



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,

A handwritten signature in cursive script, appearing to read "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. Pat McCabe, Mayor of Hot Springs (w/encl)  
The Hon. Harmony H. Morrissey, Hot Springs City Clerk (w/encl)



# Arkansas Secretary of State

## John Thurston

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

FILED

2019 SEP 26 AM 11:14

### Municipal Boundary Change Checklist

Act 655 of 2017 and A.C.A. §14-40-103

FILED  
GARLAND CO. CLERK  
BY [Signature]

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

(Choose from the list of Arkansas Code Sections located on the back)

Date Change Effective: August 20, 2019 Set by:  Municipal Ordinance  Emergency Clause  Court  Default  
(Required by Act 655 of 2017)

For Circuit Court Challenge: Date Order Filed: \_\_\_\_\_  Upheld  Overturned  Other (attach explanation)

Please indicate which ward(s) the territory will be assigned to: City Hot Springs, District 6

(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: Harmony Morrissey Title: 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: County Clerk

Date: 9/26/19

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

FILED

Office of the Arkansas Secretary of State use only

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

NOV 06 2019

Arkansas Secretary of State

Jeannie Pike - Circuit Clerk  
Garland County, 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 10<sup>th</sup> 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 R-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  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  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  $\frac{1}{4}$  NE  $\frac{1}{4}$  of said Section 21; thence South 88 degrees 11 minutes 23 seconds East along the North line of the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  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  $\frac{1}{4}$  NE  $\frac{1}{4}$  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 1 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.

**SECTION 2.** 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.

**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 District.

PASSED: August 20, 2019

APPROVED: [Signature]  
PAT McCABE, MAYOR

ATTEST: [Signature]  
HARMONY MORRISSEY, CITY CLERK

APPROVED AS TO LEGAL FORM: [Signature]  
BRIAN W. ALBRIGHT, CITY ATTORNEY

**ACKNOWLEDGMENT**

STATE OF ARKANSAS

COUNTY OF GARLAND

SUBSCRIBED AND SWORN to before me this 20 day of August, 2019.

[Signature]  
Notary Public

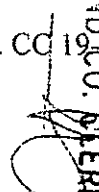
My Commission Expires:

02/27/2025



IN THE COUNTY COURT OF GARLAND COUNTY, ARKANSAS

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

NO. CC 19-001  
SARAH SMITH  
GARLAND CO. CLERK  
BY 

2019 JUN 10 AM 9:41

FILED

**DECREE OF ANNEXATION**

ON THIS 10<sup>th</sup> 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  $\frac{1}{4}$  NE  $\frac{1}{4}$  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.


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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\_\_\_\_\_



N



Book 4090 Page 0428

BRODRICK ST

PEARSON DR

MATTHEWS DR

FOUR OAKS LN

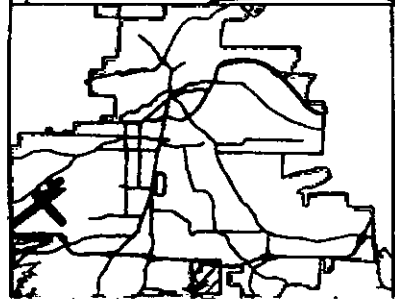
PRIVATE C

HERRIN DR

GRAND POINT DR

GRAND RIDGE TER

Garland County, AR  
I certify this instrument was  
filed on 09/27/2019 1:00PM  
and recorded in DEED Book  
4090 at pages 0425 - 0428  
Jeanna Pike - Circuit Clerk



**CITY OF HOT SPRINGS**  
INFORMATION SYSTEMS - GIS

Proposed Annexatip

5/22/2019



I, Merry Bellomy

a Manager, of The Sentinel-Record a newspaper of general circulation published, and having bonifide circulation in Hot Springs, Garland County, Arkansas, hereby certify that the legal notice hereto attached was published in said newspaper for

