



ARKANSAS SECRETARY OF STATE  
**MARK MARTIN**

January 26, 2018

The Honorable Sharon Barnett  
Yell County Clerk and Circuit Clerk  
108 Union St # 105  
Dardanelle, AR 72834

Re: City of Havana Annexation Ordinance 9-29-16

Dear Ms. Barnett,

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 § 14-40-609 (petition by 100% of the landowners)

Effective Date: 10/29/2016

County: Yell

City: Havana

City Ordinance: 9-29-16

Dated: 09/29/2016

County Court Order: CC-2016-1

Filed 08/30/2016

Hon. Mark Thone, Yell 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.

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)  
Tom-Tom (w/encl)  
Ms. Hope Patton, Havana Recorder/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: Yell City/Town: Havana

City Ordinance/Resolution No: 9-29-16 Date approved: 09/29/2016

County Court Case No: CC-2016-1 Date Order Filed: 08/30/2016

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

Date Change Effective: 10/29/2016 Set by:  Municipal Ordinance  Emergency Clause  Court  Default  
*(Required by Act 653 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 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. Hope Patton Title: Havana Recorder/Treasurer

Street Address: P.O. Box 7

City: Havana St: AR Zip code: 72842

*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: Yell 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**

JAN 26 2017

Arkansas  
Secretary of State

ORDINANCE NO. 9-29-16  
 AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE  
 CITY OF HAVANA, ARKANSAS, AND MAKING SAME A PART OF THE CITY OF  
 HAVANA, AND ASSIGNING SAME TO WARDS.

WHEREAS, a petition was filed with County Clerk of Yell County, Arkansas, by the majority of the real estate owners of the hereinafter described territory praying that said territory be annexed to, and made a part of the City of Havana, Arkansas; and,

WHEREAS, on August 26, 2016, the County Court of Yell, Arkansas, found 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 City of Havana, Arkansas; that an accurate plat or map of said territory had been filed with and made a part of said petition; that proper notice thereto 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 City of Havana, Arkansas, subject to the acceptance of same by the City Council of said City at the proper time, as provided by law; and

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

Now, therefore, be it ordained by the city council of the City of Havana, Arkansas:

SECTION 1. That the following described lands and territory contiguous and adjoining the City of Havana, Arkansas, be and the same is hereby accepted as part of and annexed to and made a part of the City of Havana.

All of Block "D" Barker's Subdivision of part of the NW ¼ of the SE ¼ of Section 11, Township 5 North, Range 24 West, LESS AND EXCEPT the following described two tracts, to-wit: (1) Starting at the Southwest corner of said Block "D", thence North 0 degrees 06' 20" West 591 feet to a point on the South side of Highway 10, thence North 77 degrees West 170 feet to the true point of beginning, containing 1 acre, more or less. (2) Commencing at the Southwest corner of said Block "D", thence North 0 degrees 0' 20" West 328.24 feet to the point of beginning, thence continue North 0 degrees 06' 20" West 278 feet to the right-of-way of Highway 10, thence South 67 degrees 57' East 336.30 feet, thence South 6 degrees 31' 30" West 278.66 feet, thence North 65 degrees 53' West 306.24 feet to the point of beginning, containing 2 acres, more or less.

Part of Block D of Barker's Subdivision of part of the NW ¼ SE ¼ of Section 11, Township 5 North, Range 24 West, more particularly described as follows: Starting at the Southwest quarter corner running East 850 feet on the South Forty Line to a Point, then North 4 ¾ degrees East 591 feet to a point on the South side of Highway 10 thence South 77 degrees East 360 feet to the true point for beginning, thence South 10 degrees West 275 feet, East 150 feet to center of a public road, then going North 251 feet to the South side of Highway 10, then North 77 degrees West 170 feet back to the Northwest corner of said Tract and the true point for beginning, as surveyed and platted by Henry Smallwood, surveyor, under date of 6-21-1977 recorded in book 223 page 99.

