirmed that the Petition contains a "schedule of services" to be provided by the City of Fort Smith.

Accordingly, in accordance with ACA 14-40-609 (D) this order is issued articulating the findings under subdivisions (c) (2) (A) - (C).

The Petition and this Order shall be forwarded to the City of Fort Smith.

In accordance with ACA 14-40-609 (c) (2) (E), the City of Fort Smith will be

required to include in the annexation the dedication of public roads and right of way, Abutting or traversing the property to be annexed, for maintenance by the City.

It is so ordered this 10th day of May 2021.

Attachments:
Petition for Annexation
Verification of Petition for Annexation

DAVID HUDSON
SEBASTIAN COUNTY JUDGE

CERTIFIED

FILED

APR 29 2021

SHARON BROOKS
Sebastian County Clerk & Recorder
BY_____

IN THE MATTER OF ANNEXING TO THE

CITY OF FORT SMITH, ARKANSAS

CERTAIN TERRITORY CONTIGUOUS TO SAID

CITY OF FORT SMITH, ARKANSAS

STEPHENS PRODUCTION COMPANY

CC-2021-4-G

VERIFICATION OF PETITION FOR ANNEXATION PURSUANT TO ACA § 14-40-609

We, Sharon Brooks, County Clerk of Sebastian County, and Zack Johnson, County Assessor of Sebastian County, attest as follows:

Our offices have received the attached petition seeking annexation. The petition has been reviewed and we hereby verify that:

A. The identity of the petitioner has been confirmed;

B. There are no property owners included in the petition that do not wish to have their property annexed;

C. The property described in the petition is contiguous with the City of Fort Smith; and

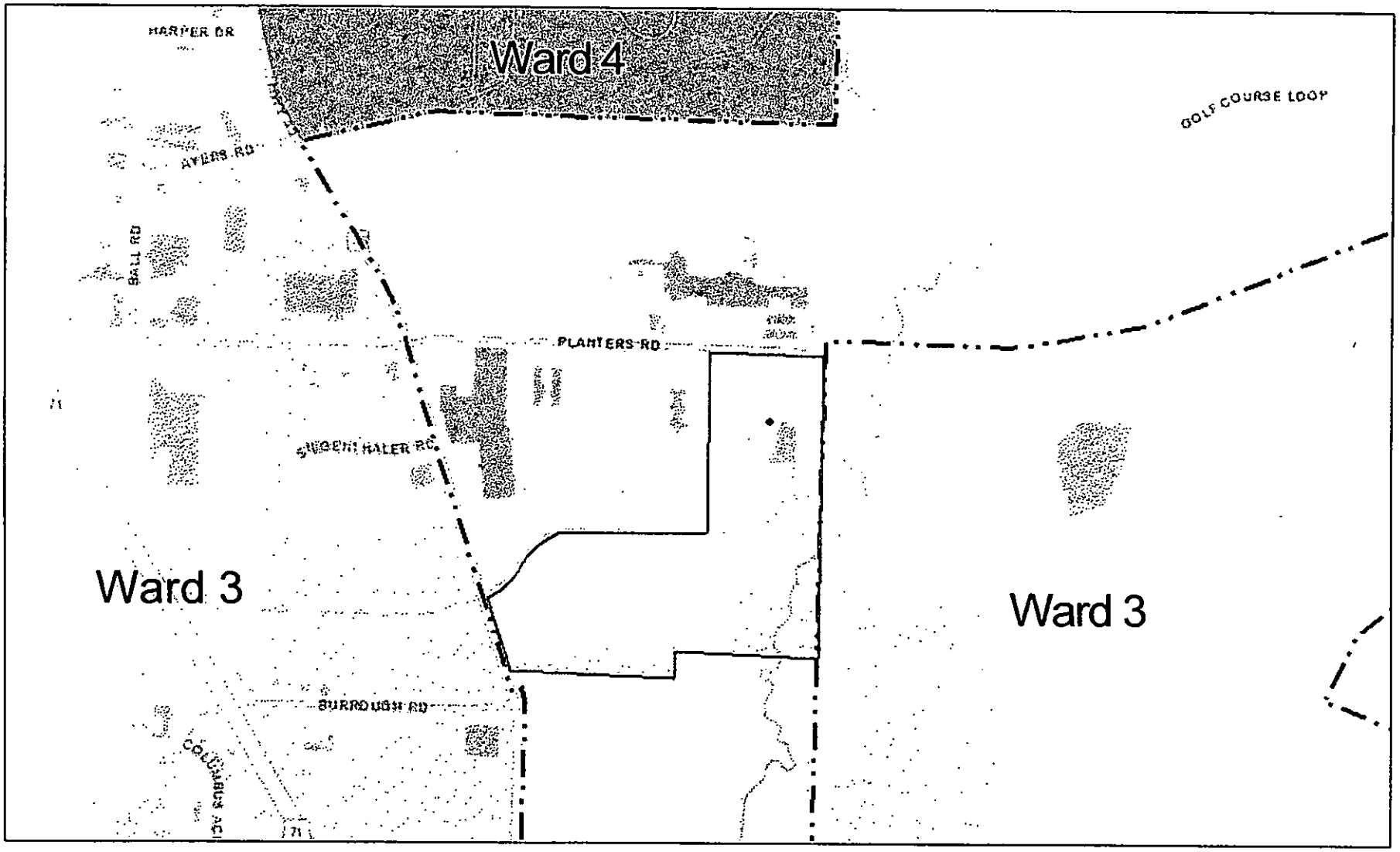
D. No enclaves will be created if the petition is accepted by the City of Fort Smith.

