

JOHN THURSTON

Arkansas Secretary of State

November 6, 2019

The Hon. Sarah Smith Garland County Clerk 501 Ouachita Ave Hot Springs, AR 71901

Re: City of Hot Springs Annexation Ordinance O-6290

Dear Ms. Smith,

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 \$14-40-602 (petition of majority of landowners)

Effective Date: 8/20/2019

County: Garland City Ordinance: O-6290

County Court Order: 19-66

City: Hot Springs Dated: 8/20/2019

Date Filed: 07/10/2019

A file marked copy of the ordinance, court order and exhibits submitted to our Office are enclosed. By copy of this letter (and its enclosures), the Secretary of State hereby notifies the appropriate mapping authorities for Arkansas. Please retain these copies as official record of the filing of the municipal change by the Arkansas Secretary of State.

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

Sincerely,

Shantell McGraw

Elections Division

cc: Arkansas Geographic Information Systems Office (w/encl)

Arkansas Department of Transportation Mapping Department (w/encl)

Department of Finance and Administration (w/encl)

Arkansas Public Service Commission (w/encl)

Arkansas Economic Development Institute (w/encl)

The Hon. Pat McCabe, Mayor of Hot Springs (w/encl)

The Hon. Harmony H. Morrissey, Hot Springs City Clerk (w/encl)



Office of the Arkansas Secretary of State

Arkansas Secretary of State John Thurston Arkansas Secretary of State, 500 Woodlane Ave, Little Rock, AR 72201-1094

2019 SEP 26 AM 11: 14

Municipal Boundary Change Checklist SHITH

Act 655 of 2017 and A.C.A. §14-40-103

GAT DOO. CLERK

county: Garland	_city/Town: Hot Springs
City Ordinance/Resolution No: 6290	_Date approved: August 20, 2019
County Court Case No: 19-66	Date Order Filed: July 10, 2019
Type: A.C.A. 14-40-602 Annexation by	Petition of Majority of Landowners
	s Code Sections located on the back)
Date Change Effective: August 20, 2019 Set by: M	unicipal Ordinance O Emergency Clause O Court O Default
(Required by Act 655 of 2017) For Circuit Court Challenge: Date Order Filed	OUpheld Overturned O Other (attach explanation
Please indicate which ward(s) the territory will be ass	igned to: City Hot Springs, District 6
	(See A.C.A § 14-40-203)
Initiating party: All Landowners Majority Landowners OMuni	cipal Governing Body OState OOther
Supporting Documentation attached (check all that apply	<i>y</i>):
File marked copy of City Ordinance/Resolution (req	uired)
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 co	ertification letter (required)
Proof of Publication for all Legal Notices (include Hea	aring, Election, and City Ordinance/Resolution notices)
File marked copy of Petition Part (if applicable)	
File marked copy of Complaint and final Circuit Cou	rt Order (Court Challenge only)
Municipal Contact:	
Name: Harmony Morrissey	Title: City Clerk
Street Address: 133 Convention Blvd.	
City: Hot Springs	St: AR Zip code: 71901
	r page to the supporting document set and submit to the County Clerk's Office tive Date as required by Act 655 of 2017
County Official:	
Signature:	Title: Country Clock
Date: 9/26/19	
Pursuant to Act 655 of 2017, County Officials must submit a file-m to: Arkansas Secretary of State, Attn: Municipal Bound	narked copy of municipal boundary change dogungents within 30 days of receipt lary Filing, 500 Woodlane Ave Suite 256, thtle Rock, AR-72261-1094

NOV 0 6 2019

Arkansas Secretary of State

Jeannie Pike - Circuit Clerk Garland Counts, AR Term/Cashier: 9W29RD2/TAMMIE TUCKER 09/27/2019 1:00PM Tran: 271057 Total Fees: \$30.00

ORDINANCE NO. 6290

AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY, LOCATED ON 17.611 ACRES AT PEARSON DRIVE, TO THE CITY OF HOT SPRINGS, ARKANSAS; MAKING SAME A PART OF THE CITY OF HOT SPRINGS; ASSIGNING SAID LANDS TO A ZONING DISTRICT; REVISING THE FUTURE LAND USE MAP; ASSIGNING SAID LANDS TO A BOARD DISTRICT; AND FOR OTHER PURPOSES.

