

ORDINANCE NO. 121

AN ORDINANCE SUBMITTING TO THE VOTERS OF THE TOWN OF GARFIELD, ARKANSAS, AND OTHER AFFECTED PERSONS, THE QUESTION OF ANNEXATION TO SAID TOWN OF GARFIELD CERTAIN CONTIGUOUS TERRITORY; AND DECLARING AN EMERGENCY

WHEREAS, it appears to the Town Council of the Town of Garfield, Arkansas, that the annexation of certain hereinafter described territory, contiguous to the Town of Garfield, is necessary for the orderly growth and development of the Town; and

WHEREAS, the lands furnish the abode for a densely settled community or represent the actual growth of the municipality beyond its legal boundary; are platted and held for sale or use as municipal lots, or whether platted or not, the lands are held to be sold as suburban property; are needed for proper municipal purposes; or are valuable by reason of their adaptability for prospective municipal uses; and are, in part, utilizing the town's water system.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GARFIELD, ARKANSAS:

SECTION 1. That the question of annexation shall be submitted to the qualified electors of the Town of Garfield and of the area included in the following description not currently in the corporate limits of the Town of Garfield:

Beginning at the SW corner of S9, T21N, R28W; thence north to the Missouri state line; thence westerly along said line to the west boundary line of the E ¼ of S8, T21N, R28W; thence south to the SW corner of the NE ¼ of the NE ¼ of S17, T21N, R28W; thence east to the NE corner of the SE ¼ of the NE ¼ of said S17; thence south along the east boundary lines of S17, S20, and S29 of T21N, R28W to the NE corner of the SE ¼ of said S29; thence west to the NW corner of the NE ¼ of the SE ¼ of said S29; thence south to the NE corner of the SW ¼ of the SE ¼ of said S29; thence west to the NW corner of the SW ¼ of the SE ¼ of said S29; thence south to the E/W centerline of the SE ¼ of the SW ¼ of said S29; thence west along said centerline to the west boundary line of said SE ¼ of the SW ¼; thence south to the SW corner of the SE ¼ of the NW ¼ of S32, T21N, R28W; thence continue south 276.07 feet, more or less to a point, same point being perpendicular to and 660 feet from the north edge of U.S. 62; thence generally westerly along a line 660 feet from and parallel to the north edge of U.S. 62 to the west boundary line of the SW ¼ of the NE ¼ of S31, T21N, R28W; thence south to the north edge of U.S. 62; thence westerly along the north edge of U.S. 62 to the west boundary line of the E ¼ of S36, T21N, R29W; thence south along said line to a point 329.32 feet north of the SW corner of the SE ¼ of the SE ¼ of said S36; thence easterly to a point on the east boundary line of said S36, same point being 329.32 feet north of the SE corner of

said S36; thence northerly along said boundary line 1,292.01 feet; thence S 88°32'23" E 1,612.89 feet; thence south to the north boundary line of the S ½ of the SW ¼ of S31, T21N, R28W; thence east to the west boundary line of the SE ¼ of said S31; thence north along said line to a point 660 feet south of south edge of U.S. 62; thence generally easterly along a line 660 feet from and parallel to the south edge of U.S. 62 to the intersection of said line with the north boundary line of the SE ¼ of the SW ¼ of S32, T21N, R28W; thence east along the north boundary line of the S ¼ of said S32 to the NW corner of the SE ¼ of the SE ¼ of said S32; thence south to the SW corner of the SE ¼ of the SE ¼ of said S32; thence S 87°41'22" E 1,011 feet; thence N 11°36'01" W 571.1 feet; thence N 19°54'00" W 742.9 feet; thence N 22°14'00" E 87 feet more or less, to the north boundary line of the S ¼ of said S32; thence east along said line and the north boundary line of the S ¼ of S33, T21N, R28W to the NW corner of the SE ¼ of the SW ¼ of said S33; thence south to the SW corner of the SE ¼ of the SW ¼ of said S33; thence east along the south boundary line of said S33 to the SE corner of said S33; thence north along the east boundary line of said S33 to the north edge of Ford Road; thence generally westerly along the north edge of Ford Road to the north edge of S.H. 127; thence northwesterly along the north edge of S.H. 127 to the N/S center section line of said S33; thence north along said center section line and the N/S center section line of S28, T21N, R28W to the NE corner of the SE ¼ of the SW ¼ of said S28; thence west to the NW corner of the SE ¼ of the SW ¼ of said S28; thence north along the east boundary lines of the W ¼ of S28, S21, and S16 of T21N, R28W to the south boundary line of S9, T21N, R28W; thence west to the P.O.B.

A map depicting this area is on file for public review at city hall, and shall be filed as required by law.

SECTION 2. The question of annexation of all unincorporated territory included in the description in Section 1 above shall be submitted to the electors qualified to vote on this issue at a special election to be held on Tuesday, November 4, 2008. Immediately after this ordinance is duly passed and published, the Recorder-Treasurer shall notify the County Election Commission and the County Clerk by forwarding to each, a certified copy of this ordinance and a map showing the area to be annexed.

SECTION 3. The Recorder-Treasurer shall give notice of the election by publication by at least one (1) insertion in some newspaper having a general circulation in the Town.

SECTION 4. If at such election a majority of the qualified electors voting in such election shall vote for such annexation, the annexation shall be effective and the territory included within the corporate limits of the Town of Garfield thirty (30) days following the County Clerk's certification of the election results and recording of the same, along with the description and a map of the annexed area, in the county records, and filing a certified copy thereof with the Secretary of State; or in the event an action is filed with the Circuit Court, on the date the judgment of said Court becomes final. If a majority of the qualified electors voting on the issue at the election vote against the annexation, the annexation ordinance shall be null and void.

SECTION 5. If the annexation is approved and becomes final, the following services shall be extended to the area within three (3) years:

SERVICE	DATE
Code Enforcement	Immediately
Sanitation Service	Immediately
Street Maintenance	Immediately

SECTION 6. The ballots used at said election on the question of annexation shall be marked as follows:

- FOR annexation of the territory described in Ordinance No. _____.
- AGAINST annexation of the territory described in Ordinance No. _____.

SECTION 7. Emergency Clause. This ordinance being necessary for the immediate preservation of the public peace, health, safety, and welfare, as well as compliance with special election statutes, an emergency is hereby declared to exist and this ordinance shall be effective and in full force and effect from and after its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2008.

Mayor

ATTEST:

Recorder-Treasurer

CERTIFICATE

I, _____, Recorder-Treasurer of the Town of Garfield, hereby certify that this ordinance was duly passed and approved by a two-thirds vote of the total number of members the Town Council of the Town of Garfield, Arkansas, on the ____ day of _____, 2008.

Seal

Recorder-Treasurer
Town of Garfield

3-3