Sharon Brooks

HON. SHARON BROOKS, County Clerk

HON. ZACK JOHNSON, County Assessor

Ward Map



5/11/2021, 2:44:23 PM

Fort Smith City Limits

Ward 4

Wards

Fort Chaffee Military Reservation

Ward 3

1:18,056

0 0.15 0.3 0.6 mi

0 0.25 0.5 1 km

Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

FEMA | Texas Parks & Wildlife, Esri, HERE, Garmin, INCREMENT P, USGS, EPA | Esri, HERE |

CERTIFIED

FILED

APR 27 2021

SHARON BROOKS
Sebastian County Clerk & Recorder
BY RCB

IN THE MATTER OF ANNEXING CERTAIN CONTIGUOUS REAL PROPERTY TO THE CITY OF FORT SMITH, ARKANSAS

Case No. CC-2021-4-G

PETITION FOR ANNEXATION

COME NOW Stephens Production Company, an Arkansas limited liability company ("Petitioner") and for its Petition to the Board of Directors of Fort Smith, Arkansas, pursuant to A.C.A. § 14-40-609 ("Annexation by 100% Petition"), state as follows:

1. The Petitioner, as 100% owner of the herein-described real property lying in Sebastian County, Arkansas, does hereby petition the Board of Directors of Fort Smith, Arkansas (the "Board") to annex the said real property to the City of Fort Smith, Arkansas, as provided for by A.C.A. § 14-40-609. This Petition is signed by counsel and verified by an authorized representative of Petitioner as the sole owner of the real property to be annexed, and the Petitioner owns all of the acreage affected hereby.

2. By this Petition, the Petitioner appoints J. Dalton Person of Jones, Jackson, Moll, McGinnis & Stocks, PLC to act on its behalf in presenting this matter to the Board and all other governing bodies, as necessary.