WHEREAS, a Petition was filed with the County Clerk of Garland County, Arkansas, pursuant to Arkansas Code Annotated §14-40-601 et seq. by the majority of real estate owners of the hereinafter described territory praying that said territory be annexed to, and made a part of the City of Hot Springs, Arkansas; and that

WHEREAS, on the 10th day of July, 2019, the County Court of Garland County, 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 Hot Springs, Arkansas; that an accurate plat or map of said territory had been filed with and made a part of said Petition; that proper notice 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 Hot Springs, Arkansas; and that

WHEREAS, Hot Springs Code §16-2-32(c) states: Following the entering of an order by the county court granting a petition for annexation, and during the 30 day waiting period during which proceedings may be instituted for having the annexation prevented, the planning commission shall conduct a public hearing to consider zoning of the proposed annexed areas and any modifications to the comprehensive plan that might be appropriate; and

WHEREAS, the time set 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; and that

WHEREAS, the Petitioner requested R-4 (Medium/High Density Residential) zone district; and that

WHEREAS, Planning Commission duly advertised and held a public hearing on August 8, 2019 to recommend a permanent zoning classification for the subject property and by vote recommends the Board of Directors zone the subject property 8-4 (Medium/High Density) consistent with the Future Land Use Plan Map designation Residential Medium/High.

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 lands and territory contiguous to and adjoining the City of Hot Springs, Arkansas, be and the same is hereby accepted as part of and annexed to and made a part of the City of Hot Springs, Arkansas:

A part of the S ½ of the NE ½ of Section 21, Township 3 South, Range 19 West, Garland County, Arkansas, and being more particularly described as follows: Beginning at the NW corner of the SE 1/4 NE 1/4 of said Section 21; thence South 88 degrees 11 minutes 23 seconds East along the North line of the SE 1/4 NE 1/4 of said Section 21, 45.0 feet; thence South 00 degrees 48 minutes 37 seconds West 298.23 feet, thence Southwesterly along a curve to the left having a central angle of 00 degrees 48 minutes 25 seconds, radius of 27.83 feet, a distance of 0.39 feet to a point which has a chord bearing of South 75 degrees 10 minutes 29 seconds West and chord distance of 0.39 feet; thence South 74 degrees 45 minutes 55 seconds West 226.55 feet, South 69 degrees 25 minutes 47 seconds West 75.16 feet; thence South 55 degrees 37 minutes 15 seconds West 100.16 feet; thence South 62 degrees 35 minutes 34 seconds West 409.72 feet to the 400 foot contour of Lake Hamilton; thence Northeasterly along said contour 713.5 feet, more or less, to a point on the North line of the SW 1/2 NE 1/2 of said Section 21, said point bears North 11 degrees 47 minutes 27 seconds East 650.09 feet from the last said point; thence South 89 degrees 26 minutes 04 seconds East along the said North line 562.16 feet to the Point of the Beginning. (According to survey by John M, Thornton, RPLS, dated April 12, 2000.)

ALSO: All of Block 1, and Lots 3 and 4, Block 2 of Joe M. Lyon's Subdivision, as recorded in Book 353 at Page 505 of the Deed and Mortgage Records of Garland County, Arkansas.

LESS AND EXCEPT: Lots 1, 2 and part of 3, all in Block 2, of Joe M. Lyon's Subdivision as recorded in Book 1366 at Page 283 and Book 1640 at Page 928 of the Deed and Mortgage Records of Garland County, Arkansas.

LESS AND ACCEPT: any part of Lot 4, Block 2 of Joe M. Lyon's Subdivision as described by metes and bounds in Book 994 at Page 568 of the Deed and Mortgage Records of Garland County, Arkansas. (According to survey by John M. Thornton, RPLS, No. 864, dated April 27, 2000.)

