



# JOHN THURSTON

ARKANSAS SECRETARY OF STATE

March 23, 2021

The Hon. Vickie Bishop  
Fulton County Clerk  
123 S. Main  
Salem, AR 72576

Re: City of Hardy Annexation Ordinance 2020-1

Dear Ms. Bishop,

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: 12/28/2020

County: Fulton

City: Hardy

City Ordinance: 2020-1

Dated: 12/30/2020

County Court Order: Co-2020-1

Date Filed: 12/28/2020

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,

A handwritten signature in cursive script that reads "Shantell McGraw".

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. Ernie Rose, Mayor of Hardy (w/encl)



# 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: Fulton City/Town: Hardy

City Ordinance/Resolution No: 2020-I Date approved: 12-30-20

County Court Case No: CO-2020-1 Date Order Filed: Dec 28, 2020

Type: Incorporation by direct petition of landowners  
(Choose from the list of Arkansas Code Sections located on the back)

Date Change Effective: Dec 28, 2020 Set by:  Municipal Ordinance  Emergency Clause  Court  Default  
(Required by Act 655 of 2017)

For Circuit Court Challenge: Date Order Filed: N/A  Upheld  Overturned  Other (attach explanation)

Please indicate which ward(s) the territory will be assigned to: Ward 2  
(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):

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

### Municipal Contact:

Name: Ernie Rose Title: Mayor  
Street Address: 124 Woodland Hills Rd  
City: Hardy St: AR Zip code: 72542

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

*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: Shantell

**FILED**

MAR 23 2021

Arkansas Secretary of State Rev. 2/2019

Mayor: Ernie Rose

Recorder/Treasurer: Greg Bess

Alderman: Bob Gilliland, Herbert Wise

Penny Mendes Allen, Bruce Thurow

Sue Taylor, Mark Gordon

## City of Hardy, Arkansas

P.O. Box 5, 124 Woodland Hills Road

Hardy, Arkansas 72542

Ph 870 856-3811, Fax 870 856-4938

[www.cityofhardy.org](http://www.cityofhardy.org) [www.facebook.com/cityofhardy](https://www.facebook.com/cityofhardy)



Honorable John Thurston  
Arkansas Secretary of State  
State Capitol, Suite 256  
500 Woodlane Street  
Little Rock, AR 72201

December 30, 2020

Regarding: Annexation of Lands by the City of Hardy, AR

Dear Secretary Thurston,

Enclosed please find documentation associated with the recent annexation of 80 acres of land by the city of Hardy, Arkansas. Final annexation of the lands was completed on December 30, 2020 as per A.C.A 14-40-609 in Fulton, County. The City of Hardy requests that this annexation be recorded in with your office and the City of Hardy's records updated to reflect this action.

Please let me know if you require further information or assistance from my office.

Thank you for your time and prompt attention,

A handwritten signature in black ink, appearing to read "Charles Bess".

Charles Bess

Recorder/Treasurer

**RESOLUTION NO.: 2020-I**

**A RESOLUTION FOR THE ANNEXATION OF CERTAIN LANDS TO THE CITY OF HARDY, ARKANSAS, TO WIT: THE WEST HALF OF THE SOUTHWEST QUARTER (W½ SW¼) OF SECTION 35, TOWNSHIP 20 NORTH, RANGE 5 WEST OF THE 5<sup>TH</sup> PRIME MERIDIAN, LYING IN FULTON COUNTY, ARKANSAS**

**WHERE AS**, the City Council has made a comprehensive study and review of the proposed annexation of lands to the City of Hardy, Arkansas as requested by The Robert W. Clay Trust, The Kathleen S. Clay Marital Trust, and the Renee Clay-Thomas Trust in the Petition for Annexation by 100% of Landowners filed with the Fulton County Clerk on November 4, 2020; and,

**WHERE AS**, the Limited Title Search conducted by Fulton County Title, LLC File No. 20-764 has determined said requestors are the landowners of record; and,

**WHERE AS**, Lindley Surveying of Highland, Arkansas has determined annexation of said lands will not create an enclave; and,

**WHERE AS**, the City Council has previously passed Resolution 2020-E approving a Memorandum of Understanding with said landowners; and,

**WHERE AS**, the City Council finds annexation of said land will be in the best interest of the City of Hardy, Arkansas; and,

**WHERE AS**, the City Council finds the requirements of A.C.A 14-40-609 have been fully complied with and wish to accept the petition of annex of the subject lands to the City.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF HARDY, ARKANSAS:**

**SECTION 1.** Approves the annexation of the

West Half of the Southwest Quarter (W½ SW¼) of Section 35,  
Township 20 North, Range 5 West of the 5<sup>th</sup> Prime Meridian in Fulton  
County, Arkansas, containing eighty (80) acres, more or less.

**SECTION 2.** That it is understood that located upon the lands annexed by this resolution will be a business to be known as Arkansas Green Cross Cannabis Dispensary, LLC doing business as Spring River Dispensary. The City Council hereby resolves and declares that no special city taxes shall be levied on or against the production and operation of said business, to include its gross and net receipts, income, sales, or other proceeds, so long as said business shall continue to operate as a duly licensed and authorized dispensary, as defined by Arkansas law, of legal medical marijuana, cannabis, or legal derivatives thereof. This provision shall not exempt the said business from taxes, operating license fees, and special assessments that shall otherwise apply to all other businesses located within the City of Hardy.