3. The description of the real property to be annexed to the City of Fort Smith, Arkansas is as follows:

Beginning at the Southwest Corner of Lot 3, said point being on the East Right-of-Way of Arkansas Highway 45; Thence leaving said East Right-of-Way, South 87°17'09" East a distance of 455.85 feet to the Southwest Corner of Lot 2; Thence South 87°17'09" East a distance of 252.58 feet; Thence North 03°01'13" East a distance of 5.00 feet; Thence South

87°17'09" East a distance of 100.00 feet; Thence South 03°01'13" West a distance of 5.00 feet; Thence South 87°17'09" East a distance of 700.36 feet; Thence South 02°42'51" West a distance of 100.00 feet; Thence North 87°17'09" West a distance of 700.89 feet; Thence South 03°01'13" West a distance of 5.00 feet; Thence North 87°17'09" West a distance of 100.00 feet; Thence North 03°01'13" East a distance of 5.00 feet; Thence North 87°17'09" West a distance of 675.27 feet to said East Right-of-Way; Thence North 15°21'35" West a distance of 105.19 along said East Right-of-Way, to the Point Of Beginning, containing 150,248 square feet or 3.45 acres more or less.

4. Petitioner states that the real property described herein and sought to be annexed to the City of Fort Smith, Arkansas lies in Sebastian County and is contiguous to and adjoins the City of Fort Smith, Arkansas on its west boundary.

5. A copy of the map/survey of the real property sought to be annexed is attached hereto as Exhibit "A". A letter from WACO Title (title company) verifying that the Petitioner is the owner of record of the subject property is attached hereto as Exhibit "B". A letter from Morrison-Shipley Engineers, Inc. (surveyor/engineer) verifying that the subject property is contiguous with the annexing of the City of Fort Smith, Arkansas is attached hereto as Exhibit "C". A copy of the coordination approval letter from the Arkansas Secretary of State GIS department is attached hereto as Exhibit "D".

6. The real property to be annexed is a right-of-way easement that was dedicated to the City of Fort Smith by and through the final replat attached hereto as Exhibit "A", but for which the Petitioner retains fee, together with all rights in the property not inconsistent with the public use of the dedication.

7. The City of Fort Smith consents to the annexation sought herein as not inconsistent with the public use of the right-of-way easement's dedication, as provided in the Consent of City Administrator Carl Geffken attached hereto as Exhibit "E".

8. The Schedule of Services to be extended and provided by the annexing City of Fort Smith is as follows:

> All of those rights and privileges that are had and enjoyed by the inhabitants within the limits of the City of Fort Smith, Arkansas.

WHEREFORE, pursuant to A.C.A. § 14-40-609, the undersigned Petitioner prays that within fifteen (15) days of the filing of this Petition with the Sebastian County Assessor and Sebastian County Clerk, said Assessor and Clerk verify this Petition and present the same to the Sebastian County Judge; that within fifteen (15) days of receipt of the verified Petition, the County Judge verify the same and issue an Order on the Petition in accordance with A.C.A. § 14-40-609(c)(2)(D) and forward this Petition and said Order to the Board of Directors of the City of Fort Smith; that the Board of Directors of the City of Fort Smith grant the Petition via ordinance or resolution accepting the real property described herein for annexation to the City of Fort Smith, Arkansas; for a final order from the Sebastian County Judge confirming the annexation; and that Petitioners be granted all other relief to which they are entitled.

Respectfully submitted,

STEPHENS PRODUCTION COMPANY,
Petitioner

JONES, JACKSON, MOLL,
McGINNIS & STOCKS, PLC
401 N. 7th Street / P. O. Box 2023
Fort Smith, AR 72902-2023
Phone: 479-782-7203
Fax: 479-782-9460
Email: dperson@jjmlaw.com

By _____
J. Dalton Person – Ark. Bar No. 2016205

VERIFICATION

STATE OF Arkansas)
) ss.
COUNTY OF Sebastian)

Petitioner Stephens Production Company, acting by its authorized officer named below, hereby states upon oath that with respect to this specific Petitioner, the foregoing Petition for Annexation is true and correct to the best of its knowledge, information and belief.