AND LESS AND EXCEPT: a part of Blocks I and 2 of Joe M. Lyon's Subdivision, as recorded in Book 546 at Page 35 of the Deed and Mortgage Records of Garland County, Arkansas.

AND LESS AND EXCEPT: any part of Lot 4 Block 2 of Joe M. Lyon's Subdivision, as recorded in Book 506 at Page 111 of Deed and Mortgage Records of Garland County, Arkansas.

<u>SECTION 2.</u> That the above-described territory shall be and is hereby zoned Medium/High Residential (R-4), and the zoning map as adopted by the Zoning Code is hereby amended to the extent necessary to designate this zoning classification.

SECTION 3 Future development is subject to local, state, and federal requirements in effect at the time of development.

District.
PASSED: August 20, 2019 APPROVED: AT McCABE, MAJOR
HARMONY MORRISSEL, 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 20 day of August 2019.
Sheila Winter Notary Public
My Commission Expires:
SHEILA WINTER Notary Public-Arkansas
Gottand County My Commission Expires 02-27-2025 Commission # 12403332

SECTION 4. That the above-described territory shall be made a part of District 6 of the City of Hot

Springs, Arkansas, and the same shall, henceforth, be a part of said District as fully as the existing part of said

IN THE COUNTY COURT OF GARLAND COUNTY, ARKANSA

IN THE MATTER OF ANNEXING TO THE CITY OF HOT SPRINGS, ARKANSAS, CERTAIN TERRITORY CONTIGUOUS TO THE SAID CITY OF HOT SPRINGS, ARKANSAS



ON THIS 10th day of July, 2019 there is presented to the Court by Margaret Bodemann Registered Agent for KDB + MMB, LLC, the Petitioner and Joseph Goslee authorized Agent of the Petitioners, a Petition for Annexation of certain territory, hereinafter more particularly described, to the City of Hot Springs, Arkansas, and the Court being fully advised of the facts and the law, doth hereby find, judge and decree as follows:

The Court finds that the Petition was filed more than thirty (30) days prior to this date and that in said Petition the said Joseph Goslee was selected by the Petitioners to act on their behalf in filing and presenting the Petition. Notice of Hearing has been proven pursuant to A.C.A. § 14-40-602.

The Court doth find that a majority of the total number of real estate owners in the area affected by this Petition have signed said Petition and that such majority owns more than one-half (1/2) of the acreage affected.

The Court further finds that the territory sought to be annexed was accurately described in said Petition and that said territory is contiguous to the boundaries of the City of Hot Springs, Arkansas.

The Court further finds that attached to and made a part of said Petition is an accurate map of the territory sought to be annexed to the City of Hot Springs.

The Court further finds that the Prayer of the Petition is right and proper.

THEREFORE, the Court doth hereby ORDER, JUDGE and DECREE that the following described territory be and the same is hereby annexed to and made a part of the City of Hot Springs, Arkansas, to-wit:

A part of the S ½ of the NE ¼ of Section 21, Township 3 South, Range 19 West, Garland County, Arkansas, and being more particularly described as follows: Beginning at the NW corner of the SE ¼ NE ¼ of said Section 21; thence South 88 degrees 11 minutes 23 seconds East along the North line of the SE ¼ NE ¼ of said Section 21, 45.0 feet; thence South 00 degrees 48 minutes 37 seconds West

298.23 feet, thence Southwesterly along a curve to the left having a central angle of 00 degrees 48 minutes 25 seconds, radius of 27.83 feet, a distance of 0.39 feet to a point which has a chord bearing of South 75 degrees 10 minutes 29 seconds West and chord distance of 0.39 feet; thence South 74 degrees 45 minutes 55 seconds West 226.55 feet, South 69 degrees 25 minutes 47 seconds West 75.16 feet; thence South 55 degrees 37 minutes 15 seconds West 100.16 feet; thence South 62 degrees 35 minutes 34 seconds West 409.72 feet to the 400 foot contour of Lake Hamilton; thence Northeasterly along said contour 713.5 feet, more or less, to a point on the North line of the SW ¼ NE ¼ of said Section 21, said point bears North 11 degrees 47 minutes 27 seconds East 650.09 feet from the last said point; thence South 89 degrees 26 minutes 04 seconds East along the said North line 562.16 feet to the Point of the Beginning. (According to survey by John M, Thornton, RPLS, dated April 12, 2000.)

