



# ARKANSAS SECRETARY OF STATE

## MARK MARTIN

June 27, 2018

The Honorable Sarah Smith  
Garland County Clerk  
501 Ouachita Ave, Rm 103  
Hot Springs, AR 71901

Re: City of Hot Springs Annexation Ordinance 6121

Dear Ms. Smith,

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

Filing Type: Annexation pursuant to A.C.A § 14-40-501 (surrounded unincorporated area)

**Effective Date: 05/30/2018**

County: Garland

City: Hot Springs

City Ordinance: 6121

Dated: 01/19/2016

Circuit Court Order: 26CV-16-302 Filed: 06/02/2016 Hon. John Homer Wright, Garland County Circuit Court Judge

AR Supreme Court: CV-16-607 Filed: 03/09/2017 Hon. Karen R. Baker, Associate Justice, Arkansas Supreme Court

**Circuit Court Filing: 26CV-16-302 Filed: 03/30/2017 (Mandate: Affirmed – AR Supreme Court Case No CV-16-607)**

Circuit Court Order: 26CV-016-164 Filed: 04/26/2017 Hon. John Homer Wright, Garland County Circuit Court Judge

AR Court of Appeals: CV-17-807 Filed: 03/14/2018 Hon. Raymond R. Abramson, Justice, Division II AR Court of Appeals

AR Court of Appeals: CV-17-807 Filed: 04/20/2018 **(Petition for rehearing denied)**

AR Supreme Court: CV-18-287 Filed: 05/24/2018 **(Petition for review denied)**

**Circuit Court Filing: 26CV-016-164 Filed: 05/30/2018 (Mandate: Affirmed - AR Court of Appeals Case No CV-17-807)**

Ordinance 6121 included an effective date of April 01, 2016. This effective date was stayed due to the appeals process. Since Ordinance 6121 included no emergency clause, the effective date is May 30, 2018. This the date the Garland County Circuit Court docketed the Mandate from the Arkansas Court of Appeals ending the second case of *Rex L. Houston, Jr. et al. v. City of Hot Springs Arkansas*.

A file marked copy of the ordinance, Circuit Court orders 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 records 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

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e-mail: [legal@sos.arkansas.gov](mailto:legal@sos.arkansas.gov) • [www.sos.arkansas.gov](http://www.sos.arkansas.gov)

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)  
Mr. Lance Spicer, Asst. City Manager/City Clerk (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: Garland City/Town: Hot Springs

City Ordinance/Resolution No: 6121 Date approved: 01/19/2016

County Court Case No: \_\_\_\_\_ Date Order Filed: \_\_\_\_\_

Type: Annexation of surrounded unincorporated area (island/doughnut holes) by ordinance A.C.A. §14-40-501

Date Change Effective: 05/30/2018 Set by:  Municipal Ordinance  Emergency Clause  Court  Default  
*(Required by Act 653 of 2017)*

For Circuit Court Challenge: Date Order Filed: 05/30/2018  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: Mr. Lance Spicer Title: Asst. City Manager/City Clerk

Street Address: 133 Convention Blvd

City: Hot Springs St: AR Zip code: 71901

*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**  
**JUN 27 2018**  
**Arkansas Secretary of State**



# 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: Hot Springs

City Ordinance/Resolution No: 6121 Date approved: 01/19/2016

Court Case No: N/A Date Order Filed: \_\_\_\_\_

Type: Annexation of surrounded unincorporated area (island/doughnut holes) by ordinance A.C.A. §14-40-501

Date Change Effective: 04/01/2016 Set by:  Municipal Ordinance  Emergency Clause  Court  Default  
*(Required by Act 653 of 2017)*

For Circuit Court Challenge: Date Order Filed: 03/09/2017  Upheld  Overturned  Other *(attach explanation)*

### Initiating party:

All Landowners  Majority Landowners  Municipal Governing Body  State  Other \_\_\_\_\_

### Supporting Documentation attached *(check all that apply)*:

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*Office of the Arkansas Secretary of State use only*

Received by: \_\_\_\_\_

ORDINANCE NO. 011

AN ORDINANCE ANNEXING CERTAIN LANDS THAT ARE COMPLETELY SURROUNDED BY THE INCORPORATED LIMITS OF THE CITY OF HOT SPRINGS ENCLAVE AREA B (TRACTS A & B); AND FOR OTHER PURPOSES.

*WHEREAS*, A.C.A. 14-40-501—14-40-503 provides that unincorporated islands of land that have been surrounded by the incorporated limits of a municipality may be annexed by that municipality; and.

*WHEREAS*, the City of Hot Springs desires to annex certain lands more completely described below; and

*WHEREAS*, all necessary urban services, such as fire and police protection, are to be extended to such area within the time prescribed by law; and that

*WHEREAS*, the area to be annexed complies with the standards for lands qualifying for annexation which are set forth in ACA 14-40-302 and ACA 14-40-501; and

*WHEREAS*, A.C.A. 14-40-502 and H.S.C. 16-2-32 (d) establish the procedure for zones annexed; and that

*WHEREAS*, on December 6, 2015, a legal notice was published in the *Sentinel-Record* setting out the legal description of the territory proposed to be annexed, and on December 2, 2015, all known property owners of record within the area were notified by certified mail of their right to appear at the public hearing.