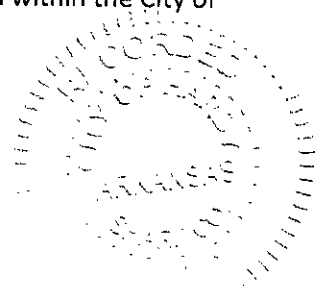
**CERTIFIED COPY**

Page 1 of 2

*WB*  
12/30/20

Filed 12/30/20 *GBS*

City of Hardy  
Arkansas Clerk




**SECTION 3:** The City Council hereby commits to providing police protection, fire protection, garbage pick-up and disposal, and water services as fully described per Resolution 2020-E.

**PASSED AND APPROVED THIS 30<sup>th</sup> DAY OF December 2020** in a special meeting of the Hardy City Council.

APPROVED:

  
\_\_\_\_\_  
Ernie Rose, MAYOR

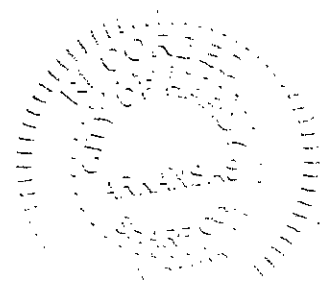
ATTEST:

  
\_\_\_\_\_  
Greg Bess, Recorder/Treasurer

Filed 12/30/20 *CSB*  
City of Hardy  
Arkansas Clerk

**CERTIFIED COPY**

*CSB*  
12/30/20



DEC 28 2020

IN THE COUNTY COURT OF FULTON COUNTY  
STATE OF ARKANSAS

FULTON COUNTY  
ARKANSAS  
8:57 AM

IN THE MATTER OF THE ANNEXATION  
OF CERTAIN LANDS TO THE CITY OF HARDY,  
ARKANSAS, TO WIT: THE WEST HALF OF  
THE SOUTHWEST QUARTER (W½ SW¼) OF  
SECTION 35, TOWNSHIP 20 NORTH, RANGE  
5 WEST OF THE 5<sup>TH</sup> PRIME MERIDIAN, LYING  
IN FULTON COUNTY, ARKANSAS

NO. CO-2020-1

**THE ROBERT W. CLAY TRUST, THE  
KATHLEEN S. CLAY MARITAL TRUST,  
And THE RENEE CLAY-THOMAS TRUST,  
Petitioners**

**FINDINGS AND ORDER**

On this day is presented to the Court the petition of The Robert W. Clay Trust, The Kathleen S. Clay Marital Trust, and The Renee Clay-Thomas Trust, seeking annexation of lands owned by the Petitioners to the City of Hardy, Arkansas. Upon consideration of said petition and attached exhibits, the Court FINDS AND ORDERS as follows:

1. This Court has jurisdiction of the parties and subject matter of this cause.
2. Petitioners own and are in possession of the lands they seek to annex, which is described as follows:

The West Half of the Southwest Quarter (W½ SW¼) of Section 35, Township 20 North, Range 5 West of the 5<sup>th</sup> Prime Meridian in Fulton County, Arkansas, containing eighty (80) acres, more or less.

3. Petitioners seek annexation of the subject lands to the City of Hardy and have attached to their petition the following:



**A TRUE COPY, I CERTIFY  
VICKIE BISHOP, CLERK**

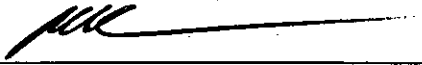
*1 of 2*  
Vickie Bishop  
12-28-2020

FILED Doc I.D:  
2020-4574  
12/28/2020  
08:58 AM  
VICKIE BISHOP  
Circuit Clerk  
FULTON County, AR  
1 of 2

Vickie Bishop

- (a) a Limited Title Search report prepared by Fulton County Title LLC verifying the Petitioners as the sole owners of the lands to be annexed;
- (b) a report prepared by Jim Sitz of Lindley Surveying, a licensed Arkansas surveyor, verifying that annexation of the said lands to the City of Hardy will not result in unannexed enclaves within the boundaries of the City of Hardy; and
- (c) a schedule of municipal services to be provided by the City of Hardy to the annexed lands within three (3) years from the date of final annexation.
4. No existing county roads cross or abut the subject property.
5. The Court finds the petition to be complete, accurate, and in full compliance with the requirements of A.C.A. 14-40-609.

IT IS SO ORDERED this 28 day of ~~November~~, 2020.  
DECEMBER

  
\_\_\_\_\_  
GARY CLAYTON  
County Judge

IN THE COUNTY COURT OF FULTON COUNTY  
STATE OF ARKANSAS

FILED  
OFFICE OF THE  
CIRCUIT CLERK

NOV 04 2020

FULTON COUNTY  
ARKANSAS

IN THE MATTER OF THE ANNEXATION  
OF CERTAIN LANDS TO THE CITY OF HARDY,  
ARKANSAS, TO WIT: THE WEST HALF OF  
THE SOUTHWEST QUARTER (W½ SW¼) OF  
SECTION 35, TOWNSHIP 20 NORTH, RANGE  
5 WEST OF THE 5<sup>TH</sup> PRIME MERIDIAN, LYING  
IN FULTON COUNTY, ARKANSAS

NO. CO-2020-1

**THE ROBERT W. CLAY TRUST, THE  
KATHLEEN S. CLAY MARITAL TRUST,  
And THE RENEE CLAY-THOMAS TRUST,  
Petitioners**

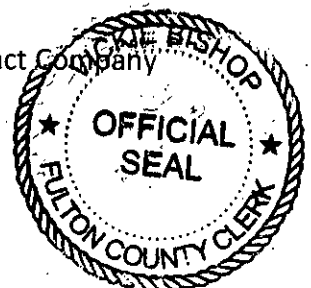
**PETITION FOR ANNEXATION BY 100% OF LANDOWNERS**

Come the Petitioners, The Robert W. Clay Trust; The Kathleen S. Clay Marital Trust, and  
The Renee Clay-Thomas Trust, by their duly appointed Trustee, Renee Clay-Circle, and for their  
petition for annexation of certain lands to the City of Hardy, Arkansas, state:

1. The Petitioners, and each of them, are family trusts created and existing under the  
laws of the State of Arkansas. Petitioners own and are in possession of the following  
described lands lying in the County of Fulton, State of Arkansas:

The West Half of the Southwest Quarter (W½ SW¼) of Section Thirty-five (35),  
Township 20 North, Range 5 West of the 5<sup>th</sup> Prime Meridian, containing eighty  
(80) acres, more or less.