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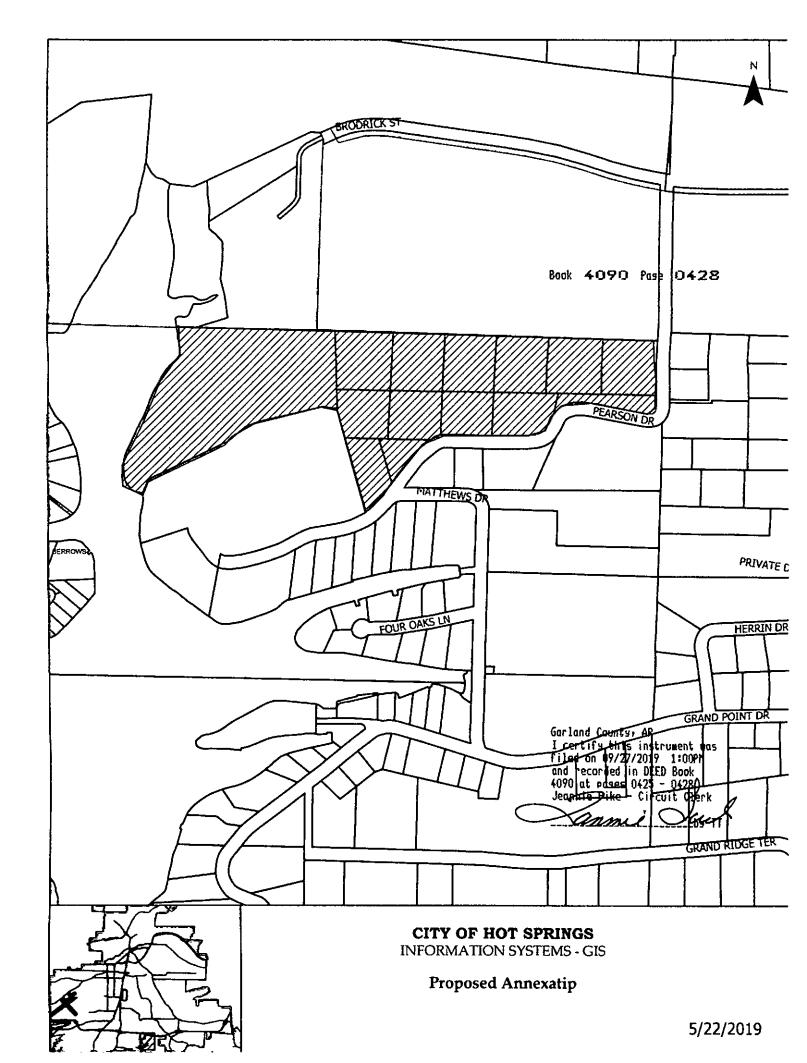
AND LESS AND EXCEPT: any part of Lot 4 Block 2 of Joe M. Lyon's Subdivision, as recorded in Book 506 at Page 111 of Deed and Mortgage Records of Garland County, Arkansas.

The Court doth further order that the original papers in this cause be delivered to the Clerk of Garland County, Arkansas, same to be properly recorded upon the records of Garland County, Arkansas, and the Clerk, after properly recording and filing the original papers, prepare transcripts of same; that one of the certified transcripts be delivered to the City of Hot Springs, Arkansas, one copy to the Secretary of State, and one copy to the Director of the Tax Division of the Arkansas Public Service Commission.

IT IS SO ORDERED.