*WHEREAS*, a public hearing was held on January 5, 2016, regarding this proposed annexation; and

*NOW, THEREFORE, BE IT ORDAINED* by the Board of Directors of the City of Hot Springs, Arkansas, as follows:

SECTION 1. That the following described unincorporated area which is completely surrounded by the city limits of the City of Hot Springs is hereby annexed to the City of Hot Springs:

CITY OF HOT SPRINGS, ARKANSAS

ORDINANCE ANNEXATION AREA "B" in two tracts:

TRACT A:

ALL OF LAKEPOINT GARDEN HOMES, PHASES I AND II AS FILED IN THE RECORDS OF GARLAND COUNTY, ARKANSAS, ALL OF COZY LAKE COTTAGES HPR AS FILED IN THE RECORDS OF GARLAND COUNTY, ARKANSAS, PART OF THE HENRY CLAY SUBDIVISION AS FILED IN THE RECORDS OF GARLAND COUNTY, ARKANSAS, AND A PART OF SECTION 3D,

**F I L E D**

**JUN 27 2018**

**Arkansas  
Secretary of State**

TOWNSHIP 3 SOUTH, RANGE 19 WEST, GARLAND COUNTY, ARKANSAS, BEING ALONG AND CONTIGUOUS WITH THE EXISTING HOT SPRINGS, ARKANSAS CITY LIMITS AND BEING ALONG AND CONTIGUOUS WITH THE BOUNDARY OF LAKE HAMILTON, AS CONVEYED TO ARKANSAS POWER AND LIGHT AND LATER TRANSFERRED TO ENTERGY CORP AS SHOWN ON THE "K" MAPS OF LAKE HAMILTON AS PROVIDED BY ENTERGY DEPICTING THE LAKE HAMILTON PROJECT BOUNDARY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 5 OF SAID LAKEPOINT GARDEN HOMES, PHASE I; THENCE SOUTHEASTERLY, 360 FEET MORE OR LESS TO THE NORTHEAST CORNER OF LOT 16 OF SAID PHASE I BEING THE SAME AS THE NORTHWEST CORNER OF LOT "A" OF SAID LAKEPOINT GARDEN HOMES, PHASE II; THENCE SOUTHEASTERLY 70 FEET MORE OR LESS TO THE NORTHWEST CORNER OF LOT 2 OF SAID LAKEPOINT GARDEN HOMES PHASE II; THENCE NORTHEASTERLY 191 FEET MORE OR LESS TO A CORNER OF SAID SUBDIVISION AT THE NORTHWEST LINE OF LOT 7 OF SAID LAKEPOINT GARDEN HOMES, PHASE II BEING ON THE WEST LINE OF LOT 14 OF SAID HENRY CLAY SUBDIVISION; THENCE NORTHEASTERLY 100 FEET MORE OR LESS TO THE SOUTH LINE OF LOT 1 OF SAID HENRY CLAY SUBDIVISION; THENCE WESTERLY 179.95 FEET MORE OR LESS TO A CORNER OF GARLAND COUNTY PARCEL ID NUMBER 4800 AS CONVEYED TO THE ALLEN AND PATSEY FAMILY LIMITED PARTNERSHIP BY WARRANTY DEED BOOK 3042, PAGE 433 IN THE RECORDS OF GARLAND COUNTY, ARKANSAS; THENCE SOUTHERLY ALONG SAID PARCEL 116 FEET MORE OR LESS TO A CORNER OF SAID PARCEL; THENCE NORTHWESTERLY 280 FEET MORE OR LESS TO THE EAST RIGHT-OF-WAY OF HIGDON FERRY ROAD; THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY 331 FEET MORE OR LESS TO THE INTERSECTION OF THE EXISTING CITY LIMITS WITH SAID RIGHT-OF-WAY BEING THE SAME AS THE NORTH LINE OF SAID HENRY CLAY SUBDIVISION; THENCE EASTERLY ALONG SAID NORTH LINE, 1233 FEET MORE OR LESS TO THE NORTHWEST CORNER OF GARLAND COUNTY PARCEL ID NUMBER 50086 AS CONVEYED TO ROCKSTEP CAPITAL OPPORTUNITY FUND I, LLC BY SPECIAL WARRANTY DEED BOOK 3671, PAGE 598 BEING THE SAME AS A CORNER OF EXISTING CITY LIMITS; THENCE SOUTHEASTERLY ALONG SAID PARCEL 250 FEET MORE OR LESS WITH THE EXISTING CITY LIMITS TO THE SOUTH RIGHT-OF-WAY OF LAKE HAMILTON DRIVE BEING AT THE NORTH AND WEST LINE OF WILLOW BEACH HPR AS FILED IN THE RECORDS OF GARLAND COUNTY, ARKANSAS; THENCE ALONG SAID WEST LINE TO THE SOUTHWEST CORNER OF SAID WILLOW BEACH HPR; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID WILLOW BEACH HPR 150 FEET MORE OR LESS TO THE 395 FOOT CONTOUR OF LAKE HAMILTON AS SHOWN ON THE "K" MAPS OF LAKE HAMILTON AS PROVIDED BY ENTERGY DEPICTING THE LAKE HAMILTON PROJECT BOUNDARY, GARLAND COUNTY, ARKANSAS; THENCE SOUTHWESTERLY MEANDERING WITH SAID 395 FOOT CONTOUR 3195 FEET MORE OR LESS TO THE POINT WHERE SAID 395 FOOT CONTOUR INTERSECTS THE EAST LINE OF BOARDWALK HPR AS FILED IN THE RECORDS OF GARLAND COUNTY, ARKANSAS; THENCE LEAVING SAID 395 FOOT CONTOUR NORTHERLY 56 FEET MORE OR LESS ALONG SAID EAST LINE; THENCE CONTINUING ALONG SAID EAST LINE WESTERLY 10 FEET MORE OR LESS; THENCE NORTHWESTERLY CONTINUING ALONG SAID EAST LINE 140 FEET MORE OR LESS; THENCE NORTHEASTERLY CONTINUING ALONG SAID EAST LINE 180 FEET MORE OR LESS TO THE SOUTH RIGHT-OF-WAY OF LAKE HAMILTON DRIVE; THENCE SOUTHEASTERLY ALONG SAID SOUTH RIGHT-OF-WAY 117 FEET MORE OR LESS TO THE NORTHEAST CORNER OF GARLAND COUNTY PARCEL ID NUMBER 4805 AS CONVEYED TO GARY LYNN SHAW BY WARRANTY DEED BOOK 1661, PAGE 152 IN THE RECORDS OF GARLAND COUNTY, ARKANSAS; THENCE NORTHEASTERLY 60 FEET MORE OR LESS TO THE