STEPHENS PRODUCTION COMPANY

By: William S. Walker

Title: Manager

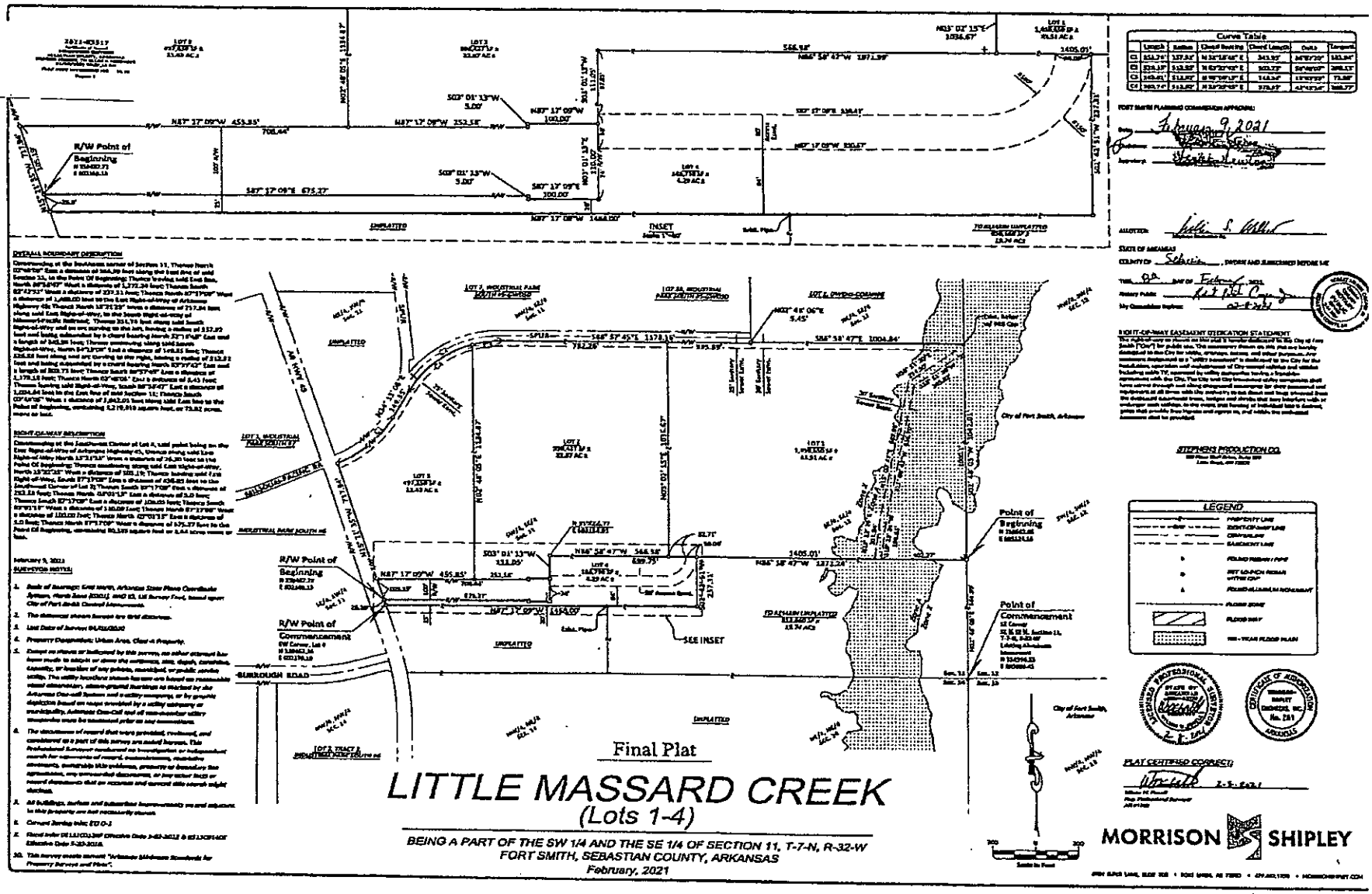
WITNESS my hand and seal on this 27th day of April, 2021.