2. The Petitioners are the sole owners, in fee simple, of one hundred percent (100%) of  
the abovesaid lands, and there exist no other owners of record whatsoever of any  
part of the said lands. A letter or title opinion from Fulton County Abstract Company  
verifying same is attached hereto as "Exhibit A" to this Petition.



A TRUE COPY, I CERTIFY  
VICKIE BISHOP, CLERK

Vickie Bishop 10F10 12/30/2020

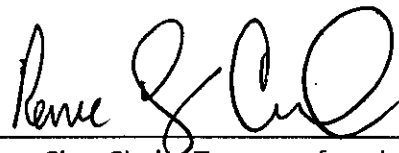


3. The said lands lie adjacent and contiguous to the city limits of the City of Hardy, Arkansas, and no unannexed enclaves will result from the annexation of the said lands to the City. A letter by Jim Sitz of Lindley Surveying, an Arkansas registered surveyor, verifying same is attached hereto as "**Exhibit B**" to this Petition.
4. A schedule of services to be extended to the annexed lands by the City of Hardy within three (3) years from the date this annexation becomes final and unappealable is attached hereto as "**Exhibit C**" to this Petition.
5. The Petitioners, being the exclusive owners of all of the subject property, hereby declare their unqualified desire and consent that the said lands be annexed in its entirety to the City of Hardy, Arkansas, to become a permanent part thereof.

**Wherefore**, the Petitioners pray the Court to grant this petition for annexation of the aforesaid lands into the City of Hardy, Arkansas; that the Court enter its order finding that this petition fully meets the requirements set out in Arkansas Code Annotated 14-40-609; and for all other relief as is proper in the circumstances.

**THE ROBERT W. CLAY TRUST, THE  
KATHLEEN S. CLAY MARITAL TRUST,  
And THE RENEE CLAY-THOMAS TRUST  
Petitioners**

By: \_\_\_\_\_



Renee Clay-Circle, Trustee of each of  
the Petitioner Trusts

**VERIFICATION**

STATE OF ARKANSAS )  
  ) SS.  
COUNTY OF SHARP )

On this date personally appeared before the undersigned Notary Public in and for the County and State aforesaid, Renee Clay-Circle, to me well known, who stated the following under oath:

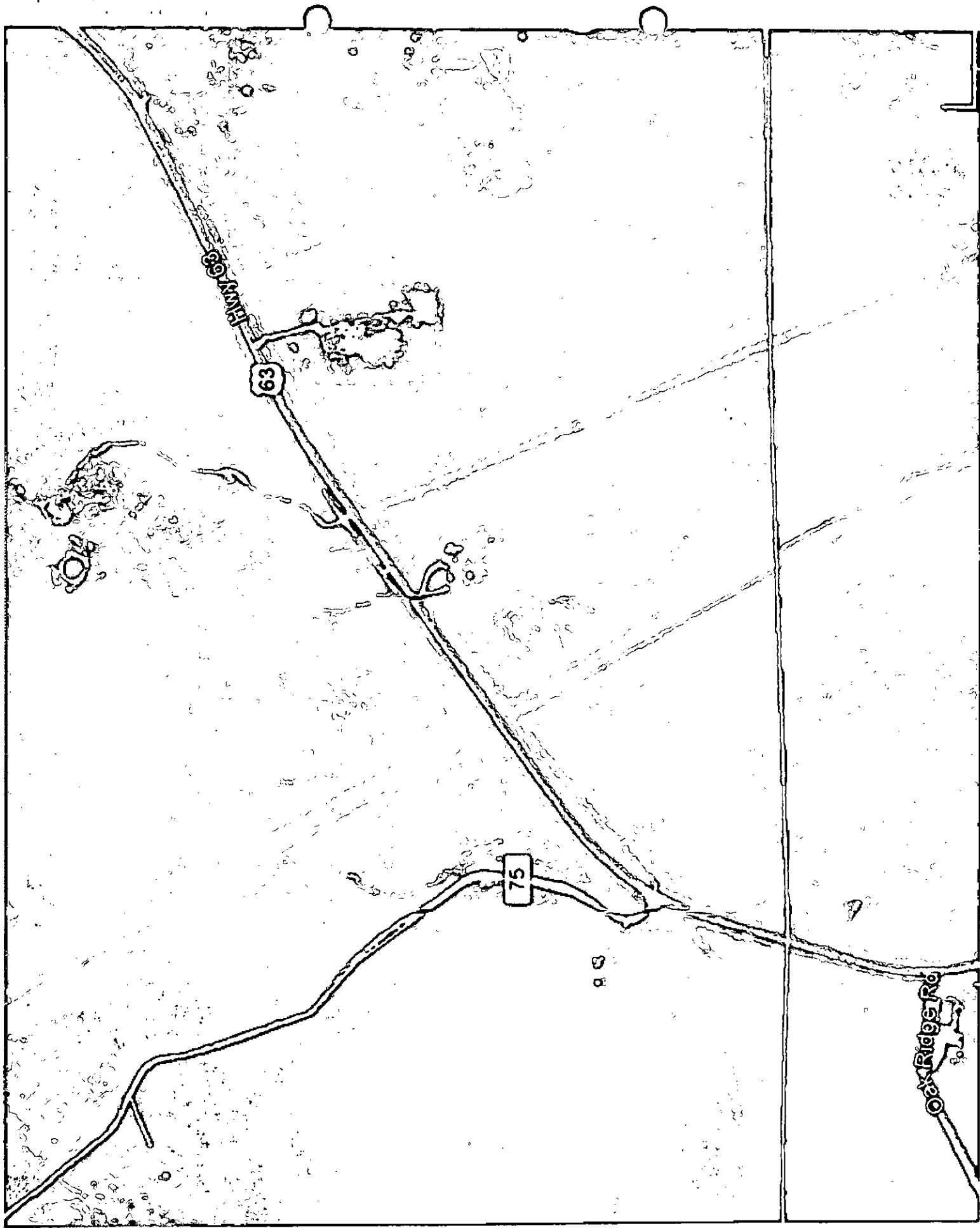
"I am the Trustee of each of the following trusts: The Robert W. Clay Trust, The Kathleen S. Clay Marital Trust, and the Renee Clay-Thomas Trust. I have fully read and understood the statements and allegations contained in the attached 'Petition for Annexation by 100% of Landowners', and the said statements and allegations are true and correct to the best of my knowledge and belief."