SOUTHEAST CORNER OF GARLAND COUNTY PARCEL ID NUMBER 4803 AS CONVEYED TO EFFIE AND WILFORD GODWIN BY WARRANTY DEED BOOK 1568, PAGE 521 IN THE RECORDS OF GARLAND COUNTY, ARKANSAS; THENCE NORTHEASTERLY ALONG THE EAST LINE OF SAID PARCEL 200 FEET MORE OR LESS; THENCE CONTINUING ALONG THE EAST LINE OF SAID PARCEL SOUTHEASTERLY 75 FEET MORE OR LESS; THENCE CONTINUING ALONG THE EAST LINE OF SAID PARCEL NORTHEASTERLY 223 FEET MORE OR LESS TO THE SOUTHEAST CORNER OF LOT "C" OF LAKE POINT GARDEN HOMES, PHASE II AS FILED IN THE RECORDS OF GARLAND COUNTY, ARKANSAS; THENCE WESTERLY ALONG THE SOUTH LINE OF LOTS "C" AND 15 OF SAID SUBDIVISION 172 FEET MORE OR LESS; THENCE SOUTHWESTERLY ALONG THE EAST LINES OF LOTS 15, 16, AND "B" OF SAID SUBDIVISION 80 FEET MORE OR LESS; THENCE SOUTHWESTERLY ALONG THE EAST LINE OF LOT "B" OF SAID SUBDIVISION 90 FEET MORE OR LESS TO THE SOUTHERNMOST CORNER OF SAID SUBDIVISION; THENCE NORTHWESTERLY ALONG THE SOUTH LINE OF SAID LOT "B" 70 FEET MORE OR LESS TO THE NORTHEAST CORNER OF GARLAND COUNTY PARCEL ID NUMBER 4804 AS CONVEYED TO VANESSA AND C.A. TILLERY BY WARRANTY DEED BOOK 3572, PAGE 72 IN THE RECORDS OF GARLAND COUNTY, ARKANSAS; THENCE SOUTHWESTERLY ALONG THE EAST LINE OF SAID PARCEL 200 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY OF LAKE HAMILTON DRIVE; THENCE NORTHWESTERLY ALONG SAID RIGHT-OF-WAY 575 FEET MORE OR LESS TO THE INTERSECTION OF SAID RIGHT-OF-WAY WITH THE EAST RIGHT-OF-WAY OF HIGDON FERRY ROAD; THENCE NORTHEASTERLY 67 FEET MORE OR LESS TO THE POINT OF BEGINNING.

**AND**

**TRACT B**

ALL OF THE LAKELAND RESURVEY, LAKELAND, LAKELAND HARBOR, LAKELAND BAY PHASES I-IV, CHAMBERS POINT FIRST SUBDIVISION, CHAMBERS POINT SECOND SUBDIVISION, CHAMBERS POINT THIRD SUBDIVISION, CHAMBERS LANDING, BLUE LAKE CONDOS HPR PHASES II AND III, LAKEPORT CONDOMINIUMS HPR, EASTBOROUGH SHORES SUBDIVISION, POINT CLEAR HPR, WOODLAKE HPR, ALPINE CHALET HPR, SHERWOOD FOREST, CLIFTON LAKE ADDITION, CARE FREE RIDGE, FILES LANDING PHASES I AND II, LAKELAND LODGE HPR, LAKELAND ESTATES HPR, CLIFTON'S PLACE, ARZELLA ACRES PHASE I AND II, BUENA VISTA HPR, REX HOUSTON'S FIVE POINTS SUBDIVISION, MARK'S SUBDIVISION, GREEN ACRES ESTATES, LIGHTHOUSE COVE PHASE I AND II, BERROW'S LAKE SUBDIVISION, AND MELIA GARDENS PHASE I, II, AND III, AND MELIA GARDENS FUTURE DEVELOPMENT AREAS AND A PART OF THE NORTHEAST QUARTER OF SECTION 30, PART OF SECTION 29, PART OF THE SOUTHWEST QUARTER AND SOUTHEAST QUARTER OF SECTION 20, PART OF SECTION 21, AND PART OF THE NORTHWEST QUARTER OF SECTION 28, ALL IN TOWNSHIP 3 SOUTH, RANGE 19 WEST IN GARLAND COUNTY, ARKANSAS, BEING ALONG AND CONTIGUOUS WITH THE EXISTING HOT SPRINGS, ARKANSAS CITY LIMITS AND BEING ALONG AND CONTIGUOUS WITH THE BOUNDARY OF LAKE HAMILTON, AS CONVEYED TO ARKANSAS POWER AND LIGHT AND LATER TRANSFERRED TO ENTERGY CORP AS SHOWN ON THE "K" MAPS OF LAKE HAMILTON AS PROVIDED BY ENTERGY DEPICTING THE LAKE HAMILTON PROJECT BOUNDARY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT POINT ON THE EAST LINE OF GARLAND COUNTY PARCEL ID NUMBER 90645 AS CONVEYED TO GARRETT ENTERPRISES, INC. BY LIMITED LIABILITY WARRANTY DEED BOOK 1730, PAGE 350 IN THE RECORDS OF GARLAND COUNTY, ARKANSAS BEING NORTHERLY OF THE SOUTHEAST