Notary Public

My Commission Expires:

02-11-2028

ROBERT PATRICK COOPER JR.
COMM# 12363991
NOTARY PUBLIC
EXPIRES 2-11-2028
SEBASTIAN COUNTY, AR


Curve Table
LEGEND
Point of Beginning
Point of Commencement
R/W Point of Beginning
R/W Point of Commencement
SEE INSET
BURROUGH ROAD
UNPLATTED
Final Plat
LITTLE MASSARD CREEK
(Lots 1-4)
BEING A PART OF THE SW 1/4 AND THE SE 1/4 OF SECTION 11, T-7-N, R-32-W
FORT SMITH, SEBASTIAN COUNTY, ARKANSAS
February, 2021
MORRISON SHIPLEY
EXHIBIT
A

WACO TITLE
THE LAND TITLE PROFESSIONALS SINCE 1985
4100 Corporate Center Drive, Ste 200
Springdale, AR 72762
Phone: 479-770-6755
Fax: 479-770-6873

SPECIAL CERTIFICATE

File #: 2107735-106

For the use and benefit of: Jones, Jackson & Moll, McGinnis & Stocks, PLC
Attn: Dalton Person

STATE OF ARKANSAS)
COUNTY OF SEBASTIAN)

We the undersigned, being an employee of Waco Title Company, do hereby certify that we have made due and diligent search of the Records in the Assessors Office within and for Sebastian County, Arkansas, and find the adjacent owners and addresses as shown in Exhibit A.

IN-SO-FAR as the same affects the following described property, to-wit:

RIGHT-OF-WAY DESCRIPTION

Beginning at the Southwest Corner of Lot 3, said point being on the East Right-of-Way of Arkansas Highway 45; Thence leaving said East Right-of-Way, South 87°17'09" East a distance of 455.85 feet to the Southwest Corner of Lot 2; Thence South 87°17'09" East a distance of 252.58 feet; Thence North 03°01'13" East a distance of 5.00 feet; Thence South 87°17'09" East a distance of 100.00 feet; Thence South 03°01'13" West a distance of 5.00 feet; Thence South 87°17'09" East a distance of 700.36 feet; Thence South 02°42'51" West a distance of 100.00 feet; Thence North 87°17'09" West a distance of 700.89 feet; Thence South 03°01'13" West a distance of 5.00 feet; Thence North 87°17'09" West a distance of 100.00 feet; Thence North 03°01'13" East a distance of 5.00 feet; Thence North 87°17'09" West a distance of 675.27 feet to said East Right-of-Way; Thence North 15°21'35" West a distance of 105.19 along said East Right-of-Way, to the Point Of Beginning, containing 150,248 square feet or 3.45 acres more or less.

EXHIBIT
B

DATED April 27, 2021

Countersigned
Waco Title Company

BY _____

Shani R. Allen, Authorized Signatory
Signing Agent No.: 9937324
Title Agency No.: 324797

******* DISCLAIMER *******

This certificate is not certified as to the validity of the title to the above described lands, but rather certifies as to the correctness of the matters of record pertaining to the title to said lands during the period covered by said search. The above certificate is issued solely for the use and benefit of the party set forth above, who agrees that the liability for this certificate shall be expressly limited to the amount paid to Waco Title Company for this special certificate.

EXHIBIT "A"

Current Fee Simple owner of the above described Right-of-Way is Stephens Production Company, an Arkansas limited liability company according to Warranty Deed filed March 29, 1974 in Book 250 at Page 755, Greenwood District of Sebastian County, Arkansas.

MORRISON
SHIPLEY

April 27, 2021

Re: Confirmation of Contiguous Boundaries

STATE OF ARKANSAS)
)
COUNTY OF SEBASTIAN)

I, the undersigned, am a licensed professional land surveyor and with Morrison-Shipley Engineers, Inc. and I do hereby certify that I have examined the property which is depicted and described on Exhibit "A" attached hereto, located in Sebastian County, Arkansas, and find that said property, being the proposed property for annexation, is contiguous and adjacent to the proposed annexing city of Fort Smith, Sebastian County, Arkansas and that no enclaves will be created if this property is accepted by the City of Fort Smith.