Whereupon, she affixed her signature thereto as the duly authorized and acting Trustee of the said Trusts.

In Witness Whereof, I have set my hand and official seal on this 31<sup>th</sup> day of October, 2020.

<p align="center">MARLENE SAWYER NOTARY PUBLIC-STATE OF ARKANSAS SHARP COUNTY My Commission Expires 10-13-2030 Commission # 12379045</p>
--

  
NOTARY PUBLIC



Highway 63

63

75

Oak Ridge Rd

93

LINDLEY SURVEYING  
2423B HWY 62/412  
HIGHLAND, AR 72542  
October 16, 2020

Re: Annexation of the West Half of the Southwest Quarter of Section 35,  
T20N-R05W, Fulton County, Arkansas to the City of Hardy.

The area to be annexed will not create an enclave. It is bordered on the  
south line by the existing city limits as shown on the enclosed aerial view.  
There are currently no residential structures on the property.

Jim Sitz Arkansas PS #1497

Enclosure

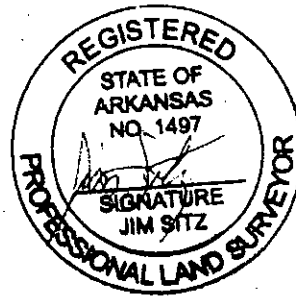
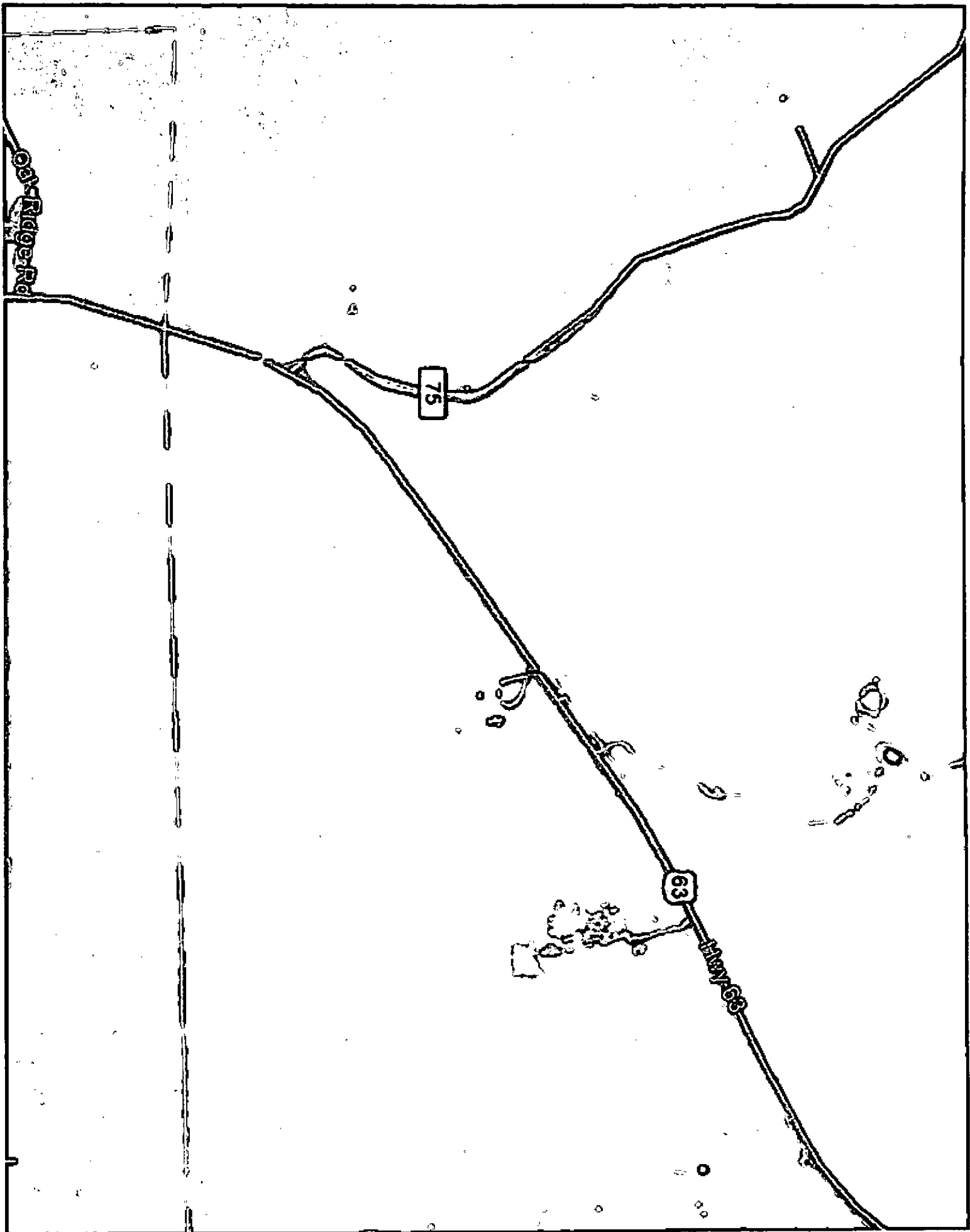