CORNER OF SAID PARCEL 592.17 FEET AS SHOWN ON AN ANNEXATION EXHIBIT BY B & F ENGINEERING INC., DATED JUNE 25, 2015, SAID POINT BEING ON THE WEST LINE OF THE FUTURE DEVELOPMENT AREA OF SAID MELIA GARDENS, PHASE I; THENCE WESTERLY 693 FEET MORE OR LESS ALONG SAID ANNEXATION EXHIBIT; THENCE SOUTHERLY 592 FEET MORE OR LESS ALONG SAID ANNEXATION EXHIBIT TO THE NORTH LINE OF LOT 29 OF SAID GREEN ACRES ESTATES SUBDIVISION; THENCE WESTERLY 247 FEET MORE OR LESS ALONG THE NORTH LINE OF SAID GREEN ACRES ESTATES TO THE NORTHWEST CORNER THEREOF; THENCE SOUTHERLY 230 FEET MORE OR LESS ALONG THE WEST LINE OF SAID GREEN ACRES ESTATES TO THE NORTHEAST CORNER OF LOT 12 OF SAID A.B. SMITH SUBDIVISION; THENCE WESTERLY ALONG THE NORTH LINE THEREOF 1190 FEET MORE OR LESS TO THE NORTHWEST CORNER OF LOT 7 OF SAID A.B. SMITH SUBDIVISION; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID LOT 7, 262 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY OF BUENA VISTA ROAD; THENCE EASTERLY ALONG SAID NORTH RIGHT-OF-WAY 200 FEET MORE OR LESS TO THE SOUTHEAST CORNER OF LOT 8 OF SAID A.B. SMITH SUBDIVISION; THENCE SOUTHERLY 40 FEET MORE OR LESS TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY OF BUENA VISTA ROAD AND THE EAST RIGHT-OF-WAY OF KINGSWAY ROAD; THENCE SOUTHERLY ALONG SAID EAST RIGHT-OF-WAY 205 FEET MORE OR LESS TO THE NORTHWEST CORNER OF RACHELWOOD SUBDIVISION AS FILED IN THE RECORDS OF GARLAND COUNTY, ARKANSAS; THENCE EASTERLY 208 FEET MORE OR LESS ALONG THE NORTH LINE OF LOTS 4 AND 5 OF SAID RACHELWOOD SUBDIVISION; THENCE SOUTHERLY 208 FEET MORE OR LESS ALONG THE EAST LINE OF LOTS 5, 6, AND 7 OF SAID RACHELWOOD SUBDIVISION; THENCE EASTERLY 418 FEET MORE OR LESS ALONG THE NORTH LINES OF LOTS 9,10,11, 12, AND 13 OF SAID RACHELWOOD SUBDIVISION TO THE NORTHEAST CORNER OF SAID LOT 13; THENCE NORTHERLY 119 FEET MORE OR LESS ALONG THE WEST LINE OF LOTS 15 AND 16 OF SAID RACHELWOOD SUBDIVISION TO THE NORTHWEST CORNER OF SAID LOT 16; THENCE EASTERLY 330 FEET MORE OR LESS ALONG THE NORTH LINE OF LOTS 16,17, AND 22 OF SAID RACHELWOOD SUBDIVISION TO THE WEST RIGHT-OF-WAY OF ABERINA STREET; THENCE SOUTHERLY ALONG SAID WEST RIGHT-OF-WAY 548 FEET MORE OR LESS TO THE SOUTHEAST CORNER OF LOT 23 OF SAID RACHELWOOD SUBDIVISION; THENCE WESTERLY 83 FEET MORE OR LESS ALONG THE SOUTH LINE OF SAID LOT 23; THENCE NORTHERLY CONTINUING ALONG SAID SOUTH LINE 22 FEET MORE OR LESS; THENCE WESTERLY 861 FEET MORE OR LESS ALONG THE SOUTH LINE OF LOTS 23-33 OF SAID RACHELWOOD SUBDIVISION TO THE EAST RIGHT-OF-WAY OF KINGSWAY ROAD; THENCE SOUTHERLY ALONG SAID EAST RIGHT-OF-WAY, 445 FEET MORE OR LESS TO THE INTERSECTION OF SAID EAST RIGHT OF WAY WITH THE NORTH RIGHT OF-WAY OF MEADOWLAKE DRIVE; THENCE WESTERLY 1680 FEET MORE OR LESS TO THE SOUTHERNMOST CORNER OF THE OPEN/GREEN SPACE TRACT AS SHOWN ON SIXX PLACE SUBDIVISION AS FILED IN THE RECORDS OF GARLAND COUNTY, ARKANSAS; THENCE SOUTHERLY 40 FEET MORE OR LESS TO THE NORTHEAST CORNER OF LOT 1, BLOCK 5 OF SAID CLIFTON'S PLACE- THENCE SOUTHWESTERLY 1264 FEET MORE OR LESS ALONG THE NORTH LINE OF LOTS 1, BLOCK 5 LOTS 7 6 5 4 3 2 AND 1, BLOCK 4, AND LOTS 12 AND 1 OF BLOCK 2, ALL OF SAID CLIFTON'S PLACE TO THE NORTHWEST CORNER OF SAID LOT 1 BLOCK 2 OF CLIFTON'S PLACE BEING AT THE EAST RIGHT-OF-WAY OF LAKLAND DRIVE; THENCE SOUTHWESTERLY 60 FEET MORE OR LESS TO THE NORTHEAST CORNER OF GARLAND COUNTY PARCEL ID NUMBER 4749 AS CONVEYED TO THE ANN H. GOFF REVOCABLE TRUST BY WARRANTY DEED BOOK 2753, PAGE 821 IN THE RECORDS OF GARLAND COUNTY, ARKANSAS- THENCE WESTERLY 1144 FEET MORE OR LESS TO THE