Sincerely,

W. Wade Powell, PS
Morrison-Shipley Engineers, Inc.

Enclosure

LICENSED PROFESSIONAL SURVEYOR
STATE OF ARKANSAS
No. 1703
SIGNATURE
WILSON W. POWELL
4-27-21

EXHIBIT
C

Department of Transformation and Shared Services
Governor Asa Hutchinson
Secretary Amy Fecher
Director Shelby Johnson

April 23, 2021

J. Dalton Person
Attorney - JJM
PO Box 2023
Fort Smith, AR 72902

RE: City of Fort Smith Annexation Coordination Requirement

Mr. Person,

Thank you for coordinating with our office as you seek to annex Right-of-Way property into the City of Forth Smith, AR located in Section 11, Township 7 North, Range 32 West. This letter represents confirmation that you have 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.

Sincerely,

Jennifer Wheeler, Sr. GIS Analyst

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

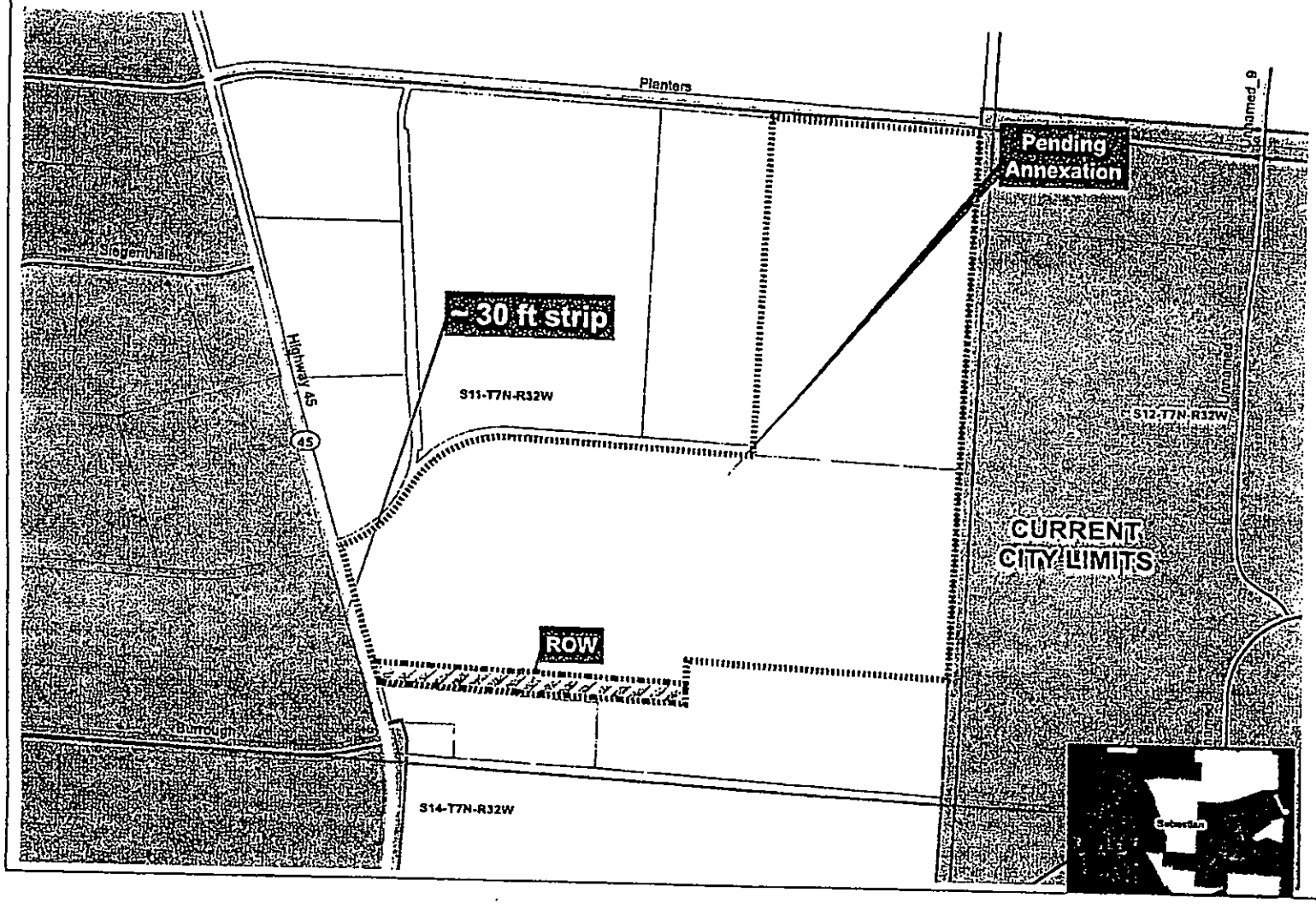
H:\City_Annexations\Cities\Fort_Smith\20210305\Doc\20210423_Fort Smith_Annexation_Coordination_Letter_ROW.docx