Exhibit A



**Fulton County Title, LLC**

P.O. Box 747  
122 Locust Street  
Salem, AR 72576

Phone: (870) 895-2545 Fax: (870) 895-2546

Prepared for: City of Hardy, P.O. Box 5, Hardy, AR 72542  
File No. 20-764

**LIMITED TITLE SEARCH**

I hereby certify that a 30 year title search has been made to date  
on the following lands in Fulton County, Arkansas, to-wit:

***The West Half of the Southwest Quarter (W1/2 SW1/4) of Section 35, Township 20 North, Range 5  
West of the 5th P.M. in Arkansas.***

The land is apparently vested in :

**ROBERT W. CLAY**, Trustee of "THE ROBERT W. CLAY TRUST, dated February 21, 1996, as amended"; AND, **ROBERT W. CLAY**, Trustee of "THE KATHLEEN S. CLAY MARITAL TRUST" AND, **RENEE CLAY-CIRCLE**, Trustee of "THE RENEE CLAY-THOMAS TRUST, dated September 23, 1996, as amended", per Quitclaim Deed executed by **ROBERT W. CLAY**, individual and as Trustee of "THE ROBERT CLAY and **KATHLEEN CLAY JOINT REVOCABLE TRUST**: and **RENEE CLAY-CIRCLE, f/k/a RENEE CLAY**, individually and as Trustee of "THE RENEE CLAY-THOMAS TRUST, dated September 23, 1996, as amended, and **NATHAN CIRCLE**, her husband, which is dated September 18, 2007, and recorded on January 28, 2008 as **Document No. 2008-0436. (Copy attached)**

**Findings/Vesting:**

1. **One-fourth undivided interest** belongs to "THE ROBERT W. CLAY TRUST" dated February 21, 1996 as amended.
2. **One-fourth undivided interest** belongs to "THE KATHLEEN S. CLAY MARITAL TRUST"; and
3. **One-half undivided interest** belongs to "THE RENEE CLAY-THOMAS TRUST" dated September 23, 1996 as amended.
4. A Beneficiary Deed from **Loyd E. Boothe and Margaret L. Booth to Gary L. Boothe and Margaret S. Todd** was recorded on March 3, 2009 as **Document No. 2009-0911** with the following legal description:  
*The Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section Thirty-Five (35), in Township Twenty (20) North of Range Five (5) West of the 5th Principal Meridian and containing 40 acres, more or less.*

NO JUDGMENTS, MORTGAGES, LIS PENDENS OR LIENS WERE FOUND AGAINST SAID PROPERTY OR AGAINST RENEE CLAY-CIRCLE, ROBERT CLAY OR KATHLEEN CLAY.

Subject to Right of Way Permit issued to Arkansas Power and Light Company, recorded on January 15, 1986 in Deed Book 130, page 461. (Copy attached)

Subject to Section 5 of Ordinance No 2005-7, An Ordinance Regarding the Right to Farm in Fulton County, Arkansas, enacted by the Fulton County, Arkansas Quorum Court dated June 13, 2005.

Exhibit B

## Schedule of Services

The following is a schedule of services that the City of Hardy, Arkansas, commits to providing to an 80-acre tract of land to be annexed to the city as more fully set out the Petition for Annexation filed by the Trustee of the Robert W. Clay Trust, The Kathleen S. Clay Marital Trust and the Renee Clay-Thomas Trust, now pending in the County Court of Fulton County, Arkansas:

1. Police protection
2. Fire protection
3. Garbage pick-up and disposal
4. Water services as fully described in a certain "Binding Memorandum of Understanding"

between the City of Hardy and Sharp County Real Estate Development LLC.

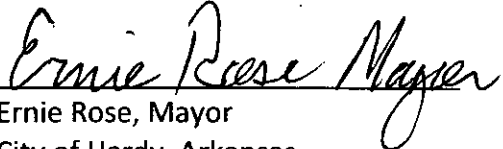
  
Ernie Rose, Mayor  
City of Hardy, Arkansas

Exhibit C

date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

#### 14-40-605. Confirmation of annexation.

(a) If no notice under § 14-40-604(b) is given within thirty (30) days from the making of the order of annexation by the county court, the proceeding before the court shall in all things be confirmed, if the city or incorporated town council shall accept by ordinance or resolution the territory.

(b)(1)(A) If the council accepts the territory and notifies the county clerk of each county in which territory is affected, the county clerk shall certify one (1) copy of the plat of the annexed territory and one (1) copy of the order of the court and the resolution or ordinance of the council.