NORTHWEST CORNER OF SAID PARCEL- THENCE WESTERLY 200 FEET MORE OR LESS TO THE NORTHEAST CORNER OF GARLAND COUNTY PARCEL ID NUMBER 4775 AS CONVEYED TO THE RUBY GILLIAM TRUST BY PERSONAL REPRESENTATIVE'S DEED BOOK 3503, PAGE 868 IN THE RECORDS OF GARLAND COUNTY, ARKANSAS; THENCE WESTERLY ALONG THE NORTH LINE OF SAID PARCEL 168 FEET MORE OR LESS TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE SOUTHEASTERLY ALONG THE WEST LINE OF SAID PARCEL 580 FEET MORE OR LESS TO THE NORTHEAST CORNER OF THE POINTE AT HOT SPRINGS SUBDIVISION AS FILED IN THE RECORDS OF GARLAND COUNTY, ARKANSAS; THENCE SOUTHEASTERLY 85 FEET MORE OR LESS ALONG SAID SUBDIVISION TO A CORNER OF THE EAST LINE OF SAID SUBDIVISION; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SUBDIVISION 360 FEET MORE OR LESS TO THE NORTHEAST CORNER OF GARLAND COUNTY PARCEL ID NUMBER 104776 AS CONVEYED TO THE PEAKS LIMITED PARTNERSHIP BY WARRANTY DEED BOOK 2754, PAGE 917; THENCE SOUTHERLY 600 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY OF LAKE HAMILTON DRIVE; THENCE WESTERLY 800 FEET MORE OR LESS ALONG SAID RIGHT-OF-WAY TO THE SOUTHWEST CORNER OF SAID POINTE AT HOT SPRINGS SUBDIVISION; THENCE WESTERLY CONTINUING ALONG SAID RIGHT-OF-WAY 1520 FEET MORE OR LESS TO A POINT NORTH OF WILLOW BEACH HPR AS FILED IN THE RECORDS OF GARLAND COUNTY, ARKANSAS; THENCE SOUTHERLY 40 FEET MORE OR LESS TO THE NORTHERNMOST CORNER OF SAID WILLOW BEACH HPR; THENCE SOUTHEASTERLY ALONG THE EAST LINE OF SAID WILLOW BEACH HPR 495 FEET MORE OR LESS TO THE 395 FOOT CONTOUR OF LAKE HAMILTON AS CONVEYED TO ARKANSAS POWER AND LIGHT AND LATER TRANSFERRED TO ENTERGY CORP AS SHOWN ON THE "K" MAPS OF LAKE HAMILTON AS PROVIDED BY ENTERGY DEPICTING THE LAKE HAMILTON PROJECT BOUNDARY; THENCE EASTERLY WITH THE MEANDERS OF SAID 395 FOOT CONTOUR 4800 FEET MORE OR LESS TO THE PLACE WHERE SAID 395 CONTOUR INTERSECTS THE SOUTH LINE OF LOT 7 OF SAID CLIFTON LAKE ADDITION; THENCE EASTERLY, WESTERLY, AND SOUTHERLY WITH THE MEANDERS OF SAID 395 FOOT CONTOUR 7500 FEET MORE OR LESS TO THE SOUTHERNMOST CORNER OF SAID FILES LANDING, PHASE I; THENCE NORTHERLY, EASTERLY, WESTERLY, AND SOUTHERLY WITH THE MEANDERS OF SAID 395 FOOT CONTOUR 22,250 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF LOT 1 BLOCK 1 OF SAID CLIFTON PLACE; THENCE EASTERLY WITH THE MEANDERS SAID 395 FOOT CONTOUR 4400 FEET MORE OR LESS TO THE SOUTHEAST CORNER OF SAID ARZELLA ACRES PHASE II; THENCE EASTERLY AND NORTHERLY 1800 FEET MORE OR LESS WITH THE MEANDERS OF SAID 395 CONTOUR TO THE NORTHEAST CORNER OF SAID BUENA VISTA HPR- THENCE SOUTHERLY AND EASTERLY 4300 FEET WITH THE MEANDERS OF SAID 395 CONTOUR TO THE POINT WHERE SAID 395 FOOT CONTOUR LEAVES THE EAST LINE OF LOT 8 OF SAID REX HOUSTON'S FIVE POINTS SUBDIVISION; THENCE EASTERLY AND NORTHERLY 4325 FEET MORE OR LESS WITH THE MEANDERS OF SAID 395 CONTOUR TO THE SOUTHWEST CORNER LOT 17 OF SAID LIGHTHOUSE COVE PHASE II; THENCE EASTERLY AND NORTHERLY 1430 FEET MORE OR LESS WITH THE MEANDERS OF SAID 395 CONTOUR TO THE NORTHEAST CORNER OF LOT 1 OF SAID LIGHTHOUSE COVE PHASE I; THENCE NORTHERLY 1420 FEET MORE OR LESS WITH THE MEANDERS OF SAID 395 FOOT CONTOUR TO THE NORTHERNMOST CORNER OF LOT 1 OF SAID BERROW'S LAKE HAMILTON SUBDIVISION- THENCE NORTHERLY AND WESTERLY 680 FEET MORE OR LESS WITH THE MEANDERS OF SAID 395 FOOT CONTOUR TO THE NORTH LINE OF GARLAND COUNTY PARCEL ID NUMBER 4275 AS CONVEYED TO LOBINA PROPERTIES, LLC BY WARRANTY DEED BOOK 3383, PAGE 89.1 IN THE RECORDS OF GARLAND COUNTY,