Arkansas Geographic Information Systems
501 Woodlane Street, Suite G04 * Little Rock, AR 72201 * 501.682.276
TRANSFORM.AR.GOV

EXHIBIT
D

Proposed Annex ROW: City of Fort Smith
April 2021

City: Fort Smith
Mayor: George McGill



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

Pending Annexation
ROW
Sections
Parcels
Minor Road
Existing City

0 0.0278.055 0.11
Miles

ARKANSAS GIS OFFICE

H:\City_Annexations\Cities\Fort_Smith\20210305\

RIGHT-OF-WAY DESCRIPTION

Beginning at the Southwest Corner of Lot 3, said point being on the East Right-of-Way of Arkansas Highway 45; Thence leaving said East Right-of-Way, South 87°17'09" East a distance of 455.85 feet to the Southwest Corner of Lot 2; Thence South 87°17'09" East a distance of 252.58 feet; Thence North 03°01'13" East a distance of 5.00 feet; Thence South 87°17'09" East a distance of 100.00 feet; Thence South 03°01'13" West a distance of 5.00 feet; Thence South 87°17'09" East a distance of 700.36 feet; Thence South 02°42'51" West a distance of 100.00 feet; Thence North 87°17'09" West a distance of 700.89 feet; Thence South 03°01'13" West a distance of 5.00 feet; Thence North 87°17'09" West a distance of 100.00 feet; Thence North 03°01'13" East a distance of 5.00 feet; Thence North 87°17'09" West a distance of 675.27 feet to said East Right-of-Way; Thence North 15°21'35" West a distance of 105.19 along said East Right-of-Way, to the Point Of Beginning, containing 150,248 square feet or 3.45 acres more or less.