3 consecutive insertions and that the

First Insertion was on the	<u>13th</u>	Day of	<u>June</u>	<u>2019</u>
Second Insertion was	<u>20th</u>	Day of	<u>June</u>	<u>2019</u>
Third Insertion was	<u>27th</u>	Day of	<u>June</u>	<u>2019</u>
Fourth Insertion was	<u>        </u>	Day of	<u>        </u>	<u>2019</u>
Fifth Insertion was	<u>        </u>	Day of	<u>        </u>	<u>2019</u>
and the last insertion was	<u>27th</u>	Day of	<u>June</u>	<u>2019</u>

Merry Bellomy  
Manager

State of Arkansas  
County of Garland

Subscribed and sworn to before me this 2nd Day of July A.D. 2019

Linda Arneson  
Signature of Notary

LINDA ARNESON  
Notary Public - Arkansas  
Garland County  
Commission # 12706397  
My Commission Expires Jan 5, 2029

Legal Notices 410

LEGAL NOTICE

NOTICE is hereby given that there has been filed in the County Court of Garland County, Arkansas, a Petition asking for the annexation to the City of Hot Springs of the following described certain lands located in the vicinity of Pearson Drive, more or less, situated in Garland County, Arkansas, and contiguous to said city:

Description of Land known as: A part of the S 1/2 of the NE 1/4 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 North 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 Southwardly along a curve to the left having a central angle of 80 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 89 degrees 25 minutes 47 seconds West 73.18 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 Northeastly along said contour 713.5 feet, more or less, to a point on the North line of the SW 1/4 NE 1/4 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 28 minutes 04 seconds East along the said North line 562.16 feet to the Point of the Beginning.

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.

A plat of said land proposed for annexation is on file with said Petitioner in the office of the Clerk of said Court, and the undersigned has been named by the Petitioners as the person authorized to act for them.

The Court has fixed the 10th day of July 2019 at 9:30 a.m., CT, as the date for a hearing on said Petition in the Garland County Courtroom, 2nd Floor, Garland County Courthouse, 501 Ouachita, Hot Springs, Arkansas, and all interested persons are now notified to be present at said Court at the time and date so fixed.  
GIVEN THIS 31st day of May 2019.

KDB & MMB L.L.C.  
Margaret E. Bodemann, Registered Agent  
600 Cantrell Street, Hot Springs, AR 71901

I, Merry Bellomy

a Manager, of The Sentinel-Record a newspaper of general circulation published, and having bonifide circulation in Hot Springs, Garland County, Arkansas, hereby certify that the legal notice hereto attached was published in said newspaper for

3 consecutive insertions and that the

First Insertion was on the	<u>13th</u>	Day of	<u>June</u>	<u>2019</u>
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Fifth Insertion was	<u>        </u>	Day of	<u>        </u>	<u>2019</u>
and the last insertion was	<u>27th</u>	Day of	<u>June</u>	<u>2019</u>

Merry Bellomy  
Manager

State of Arkansas  
County of Garland

Subscribed and sworn to before me this 2nd Day of July A.D. 2019

Linda Arneson  
Signature of Notary

LINDA ARNESON  
Notary Public - Arkansas  
Garland County  
Commission # 12706397  
My Commission Expires Jan 5, 2029

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GIVEN THIS 31st day of May 2019.

KDB & MMB L.L.C.  
Margaret E. Bodemann, Registered Agent  
600 Cantrell Street, Hot Springs, AR 71901



# ARKANSAS GIS OFFICE

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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<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  
/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