(B) The county clerk shall forward a copy of each document to the Secretary of State, who shall file and preserve each copy.

(2) The county clerk shall forward a certified copy of the order of the court to the council.

History. Acts 1875, No. 1, § 82, p. 1; C. & M. Dig., § 7466; Pope's Dig., § 9499; Acts 1959, No. 212, § 1; 1961, No. 474, § 1; A.S.A. 1947, § 19-305; Acts 2017, No. 665, § 3.

Amendments. The 2017 amendment substituted "under § 14-40-604(b) is" for "shall be" in: (a); redesignated former

(b)(1) as (b)(1)(A) and (B); in (b)(1)(A), inserted "and notifies the county clerk of each county in which territory is affected" and deleted "duly" preceding "certify"; in (b)(1)(B), inserted "county", substituted "each copy" for "them", and deleted the last sentence; and inserted "county" in (b)(2).

#### 14-40-609. Annexation by 100% petition — Definition.

(a) As used in this section, "city or town" means:

- (1) A city of the first class;
- (2) A city of the second class; and
- (3) An incorporated town.

(b)(1) Individuals who own property in a county that is contiguous to a city or town may petition the governing body of the city or town to annex the property that is contiguous to the city or town.

(2) The petition under subdivision (b)(1) of this section shall:

- (A) Be in writing;
- (B) Contain an attestation signed before a notary or notaries by the property owner or owners of the relevant property or properties confirming the desire to be annexed;
- (C) Contain an accurate description of the relevant property or properties;
- (D) Contain a letter or title opinion from a certified abstractor or title company verifying that the petitioners are all owners of record of the relevant property or properties;

(E) Contain a letter or verification from a certified surveyor or engineer verifying that the relevant property or properties are contiguous with the annexing city or town and that no enclaves will be created if the property or properties are accepted by the city or town; and.

(F) Include a schedule of services of the annexing city or town that will be extended to the area within three (3) years after the date the annexation becomes final.

(3) The petition shall be filed with the county assessor and the county clerk, and within fifteen (15) business days of the filing, the county assessor and the county clerk shall verify that the petition meets the requirements of subdivision (b)(2) of this section.

(c)(1) Upon completion of the requirements under subsection (b) of this section, the county clerk shall present the petition and records of the matter to the county judge who shall review the petition and records for accuracy.

(2) Within fifteen (15) days of the receipt of the petition and records, the county judge shall:

(A) Review the petition and records for completeness and accuracy;

(B) Determine that no enclaves will be created by the annexation;

(C) Confirm that the petition contains a schedule of services;

(D) Issue an order articulating the findings under subdivisions (c)(2)(A)-(C) of this section and forward the petition and order to the contiguous city or town; and

(E) Require at his or her discretion that the city or town annex dedicated public roads and rights of way abutting or traversing the property to be annexed.

(d)(1)(A) By ordinance or resolution, the city or town may grant the petition and accept the property for annexation to the city or town.

(B) The city or town is not required to grant the petition and accept the property petitioned to be annexed.

(2) The ordinance or resolution shall contain an accurate description of the property to be annexed.

(3)(A) If the governing body of the city or town accepts the contiguous property, the clerk or recorder of the city or town shall certify and send one (1) copy of the plat of the annexed property and one (1) copy of the ordinance or resolution of the governing body of the city or town to the county clerk.

(B)(i) The county clerk shall forward a copy of each document received under subdivision (d)(3)(A) of this section to the county judge.

(ii) If the county judge determines the requirements of this section have been complied with and the annexation is in all respects proper, the county judge shall enter an order confirming the annexation.

(e) Upon receipt of the order of the county judge confirming the annexation, the county clerk shall forward a copy of each document received under subdivision (d)(3) of this section to the Secretary of State, who shall file and preserve each copy.



(f)(1) Notwithstanding any other provisions in this chapter, thirty (30) days after passage of the ordinance or resolution by the governing body of the city or town under this section, the annexation shall be final and the property shall be within the corporate limits of the city or town.

(2) The inhabitants residing in the newly annexed property shall have and enjoy all the rights and privileges of the inhabitants within the original limits of the city or town.

(g)(1) During the thirty-day period under subdivision (f)(1) of this section, a cause of action may be filed in the circuit court of the county of the annexation by a person asserting and having an ownership right in the property objecting to the petition or by any person asserting a failure to comply with this section.

(2) After the thirty-day period, an action under subdivision (g)(1) of this section is not timely.

**History.** Acts 2015, No. 991, § 1; 2017, No. 567, § 1; 2017, No. 655, § 4. The 2017 amendment by No. 567 re-wrote the section.

**Amendments.** The 2017 amendment by No. 655 deleted the former (e)(1) designation; and deleted (e)(2).

#### SUBCHAPTER 12 — CONSOLIDATION OF MUNICIPALITIES

SECTION.	SECTION.
14-40-1206. Plat of consolidated municipality.	14-40-1208. Existing officers, etc.
14-40-1207. Special election of council members or all city officials.	14-40-1212. Rights of annexed territory to benefits of its revenues.

#### 14-40-1206. Plat of consolidated municipality.

(a) The council of the larger city or incorporated town shall cause a plat to be made of the entire city or incorporated town after the annexation thereto and the division into wards of the smaller municipal corporation.

(b)(1) A certified copy of the plat shall be filed and recorded in the office of the circuit court and ex officio recorder of the county and with the Secretary of State.

(2)(A) Thereafter, the plat shall stand, be, and remain the division of the city or incorporated town into wards, and the number and boundaries thereof, until such time as it may be afterwards changed according to law.