CONSENT TO ANNEXATION

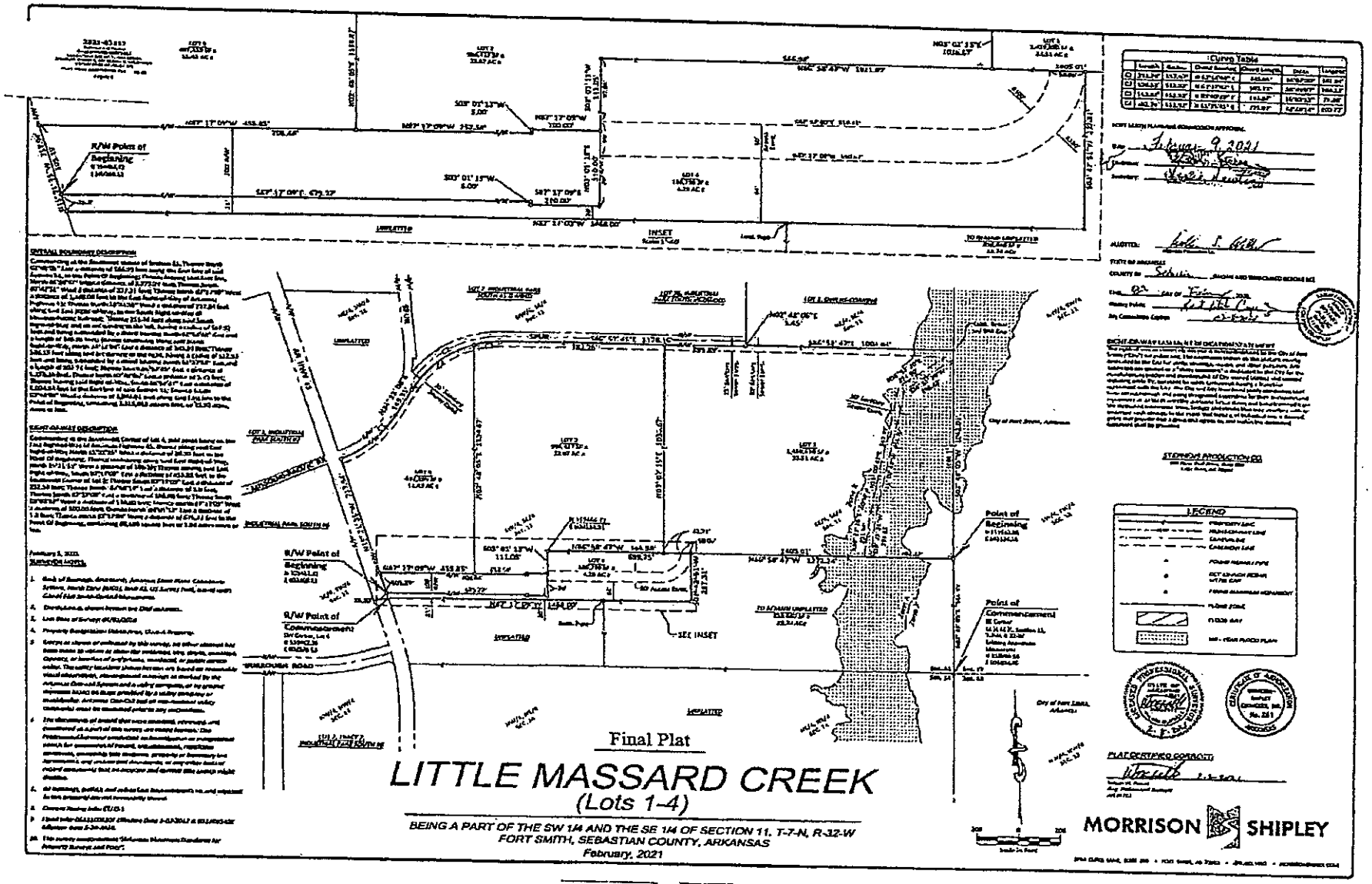
The City of Fort Smith, Arkansas hereby consents to the annexation of the property which is depicted and described on Exhibit "A" attached hereto, located in Sebastian County, Arkansas, that is proposed for annexation into the City of Fort Smith, Sebastian County, Arkansas, and finds that the proposed annexation is not inconsistent with the public use of the right-of-way easement's dedication to the City of Fort Smith.

Sincerely,

Carl E. Geffken

Carl Geffken
City Administrator
City of Fort Smith

EXHIBIT
E


Final Plat
LITTLE MASSARD CREEK
(Lots 1-4)
BEING A PART OF THE SW 1/4 AND THE SE 1/4 OF SECTION 11, T-7-N, R-32-W
FORT SMITH, SEBASTIAN COUNTY, ARKANSAS
February, 2021
MORRISON SHIPLEY
R/W Point of Beginning
R/W Point of Commencement
Point of Beginning
Point of Commencement
SEE INSET
INSET
UNPLATTED
LEGEND
Curve Table
STEPHENS PRODUCTION CO.