**FILED**

JAN 26 2017

Arkansas  
 Secretary of State

SHARON BARNETT  
 CLERK & COUNTY CLERK  
 YELL COUNTY, ARKANSAS

OCT 18 AM 8:32

FILED

A Strip of land 100 feet in width, said strip of land being 50 feet in width on each side of the centerline of the main track of the former Chicago Rock Island and Pacific Railroad, over and across the following described land, situated in Yell County, State of Arkansas, to-wit: The North Half of the Southeast Quarter of Section 11, Township 5 North, Range 24 West, and containing 6.35 acres, more or less. Being further shown on the plat attached to the declaratory judgment entered in the Chancery Court of Yell County, Arkansas (Danville District) bearing case #E-88-26 (I), entered on March 14, 1997.

LESS AND EXCEPT: The West one acre of the following described tract, to-wit: A strip of land 100 feet in width, said strip of land being 50 feet in width on each side of the centerline of the main track of the former Chicago Rock Island and Pacific Railroad, over and across the following described land, to-wit: The N  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Section 11, Township 5 North, Range 24 West and containing 6.35 acres, being further shown on the plat attached to the Declaratory Judgment entered in the Chancery Court of Yell County, Arkansas (Danville District) bearing case #I-88-26, entered on March 14, 1977.

The West one acre of the following described tract, to-wit: A strip of land 100 feet in width, said strip of land being 50 feet in width on each side of the centerline of the main track of the former Chicago Rock Island and Pacific Railroad, over and across the following described land, to-wit: The N  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Section 11, Township 5 North, Range 24 West and containing 6.35 acres. Being further shown on the plat attached to the Declaratory Judgment entered in the Chancery Court of Yell County, Arkansas (Danville District) bearing case #E-88-26, entered on March 14, 1997.

Part of Block "A" and part of Block "B" of Barker's Subdivision of Part of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 11, Township 5 North, Range 24 West as surveyed and Platted by Elmer C. Smith, County Surveyor, and recorded in Deed Record Book 127 page 537, described as follows: Begin at the NW corner of said Block "A" and run Southeasterly along the South right-of-way line of State Highway #10 a distance of 187 feet for a true point of beginning, thence run Southeasterly parallel with the West line of said Block "A" a distance of 613 feet, thence run Southeasterly parallel with the South right-of-way line of said State Highway #10 a distance of 174 feet, thence run North parallel with the East line of said Block "A" 613 feet to the South right-of-way line of State Highway #10, thence run Northwesterly along said right-of-way line 187 feet to the true point of beginning, containing 2  $\frac{1}{2}$  acres, more or less.

In the Danville District of Yell County, Arkansas, to-wit:  
Part of Block "A", Part of Block "B" and all of Block "C" of the Barker's Subdivision of Part of NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 11, Township 5 North, Range 24 West, more particularly described as: Beginning at the Southwest corner of the said NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , thence North 0 degrees 06' 20" West 339 feet, thence South 67 degrees 37' 35" East 367.48 feet, thence North 0 degrees 06' 20" West 377 feet, thence South 67 degrees 48' East 187 feet, thence North 01 degrees 13' 12" East 236.20 feet to the right-of-way (r/w) of Highway No. 10, thence along said r/w South 67 degrees 48' East 327.75 feet, thence along the arc of a curve, having a radius of 3032 feet, a central angle of 0 degrees 34' 40", a distance of 31 feet to the Northeast corner of Block "C", thence South 0 degrees 06' 20" East 606.23 feet, thence West 850 feet to the point of beginning.

Part of Block "B" of Barker's Subdivision of part of the NW ¼ of the SE ¼ of Section 11, Township 5 North, Range 24 West being all of said NW ¼ SE ¼ lying South of State Highway No. 10 and West of a public road, as surveyed and platted by Elmer Smith, County Surveyor and recorded in deed record book 127 at page 537 in clerk's office, Danville, Arkansas, described as follows: Begin at the intersection of the East Line of said Block "B" and State Highway No. 10 and run South 236 feet, thence run Northwesterly parallel with said Highway a distance of 187 feet; thence run North parallel with East Line of said Block "B" 236 feet to said Highway Line; thence run Southeasterly along said right-of-way line to the point of beginning.