(B) However, a change in the boundaries of the wards of the larger city or incorporated town shall not determine or affect the time of service of any previously elected council member of any ward in the larger city or incorporated town.

**History.** Acts 1913, No. 318, § 2; C. & M. Dig., § 7475; Pope's Dig., § 9508; A.S.A. 1947, § 19-314; Acts 2017, No. 879, § 4.

**Amendments.** The 2017 amendment, in (b)(2)(B), substituted "a change" for "no change", inserted "not", and substituted "council member" for "alderman".

#### 14-40-1207. Special election of council members or all city officials.

(a)(1)(A) Except as provided under subdivision (a)(1)(B) of this section, the city or town council shall call a special election of council members to be held at such times and places as the council may direct pursuant to a proclamation issued by the mayor in accordance with § 7-11-101 et seq., in the wards of the smaller municipality and for the election of council members from any other new wards that may be created by the council out of territory included in the larger city or incorporated town before the annexation, as provided in this subchapter.

(B) If the petition calls for a citywide election for all officials of the new consolidated city or incorporated town, then the city or town council shall call a special election pursuant to a proclamation issued by the mayor in accordance with § 7-11-101 et seq. for all city or town officials to be held at the times and places as the city or town council may direct throughout each ward of the consolidated city or incorporated town.

(2) If the implementation of the consolidation of the cities or towns is delayed, the special election for new council members to a city or town council or all city officials shall be held at least forty-five (45) days before the effective date of the consolidation.

(b) Each ward of the consolidated city or incorporated town shall have two (2) council members, to be elected in the same manner and for the same term as council members are elected in cities and incorporated towns.

**History.** Acts 1913, No. 318, § 3; C. & M. Dig., § 7476; Pope's Dig., § 9509; A.S.A. 1947, § 19-315; Acts 2003, No. 1171, § 4; 2005, No. 2145, § 24; 2007, No. 1049, § 42; 2009, No. 1480, § 61; 2017, No. 879, § 5. substituted "council members" for "aldermen" in the section heading, and twice in (a)(1)(A) and (b); substituted "the city or town council" for "it" in (a)(1)(B); and substituted "council members to a city or town council" for "aldermen" in (a)(2).

**Amendments.** The 2017 amendment

#### 14-40-1208. Existing officers, etc.

(a) The term of office of all officers, council members, and employees of the smaller municipality and all laws in force in the smaller municipality shall cease upon and after the consolidation.

(b)(1) Any mayor who is forced from office because of a merger of two (2) or more municipalities under this subchapter is presumed to meet the minimum service period under § 24-12-123.

(2) If the mayor who is forced from office has less than ten (10) years of actual service as mayor, then he or she is entitled to a prorated retirement benefit in an amount equal to the percentage of the mayor's

FILED Doc I.D:  
2020-4621  
12/30/2020  
01:25 PM  
VICKIE BISHOP  
Circuit Clerk  
FULTON County, AR  
1 of 2

**IN THE COUNTY COURT OF FULTON COUNTY  
STATE OF ARKANSAS**

IN THE MATTER OF THE ANNEXATION  
OF CERTAIN LANDS TO THE CITY OF HARDY,  
ARKANSAS, TO WIT: THE WEST HALF OF  
THE SOUTHWEST QUARTER (W½ SW¼) OF  
SECTION 35, TOWNSHIP 20 NORTH, RANGE  
5 WEST OF THE 5<sup>TH</sup> PRIME MERIDIAN, LYING  
IN FULTON COUNTY, ARKANSAS

*Vickie Bishop*

NO. CO-2020-1

FILED  
OFFICE OF THE  
CIRCUIT CLERK

DEC 30 2020

**THE ROBERT W. CLAY TRUST, THE  
KATHLEEN S. CLAY MARITAL TRUST,  
And THE RENEE CLAY-THOMAS TRUST,  
Petitioners**

FULTON COUNTY  
ARKANSAS  
1:25 pm

**ORDER CONFIRMING ANNEXATION**

On this 30<sup>th</sup> day of December, 2020, is presented to the Court the petition of The Robert W. Clay Trust, The Kathleen S. Clay Marital Trust, and The Renee Clay-Thomas Trust, seeking annexation of lands owned by the Petitioners to the City of Hardy, Arkansas. Upon consideration of said petition and attached exhibits, along with additional exhibits as set out below and the entire record herein, IT IS HEREBY FOUND as follows:

1. This Court has jurisdiction of the parties and subject matter of this matter.
2. The Court previously has reviewed the petition and attachments thereto, and by its Findings An Order dated December 28, 2020, found same to be in all respects complete, accurate, and in full compliance with the requirements of Arkansas Code Annotated 14-40-609.
3. As further required by A.C.A. 14-40-609, the Court now has received certified copies of the following: (a) a resolution passed by the City Council of the City of Hardy,

**A TRUE COPY, I CERTIFY  
VICKIE BISHOP, CLERK**

*Vickie Bishop*  
12-30-2020



Arkansas, on December 30, 2020, same being Resolution No. 2020-1; and **(b)** a plat of the property to be annexed to the City of Hardy.

4. Petitioners own and are in possession of the subject lands, described as follows:

The West Half of the Southwest Quarter (W $\frac{1}{2}$  SW $\frac{1}{4}$ ) of Section 35, Township 20 North, Range 5 West of the 5<sup>th</sup> Prime Meridian in Fulton County, Arkansas, containing eighty (80) acres, more or less.