HONORABLE DARRYL MAHONEY
Garland County Judge

DATE 7-10-19



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Merry Bellom

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- ATTEST WALDIN MONISCEL, CITY CHRK
- APPROFEDAS TO LEGAL FORM
- WALNESS TO LEGAL

Subscribed and sworn to before me this 25th Day of September A.D. 2019 UNDA ARMESON
NOILTY PUBLIC: Arkinias
Gerland Courts
Commission a 12706397
My Commission Expires Jan 5, 2029 a Manager, of The Sulflitt Attord a newspaper of general circulation published, and certify that the legal notice hereto attached was published in said newspaper for having bonifide circulation in Hot Springs, Garland County, Arkansas, hereby 2019 2019 2019 2019 2019 2019 25th Day of September September Day of 25th Day of Day of Day of Day of My Commission expires 1/5/2029 consecutive insertions and that the Lenak Clerker. En-First Insertion was on the and the last insertion was Second Insertion was Fourth Insertion was Third Insertion was Fifth Insertion was State of Arkansas County of Garland I, Merry Bellomy

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County of Garland State of Arkansas

Day of Saptember A.D. 2019 25 th Subscribed and sworn to before me this

Lends Come or

LINDA ARNESON NOLAY PUDIS- ARANSAS Garland County Commission a 12706.397 My Commission Explos Jan 5, 2029

rhy Commission expires, 11 8/2029

I. Merry Bellomy	a Manager, of The Sentinel	MITOIT ane	wspaper of	f general circu	lation published, and	
,	having bonifide circulation					
gal Rotices 4s 410	certify that the legal notice	hereto attac	hed was p	ublished in sai	d newspaper for	
LEGAL NOTICE TICE is hereby given that there has been filed in the County Court Garland County, Arkansas, a Patition asking for the annexation to	3 consecutive in	sertions and	that the			
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Records of Gartand County, Arizanese	County of Garland					
all of said land proposed for amprection is on the with said Peti- in the office of the Clerk of said Court, and the undersigned has a named by the Petitioners as the person authorized to act for	Subscribed and sworn to be	fore me this	2nd	_ Day of	uly A.D.	2019
Court has food the 10th day of July 2019 at 9:30 a.m., CT, as the for a hearing on said Petition in the Garland County Courtmonn, Roor, Garland County Courthouse, 501 Ouachita, Hot Springs,	1. 0			مو		
Court at the firme and date so fixed have the	Kingly Unne Signature o	f Notary		1	LINDA ARNESON Notary Public - Arkan Garland County	sas
N THIS 31st day of May 2019. KDB & MMB LLLC. Margaret E. Bodemann, Registered Apont	Signature o	rvotary		1.	Commission # 12706: My Commission Expires Jar	
600 Cantrell Street, Hox Springs, AR 71901				}		-
I,	a Manager, of The Seminal					
Legal Notices 4	0 certify that the legal notice					
NOTICE is hereby given that there has been filed in the County Co. of Garland County Arkaneses, a Petition serious for the manuscript	int 3		oned was p	donshed in su	ia newsnaher jar	
the City of Hot Springs of the following described certain lands cated in the vicinity of Pearson Drive, more or less, situated in Gland County, Arkansas, and contiguous to said city:	o	nsertions and	that the		id newspaper for	
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May 23, 2019

Harmony Hurst Morrissey Hot Springs City Clerk 133 Convention Blvd Hot Springs, AR 71901

RE: City of Hot Springs Annexation Coordination Requirement

Honorable Morrissey,

Thank you for coordinating with our office as you seek to annex property into the City of Hot Springs, AR located in Section 21, Township 3 South, Range 19 West. 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^{th} 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.