A part of Block D of the Barker's Subdivision of part of the NW ¼ of the SE ¼ of Section 11, Township 5 North, Range 24 West and being more particularly described as: Commencing at the Southwest corner of said Block D, thence North 0 degrees 06' 20" West 328.24 feet to the point of beginning, thence North 0 degrees 06' 20" West 278.00 feet to the South right-of-way of Highway 10, thence South 67 degrees 57' 00" East, along said right-of-way, 168.15 feet, thence South 3 degrees 12' 54" West, leaving the highway, 277.87 feet, thence North 65 degrees 53' 00" West 153.12 feet to the point of beginning and containing 1 acre, more or less, as surveyed and platted by Don Bland Surveying under date of 4-26-1994 job #101-94.

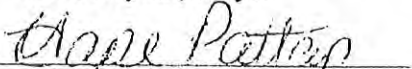
Block "A" in Barker's Subdivision of all that part of the NW ¼ of the SE ¼ of Section 11, Township 5 North, Range 24 West lying South and West of State Highway #10 and West of a Public Road, as per Plat recorded in Book 127 page 537. Surveyed and platted by Elmer C. Smith, County Surveyor.

A part of Block "D" of the Barker's Subdivision of part of the Northwest Quarter of the Southeast Quarter of Section 11, Township 5 North, Range 24 West, Yell County, Arkansas. MORE PARTICULARLY DESCRIBED AS: Commencing at the Southwest corner of said Block "D", thence North 0 degrees 06' 20" West, 328.24 feet to the point of beginning; thence continue North 0 degrees 6' 20" West, 278 feet to the right-of-way of Highway No. 10; thence South 67 degrees 57' East, 336.30 feet; thence South 06 degrees 31' 30" West, 278.66 feet; thence North 65 degrees 53' West, 306.24 feet to the point of beginning and containing two (2) acres, more or less.

SECTION 2. That the above described territory shall be annexed to and made a part of Ward 1 of the City of Havana, and the same shall henceforth be a part of said ward as fully as existing parts of said ward.

Passed and approved September 29, 2016.

APPROVED:   
Rick Bryant, Mayor

ATTEST:   
Hope Patton, RTC

IN THE MATTER OF THE ANNEXING  
TO THE CITY OF HAVANA, ARKANSAS,  
CERTAIN TERRITORY CONTIGUOUS TO  
THE CITY OF HAVANA, ARKANSAS

CG-2016-1  
ORDER NO. 2016- 49

FILED

2016 AUG 30 AM 8:22

SHARON BARNETT  
CIRCUIT & COUNTY CLERK  
YELL COUNTY, ARKANSAS

*Jahery*

Now on this 26<sup>th</sup> day of August 2016, comes on before the Yell County Court the need for the annexing to the city of Havana, Arkansas, certain territories contiguous to the city of Havana, Arkansas. After hearing all sides concerned, Yell County Court is satisfied that the allegations of the petitions were sustained by the proof and the court is satisfied that the requirements for signature have been complied with, the court is satisfied that the limits of the territory to be annexed have been accurately described and an accurate map thereof made and filed. The court is hereby ordering that the petition and annexation of the territory be granted. The order shall be recorded by the clerk.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Havana, Arkansas have annexed these certain territories.