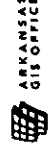
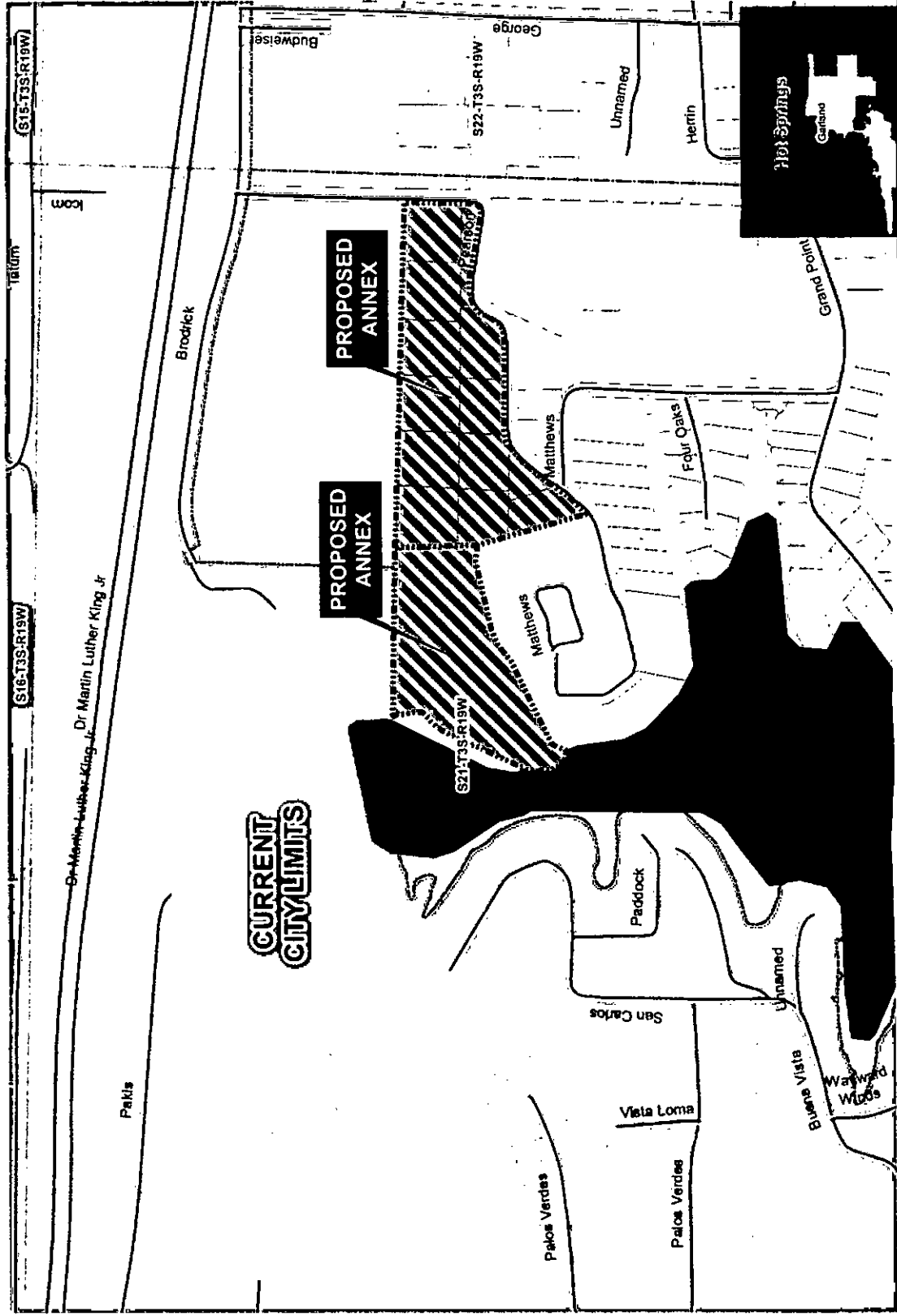
City: Hot Springs  
 Mayor: Pat McCabe

Arkansas Code 14-10-101.

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

Proposed Annex: City of Hot Springs  
 May 2019



Hot Springs, Arkansas  
 City of Hot Springs, Arkansas  
 GIS Office



**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

September 27, 2019

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 been 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 Hurst Morrissey

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  
Jana Honeysuckle, Entergy  
Rita Medlock, CenterPoint Energy  
Todd Gregory, AT&T  
Bob Mouser, Ritter Communications  
Ryan Roberts, Windstream Corporation