5. The City Council of the City of Hardy, Arkansas, by its resolution referenced in paragraph 3 above, has approved and accepted the annexation of the subject lands into the City of Hardy and has approved the Schedule of Services to be extended to the annexed lands within three (3) years of the final approval hereof.
6. The requirements of A.C.A. 14-40-609 have been fully complied with and the City of Hardy has approved and accepted the petition to annex the subject lands to the City.

IT IS THEREFORE ORDERED that the petition should be and it hereby is approved and confirmed; and that the lands which are the subject of this lawsuit hereby are annexed to, and hereafter are deemed a part of, the City of Hardy, Arkansas.

IT IS FURTHER ORDERED that the Clerk of this Court shall forward copies of this Order, the plat of the annexed lands, and the City of Hardy's ordinance accepting annexation, to the office of the Arkansas Secretary of State for filing.



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Hon. Gary Clayton  
County Judge



**Department of Transformation and Shared Services**

**Governor Asa Hutchinson  
Secretary Amy Fecher  
Director Shelby Johnson**

March 5, 2021

Ms. Shantell McGraw  
Election Coordinator – Arkansas Secretary of State  
500 Woodlane St. Room 026  
Little Rock, AR 72201

RE: City of Hardy Annexation Coordination Requirement

Ms. McGraw,

Thank you for coordinating with our office as you seek to file the annexation of property into the City of Hardy, AR located in Section 26, Township 20 North, Range 5 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 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.

Sincerely,

A handwritten signature in black ink, appearing to be "JW".

Jennifer Wheeler, Sr. GIS Analyst

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

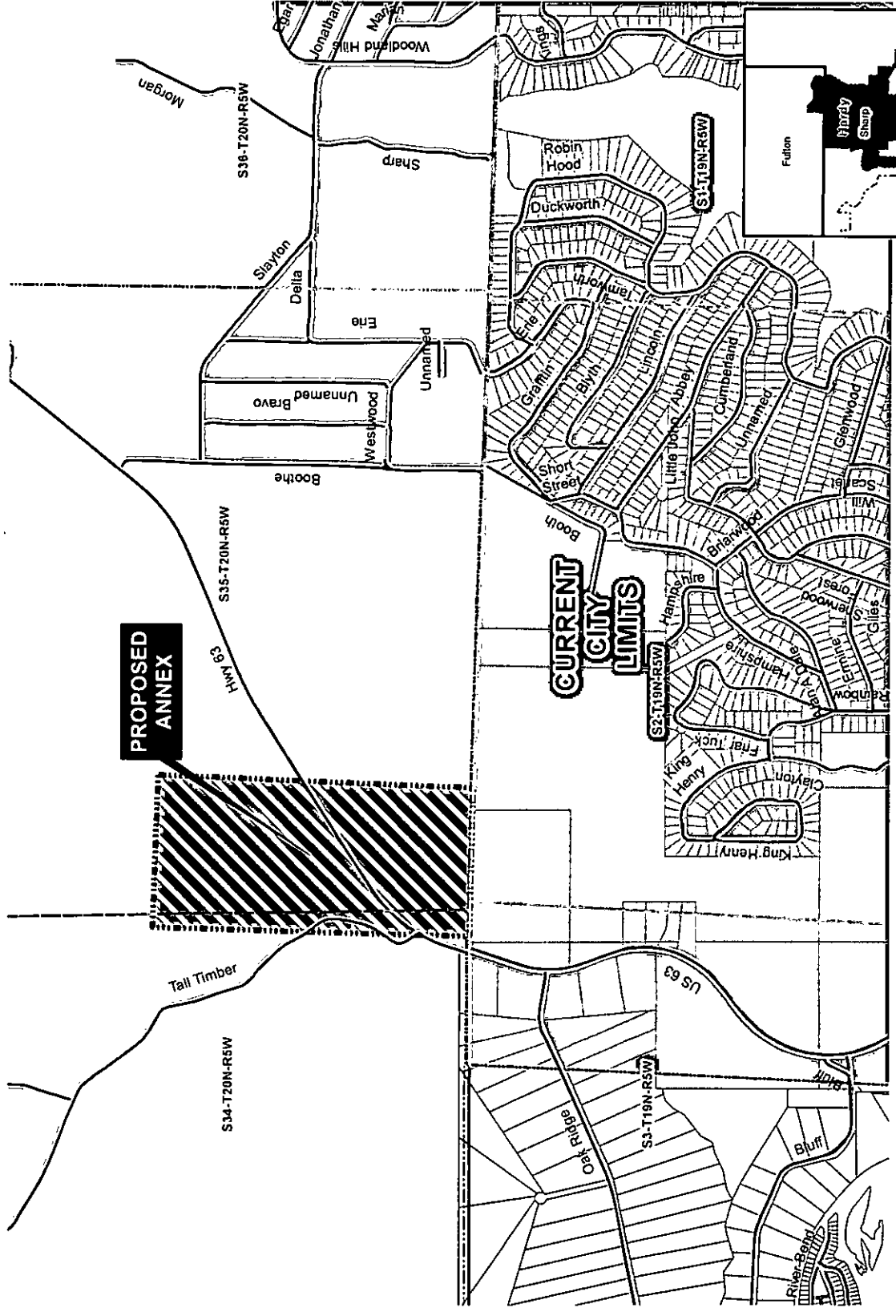
H:\City\_Annexations\Cities\Hardy\20200303\Doc\20200303\_Hardy\_Annexation\_Coordination\_Letter.docx

Proposed Annex: City of Hardy  
March 2021

City: Hardy  
Mayor: Emie Rose

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 ACI 914 of 2015



Section  
 Parcel  
 Name Road  
 Proposed Annex  
 Existing City  
 County Boundary