  
Mark Thone, Yell County Judge


FILED

JAN 25 2017

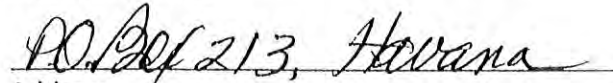
Arkansas  
Secretary of State

D P 524

Part of Block "A" and part of Block "B" of Barker's Subdivision of Part of the NW ¼ of the SE ¼ of Section 11, Township 5 North, Range 24 West as surveyed and Platted by Elmer C. Smith, County Surveyor, and recorded in Deed Record Book 127 page 537, described as follows: Begin at the NW corner of said Block "A" and run Southeasterly along the South right-of-way line of State Highway # 10 a distance of 187 feet for a true point of beginning, thence run South parallel with the West line of said Block "A" a distance of 613 feet, thence run Southeasterly parallel with the South right-of-way line of said State Highway # 10 a distance of 174 feet, thence run North parallel with the East line of said Block "A" 613 feet to the South right-of-way line of State Highway # 10, thence run Northwesterly along said right-of-way line 187 feet to the true point of beginning, containing 2 ½ acres, more or less.

  
Frankie McBride

  
Rick Bryant, Mayor

  
Address



# ARKANSAS GIS OFFICE

January 26, 2018

Ms. Cynthia Fisher  
Special Projects Manager  
Arkansas Secretary of State Legal Divisions  
500 Woodland St Ste 256  
Little Rock, AR 72201

RE: City of Havana Annexation Coordination Requirement

Ms. Fisher,

Thank you for working with our office as we assist the City of Havana and Yell County with filing this 2016 annexation located in Sections 11 & 12, Township 5 North, Range 24 West; Ordinance 9-26-16. 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

RECEIVED  
JAN 26 2018  
Arkansas  
Secretary of State

Attachments:  
GIS Office Map of Proposed Annexation  
Ordinance 9-26-16/CC-2016-1/Order NO. 2016-49  
Secretary of State Municipal Change Checklist

H:\City\_Annexations\Cities\Havana\20180117\Doc\2018\_Havana\_Annexation\_Coordination\_Letter\_ORD9-16-16.docx



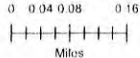
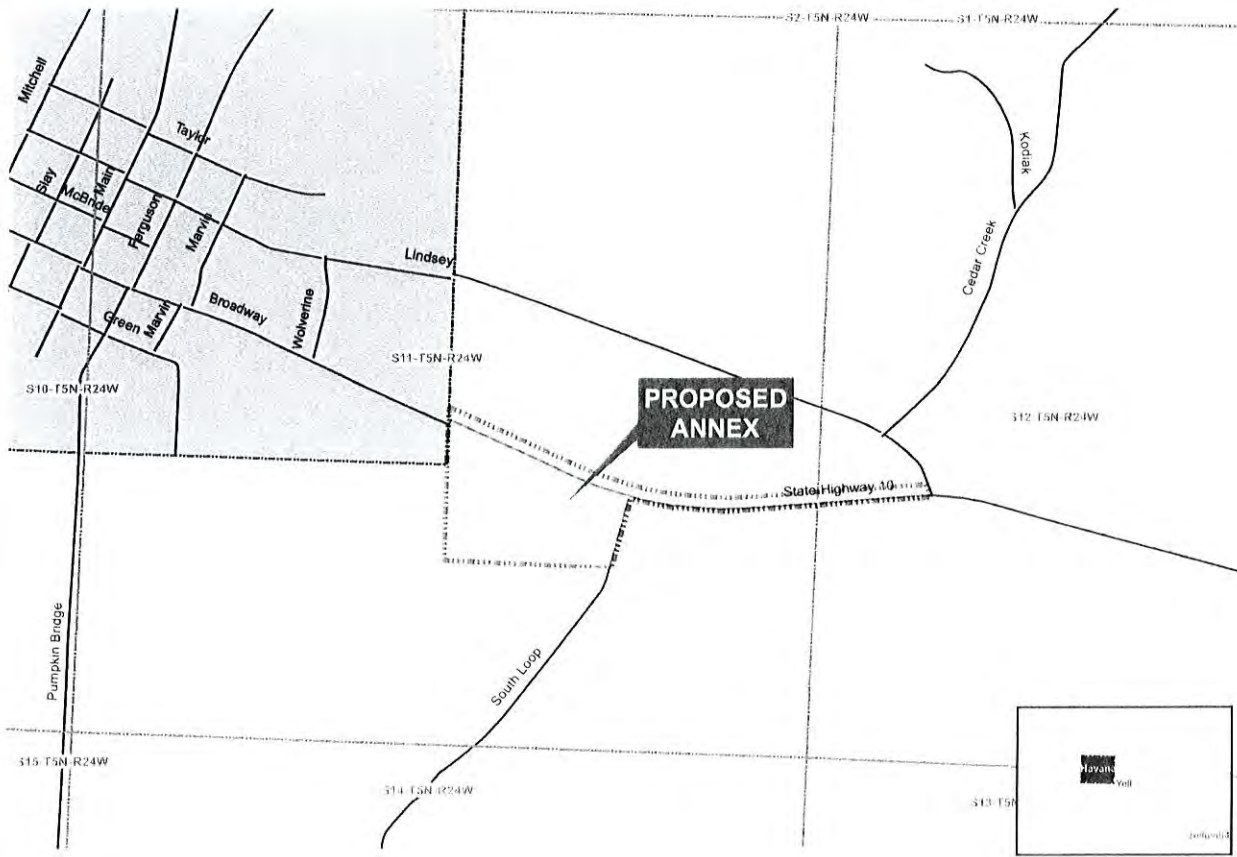
Proposed Annex: City of Havana Ord 9-29-16 of 2016  
January 2018