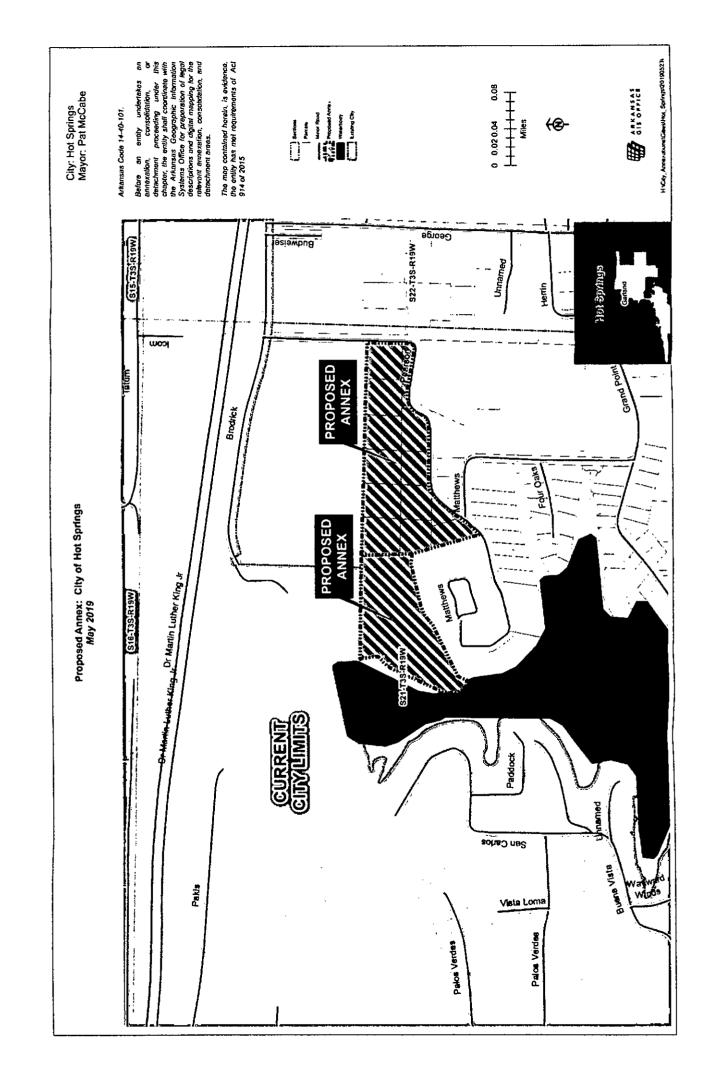
Thank you,

Jennifer Wheeler, GIS Analyst

/jw

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

H:\City_Annexations\Cities\Hot_Springs\20190523\Doc\20190523_Hot Springs_Annexation_Coordination_Letter.docx





September 27, 2019

City of Hot Springs
Office of the City Clerk

133 Convention Blvd.
Post Office Box 700
Hot Springs National Park,
Arkansas 71902
(501) 321-6805
(501) 321-6809 Fax

Mr. Rob Hammons Arkansas Secretary of State's Office State Capitol, Room 26 500 Woodlane Avenue Little Rock, Arkansas 72201-1094

RE: Hot Springs Annexation Ordinance No. 6290

Dear Mr. Hammons,

Please find attached the recorded and certified copy of Ordinance No. 6290, including legal description and map for the annexation of property along Pearson Drive. The subject area of this petition annexation consists of 17.611 acres of currently undeveloped land that is contiguous to the City of Hot Springs incorporated limits at its northwestern border (RPID 4265). I am forwarding Ordinance No. 6290 as well as other supporting documentation included in the Municipal Boundary Change Checklist to the Director of the Tax Division of the Arkansas Public Service Commission, Excise Tax Office of the Department of Finance and Administration, Arkansas GIS as well as to the City of Hot Springs' franchise holders.

Please note that the subject area of Ordinance No. 6290 has be assigned to District 6.

Thank you for your assistance on this matter. Should you have questions or comments, please do not hesitate to contact me.

Sincerely.

Harmony HurstyMorrissey

Enclosures as noted

cc: Rob Hammons, Secretary of State's Office

Tom Atchley, Arkansas Department of Finance & Administration

Sarah Bradshaw, Public Service commission

Shelby Johnson, Arkansas Geographic Information Office

Chuck Launius, Resort Television Cable

Janan Honeysuckle, Entergy

Rita Medlock, CenterPoint Energy

Todd Gregory, AT&T

Bob Mouser, Ritter Communications

Ryan Roberts, Windstream Corporation