ARKANSAS; THENCE WESTERLY 350 FEET MORE OR LESS ALONG SAID NORTH LINE TO THE EAST LINE OF SOUTHRIDGE GARDEN HOMES HPR AS FILED IN THE RECORDS OF GARLAND COUNTY ARKANSAS; THENCE SOUTHERLY 50 FEET MORE OR LESS ALONG SAID EAST LINE TO THE SOUTHEAST CORNER OF SAID SOUTHRIDGE GARDEN HOMES HPR; THENCE WESTERLY 645 FEET MORE OR LESS ALONG THE SOUTH LINE OF SAID SOUTHRIDGE GARDEN HOMES HPR TO THE SOUTH EAST CORNER OF OAKS GARDEN HOMES HPR AS FILED IN THE RECORDS OF GARLAND COUNTY, ARKANSAS; THENCE WESTERLY 77 FEET MORE OR LESS TO A CORNER ON THE SOUTH LINE OF SAID THE OAKS GARDEN HOMES HPR; THENCE SOUTHWESTERLY 566 FEET MORE OR LESS ALONG THE SOUTH LINE OF SAID THE OAKS GARDEN HOMES HPR TO THE SOUTHWEST CORNER OF SAID THE OAKS GARDEN HOMES HPR SAID POINT BEING ON THE NORTH LINE OF THE FUTURE DEVELOPMENT AREA OF SAID MELIA GARDENS PHASE I; THENCE NORTHWESTERLY 382 FEET MORE OR LESS ALONG SAID NORTH LINE TO THE NORTHWEST CORNER OF SAID FUTURE DEVELOPMENT AREA; THENCE SOUTHERLY 590 FEET MORE OR LESS ALONG THE WEST LINE OF SAID FUTURE DEVELOPMENT AREA TO THE POINT OF BEGINNING.

**SECTION 2.** The following necessary services shall be extended to such area beginning April 1, 2016:

- Sanitation
- Fire
- Police
- Water
- Wastewater
- Stormwater

**SECTION 3.** Pursuant to H.S.C. 16-2-32(d), islands annexed by ordinance shall be assigned a temporary zoning classification of Rural Residential (R-1) at the time the board of directors annexes the territory by ordinance.

**SECTION 4.** R-1 Rural Residential Zone district is assigned to the affected lands. Existing lawful uses will be grandfathered.

**SECTION 5.** The Board requests Planning Commission to consider and recommend permanent zoning within 365 days of the effective date of this Ordinance.

**SECTION 6.** County stormwater permits will be terminated and replaced with (no fee) City permits, but inspection frequency, documentation and regulations shall remain subject to current County regulations for the duration of the permit term.

**SECTION 7.** Construction-related permit fee waivers for new single family homes on lands annexed by this Ordinance shall be effective for a period of at least 24 months, elapsing on December 31, 2018; however during that period permits and inspections will be required.

**SECTION 8.** This ordinance shall be in full force and effect on April 1, 2016.

**SECTION 9.** Enclave Area B owners who do not have a current survey or professionally prepared legal description required to assign a permanent zoning district shall have the option to pursue permanent zoning without Planning Commission application fee through December 2018.

**SECTION 10.** Lands within Enclave Area B shall be assigned to City of Hot Springs Board District 5 (Five), according to a Map prepared by the City Clerk.