City: Havana  
Mayor Rick Bryant

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.



ArkansasGIS/Havana20180117

F11

JAN 25 2017

Arkansas  
Secretary of State

75SCC-2016-1

FILED


IN THE YELL COUNTY COURT IN THE MATTER

2016 JUL 18 AM 9:15

OF ANNEXING TO THE CITY OF HAVANA, ARKANSAS

SHARON BARNETT  
CIRCUIT & COUNTY CLERK  
YELL COUNTY DANVILLE, AR

CERTAIN TERRITORY CONTIGUOUS



TO THE SAID CITY OF HAVANA, ARKANSAS

PETITION

We, as property owners of the following described area, do hereby petition the County Court of Yell, Arkansas, to annex the following lands to the City of Havana, Arkansas. We further state that the petition is signed by a majority of the real estate owners owning more than one-half of the acreage in said area, and do further by our petition appoint Rick Bryant and Hope Patton to act on behalf of the petitioners in presenting this matter to the court.

Description of the area to be annexed to the City of Havana, Arkansas:

JUL 18 2016

JAN 26 2017

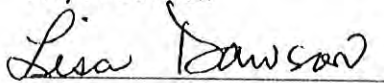
Arkansas  
Secretary of State

All of Block "D" Barker's Subdivision of part of the NW1/4 of the SE1/4 of Section 11, Township 5 North, Range 24 West, LESS AND EXCEPT the following described two tracts, to-wit: (1) Starting at the Southwest corner of said Block "D", thence North 0 degrees 06' 20" West 591 feet to a point on the South side of Highway 10, thence North 77 degrees West 170 feet to the true point of beginning, containing 1 acre, more or less. (2) Commencing at the Southwest corner of said Block "D", thence North 0 degrees 0' 20" West 328.24 feet to the point of beginning, thence continue North 0 degrees 06' 20" West 278 feet to the right-of-way of Highway 10, thence South 67 degrees 57' East 336.30 feet, thence South 6 degrees 31' 30" West 278.66 feet, thence North 65 degrees 53' West 306.24 feet to the point of beginning, containing 2 acres, more or less.

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Billy E. Dawson

  
Rick Bryant, Mayor

  
Lisa J. Noteboom Dawson

10024 South Loop Rd.  
Address

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Audrey F. Smith  
Audrey F. Smith

Rick Bryant  
Rick Bryant, Mayor

314 N. Mitchell Madanani  
Address

A Strip of land 100 feet in width, said strip of land being 50 feet in width on each side of the centerline of the main track of the former Chicago Rock Island and Pacific Railroad, over and across the following described land, situated in Yell County, State of Arkansas, to-wit: The North Half of the Southeast Quarter of Section 11, Township 5 North, Range 24 West, and containing 6.35 acres, more or less. Being further shown on the plat attached to the declaratory judgment entered in the Chancery Court of Yell County, Arkansas (Danville District) bearing case #E-88-26 (I), entered on March 14, 1997.

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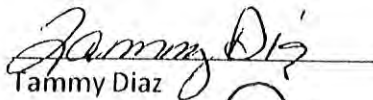
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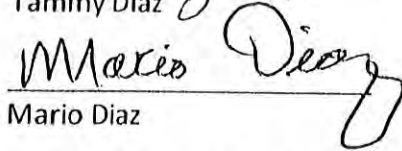
  
Loyd Joe Cates

  
Rick Bryant, Mayor

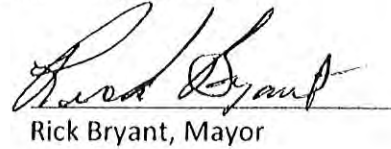
18630 Hwy 10  
Address

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Tammy Diaz


  
Mario Diaz

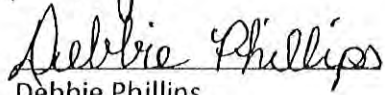
18479 W. State Hwy 10  
Address

  
Rick Bryant, Mayor

Block "A" in Barker's Subdivision of all that part of the NW ¼ of the SE ¼ of Section 11, Township 5 North, Range 24 West lying South and West of State Highway #10 and West of a Public Road, as per Plat recorded in Book 127 page 537. Surveyed and platted by Elmer C. Smith, County Surveyor.

  
Patsy Fredrick

  
Rick Bryant, Mayor

  
Debbie Phillips

  
Address

In the Danville District of Yell County, Arkansas, to-wit:  
Part of Block "A", Part of Block "B" and all of Block "C" of the Barker's Subdivision of Part of NW ¼ of the SE ¼ of Section 11, Township 5 North, Range 24 West, more particularly described as: Beginning at the Southwest corner of the said NW ¼ of the SE ¼, thence North 0 degrees 06' 20" West 339 feet, thence South 67 degrees 37' 35" East 367.48 feet, thence North 0 degrees 06' 20" West 377 feet, thence South 67 degrees 48' East 187 feet, thence North 01 degrees 13' 12" East 236.20 feet to the right-of-way (r/w) of Highway No. 10, thence along said r/w South 67 degrees 48' East 327.75 feet, thence along the arc of a curve, having a radius of 3032 feet, a central angle of 0 degrees 34' 40", a distance of 31 feet to the Northeast corner of Block "C", thence South 0 degrees 06' 20" East 606.23 feet, thence West 850 feet to the point of beginning.

Part of Block "B" of Barker's Subdivision of part of the NW ¼ of the SE ¼ of Section 11, Township 5 North, Range 24 West being all of said NW ¼ SE ¼ lying South of State Highway No. 10 and West of a public road, as surveyed and platted by Elmer Smith, County Surveyor and recorded in deed record book 127 at page 537 in clerks office, Danville, Arkansas, described as follows: Begin at the intersection of the East Line of said Block "B" and State Highway No. 10 and run South 236 feet, thence run Northwesterly parallel with said Highway a distance of 187 feet; thence run North parallel with East Line of said Block "B" 236 feet to said Highway Line; thence run Southeasterly along said right-of-way line to the point of beginning.

Marion J. Farmwald  
Marion J. Farmwald

Rick Bryant  
Rick Bryant, Mayor

Rosanna Fern Farmwald  
Rosanna Fern Farmwald

18571 St Hwy 10 W  
Address