**SECTION 11.** Hot Springs Code Title 17 compliance shall be deferred until January 2, 2018.

PASSED: January 19, 2018

APPROVED: \_\_\_\_\_  
RUTH CARNEY, MAYOR

ATTEST: [Signature]  
LANCE SPICER, CITY CLERK

APPROVED AS TO LEGAL FORM: \_\_\_\_\_  
BRIAN W. ALBRIGHT, CITY ATTORNEY

**ACKNOWLEDGMENT**

STATE OF ARKANSAS

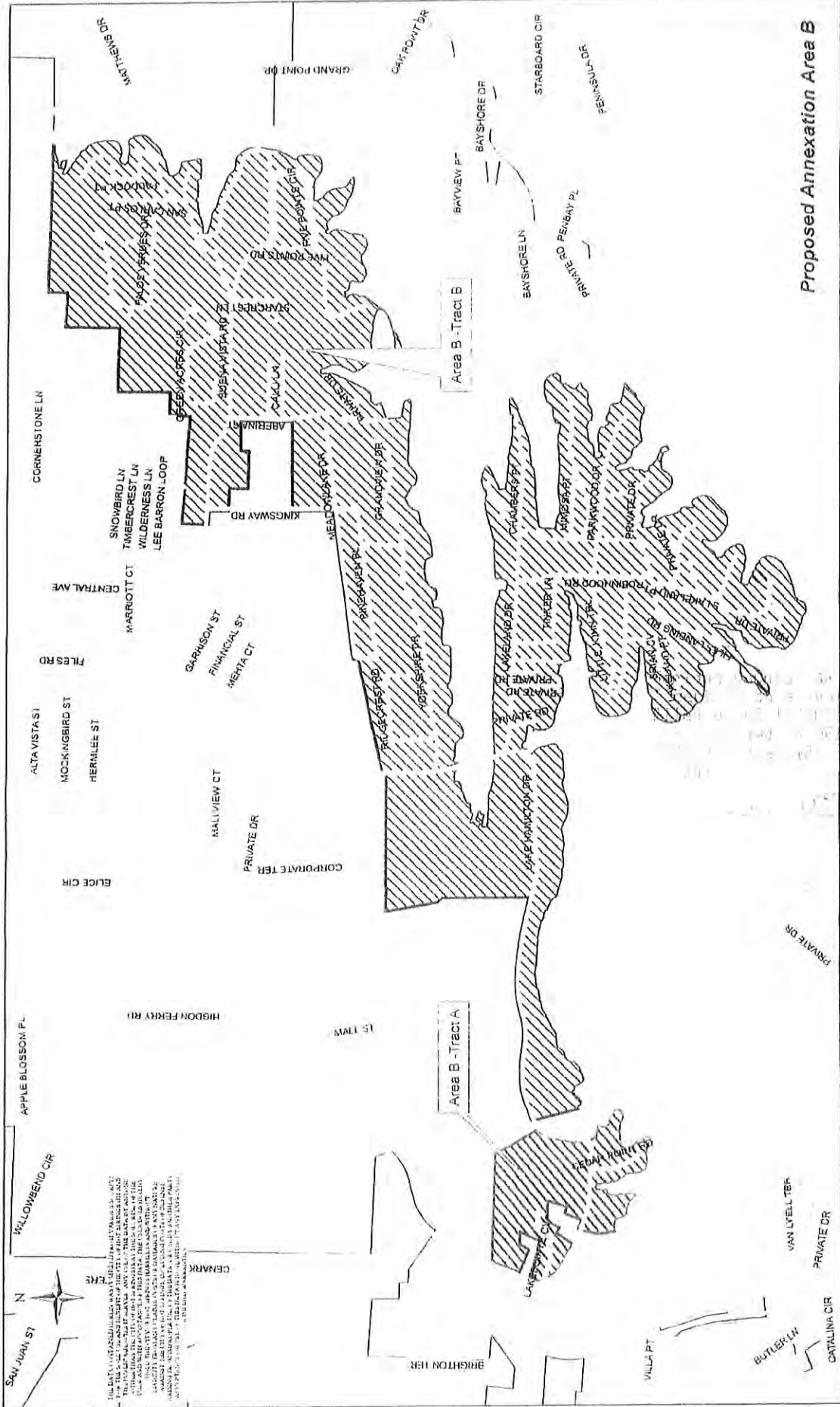
COUNTY OF GARLAND

SUBSCRIBED AND SWORN to before me this 19 day of January, 2018.

[Signature]  
Notary Public

My Commission Expires:  
2018





THE DATA CONTAINED HEREIN WAS OBTAINED FROM PUBLIC RECORDS. THE DATA IS PROVIDED AS IS AND THE USER ASSUMES ALL LIABILITY FOR THE DATA. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE DATA AND FOR OBTAINING NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

Proposed Annexation Area B



ARKANSAS  
GIS OFFICE

May 25, 2018

Mr. Lance Spicer  
Assistant City Manager  
133 Convention Blvd  
Hot Springs, AR 71901

RE: City of Hot Springs Annexation Coordination Requirement

Mr. Spicer,

Thank you for the update on Hot Springs ordinance 6121, As we understand it, this annexation is now allowed to proceed. This letter represents confirmation that the annexation for ordinance 6121, Tract B in Hot Springs, AR was 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**

**JUN 27 2018**

**Arkansas  
Secretary of State**

H:\City\_Annexations\Cities\Hot\_Springs\20151201\Doc2\ 20180525\_HotSprings\_Annexation\_Coordination\_Letter.docx

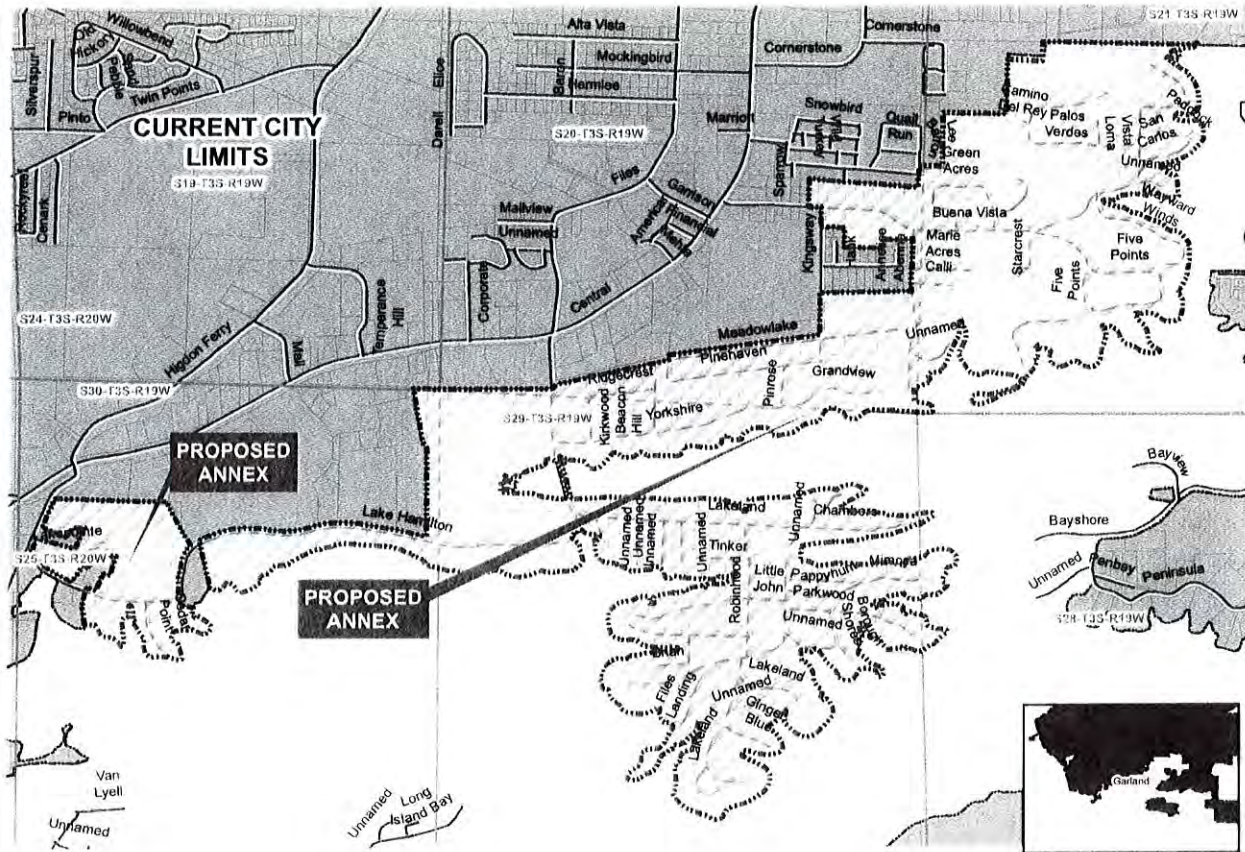
Proposed Annex: City of Hot Springs Ordinance 6121 - Tract B  
May 2018

City: Hot Springs  
Mayor: Pat McCabe

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.



FILED

JUN 27 2018

Arkansas  
Secretary of State



# Arkansas Secretary of State

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

*Circuit Court  
Mandate Affirmed  
Challenge #2*

## Municipal Boundary Change Checklist

County: Garland City/Town: Hot Springs

City Ordinance/Resolution No: 6121 Date approved: 01/19/2016

Circuit Court Case No: 26CV-16-164 Date Order Filed: 05/30/2018

Type: Annexation of surrounded unincorporated area (island/doughnut holes) by ordinance A.C.A. §14-40-501

Date Change Effective: 05/30/2018 Set by:  Municipal Ordinance  Emergency Clause  Court  Default  
*(Required by Act 653 of 2017)*

For Circuit Court Challenge: Date Order Filed: 05/30/2018  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 Circuit Court Filing
- 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: Mr. Lance Spicer Title: Asst. City Manager/City Clerk

Street Address: 133 Convention Blvd

City: Hot Springs St: AR Zip code: 71901

*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**

**JUN 27 2018**

**Arkansas  
Secretary of State**

**MANDATE**

**AFFIRMED**

PROCEEDINGS OF MARCH 14, 2018

COURT OF APPEALS CASE NO. CV-17-807

REX L. HOUSTON, JR.; KELTON R. BROWN, JR.; JOHN G. HOMATAS; AND JIM WEST,  
INDIVIDUALLY AND ON BEHALF OF THEMSELVES AND ALL OTHERS SIMILARLY  
SITUATED; COLLECTIVELY KNOWN AS OPPONENTS OF ORDINANCE 6121

APPELLANTS

V. APPEAL FROM GARLAND COUNTY CIRCUIT COURT  
(26CV-16-164)

CITY OF HOT SPRINGS, ARKANSAS

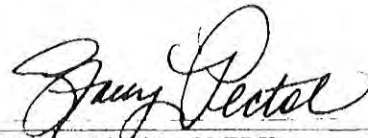
APPELLEE

THIS APPEAL WAS SUBMITTED TO THE ARKANSAS COURT OF APPEALS ON THE  
RECORD OF THE GARLAND COUNTY CIRCUIT COURT AND BRIEFS OF THE RESPECTIVE  
PARTIES. AFTER DUE CONSIDERATION, IT IS THE DECISION OF THE COURT THAT THE  
JUDGMENT OF THE CIRCUIT COURT IS AFFIRMED.

GLOVER AND MURPHY, JJ., AGREE.

IT IS ALSO ORDERED THAT THE APPELLANT'S SHALL PAY APPELLEE \$93.00 FOR  
BRIEF COSTS IN THE APPEAL.

IN TESTIMONY, THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE  
JUDGMENT OF THE ARKANSAS COURT OF APPEALS, I, STACEY PECTOL, CLERK,  
SET MY HAND AND AFFIX MY OFFICIAL SEAL, ON THIS 24TH DAY OF MAY, 2018.



STACEY PECTOL, CLERK

**F I L E D**

**JUN 27 2018**

**Arkansas  
Secretary of State**