



# ARKANSAS SECRETARY OF STATE

## MARK MARTIN

December 05, 2018

The Honorable Peggy Fitzjurls  
Logan County and Probate Clerk  
25 West Walnut Street  
Paris, AR, 72855

Re: City of Magazine Annexation Ordinance 2018-06

Dear Ms. Fitzjurls,

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

Filing Type: Annexation pursuant to A.C.A § 14-40-302 (annexation of contiguous land by election)

Effective Date: 01/01/2019

County: Logan

City: Magazine

City Ordinance: 2018-06

Dated: 08/13/2018

County Court Order: N/A

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

If you have any questions or concerns regarding this pending filing, please contact our office at 501-682-3401.

Sincerely,

A handwritten signature in cursive script that reads "Cynthia Fisher".

Cynthia Fisher  
Arkansas Secretary of State Legal Division  
500 Woodlane St, Room 256  
Little Rock, AR 72201  
501-682-3401

cc: Arkansas Geographic Information Systems Office (w/ encl)  
Arkansas Highway and Transportation Department Mapping Department (w/ encl)  
Department of Finance and Administration (w/encl)  
Arkansas Public Service Commission (w.encl)  
UALR Institution for Economic Advancement (w/encl)  
Ms. Vicki Smith, Magazine City Recorder/Treasurer (w/encl)



# Arkansas Secretary of State

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

## Municipal Boundary Change Checklist

County: Logan City/Town: Magazine

City Ordinance/Resolution No: 2018-06 Date approved: 08/13/2018

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

Type: Annexation by Election (contiguous land) A.C.A. §14-40-302

Date Change Effective: 11/06/2018 Set by:  *Annex Effective 30 days after certification* Municipal Ordinance  Emergency Clause  Court  Default  
*(Required by Act 653 of 2017)*

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

Initiating party:

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

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

- File marked copy of City Ordinance/Resolution *(required)*
- File marked copy of County Court Order or certified annexation election results *(required except for island annexation)*
- Copy of Arkansas GIS Office approved printed map and certification letter *(required)*
- Proof of Publication for all Legal Notices *(include Hearing, Election, and City Ordinance/Resolution notices)*
- File marked copy of Petition Part *(if applicable)*
- File marked copy of Complaint and final Circuit Court Order *(Court Challenge only)*

Municipal Contact:

Name: Vicki Smith Title: Recorder - Treasurer

Street Address: PO Box 367 - 23 N State Hwy 109

City: Magazine St: AR Zip code: 72943

*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: *Peggy Fitzguald* Title: *County Clerk*

Date: *11-26-2018*

*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*

**F I L E D**

**DEC 05 2018**

**Arkansas  
Secretary of State**

**ANNEXATION ORDINANCE**

Arkansas  
**Secretary of State**

AN ORDINANCE SUBMITTING TO THE VOTERS OF THE CITY OF MAGAZINE, ARKANSAS, AND OTHER AFFECTED PERSONS, THE QUESTION OF ANNEXATION TO SAID CITY OF CERTAIN CONTIGUOUS TERRITORY; AND DECLARING AN EMERGENCY.

WHEREAS, IT APPEARS TO THE City Council of the City of Magazine, Arkansas, that the annexation of certain hereinafter described territory, contiguous to the City of Magazine, is necessary for the orderly growth and development of the city:

WHEREAS, the lands, whether platted or not, the lands to be sold as suburban property;

WHEREAS, the lands furnish the abode for densely settled community or represent the actual growth of the municipality beyond its legal boundary;

WHEREAS, the lands are needed for proper municipal purposes; and

WHEREAS, the lands are valuable by reason of their adaptability for prospective uses.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAGAZINE, ARKANSAS:

SECTION 1. That there shall be submitted to the qualified electors of the City of Magazine and of the following described area, the question of the annexation of the following described territory to the City of Magazine:

The following described property located in the Southern District of Logan County described as follows:

Tract 1: Beginning at the Southeast corner of section 25, Township 6 North, Range 27 West, thence North along the section line 660 feet to a point, thence West a distance of 3,960 feet to a point 660 feet South of the Northwest corner of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , thence 660 feet South along the West line of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , thence along the South line of section 25, 3,960 feet to the point of beginning, containing 60 acres, more or less.

Tract 2: Beginning at the Northeast corner of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 36, Township 6 North, Range 27 West, thence South 660 feet to a point, thence West 2,640 feet to a point directly South of the Northeast corner of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 36, Township 6 North, Range 27 West, thence 660 feet north to a point on the north line of Section 36, Township 6 North, Range 27 West, thence East a distance of 2,640 feet along the North line of Section 36 to the point of beginning, containing 40 acres, more or less.

Said proposed annexation of a total 100 acres.

A map depicting said annexation area is attached hereto as Exhibit A and made a part hereof.

SECTION 2. The question of annexation of the territory described above in Section 1 shall be submitted to the electors qualified to vote on this issue at a general election to be held on November 6, 2018, in compliance with ACA 7-11-205. Once this

ordinance takes effect, the City Clerk shall immediately notify the County Election Commission and the County Clerk by forwarding to each, a certified copy of this ordinance and the map showing the area to be annexed.

SECTION 3. If at such election a majority of the qualified electors voting in such election shall vote for such annexation, the annexation shall be effective and the territory included within the corporate limits of the City of Magazine, thirty (30) days following the County Clerk's certification of the election results and recording of the same, along with the description and a map of the annexed area, in the county records and filing a certified copy thereof with the Secretary of State; or in the event an action is filed with the Circuit Court, on the date the judgement of said Court become final. If a majority of the qualified electors voting on the issue at the election vote against the annexation, the annexation ordinance shall be null and void.

SECTION 4. No later than forty-five (45) days prior to the election, the city shall identify all persons who reside within the area proposed to be annexed, and the county clerk shall assist the city in determining the names and addresses of all qualified electors residing within that area.

SECTION 5. The city clerk shall give notice of the election by publication by at least one (1) insertion in some newspaper having a general circulation in the city.

SECTION 6. If the annexation is approved and becomes final, the governing body of the city shall, by ordinance, as soon as practical after the annexation, attach and incorporate such annexed territory to and in one (1) or more wards of the city lying adjacent thereto, and the territory so assigned and attached to a ward shall thereafter be considered and become a part thereof as fully as any other part of the city.

SECTION 7. If the annexation is approved and becomes final, the following services shall be extended to the area within three (3) years:

SERVICE:	DATE:
Police Protection	_____
Fire Protection	_____
Public Street Maintenance	_____
Magazine City Water	_____

The schedule of services shall be included in the annual written report required by ACA 14-40-2201.

SECTION 8. The ballots used at said election on the question of annexation shall be marked as follows:

( ) FOR annexation of the territory described in Ordinance No. 2018-06.

( ) AGAINST annexation of the territory described in Ordinance No. 2018-06.

SECTION 9. Emergency Clause. This ordinance being necessary for the immediate preservation of the public peace, health, safety and welfare, as well as compliance with special election statutes, an emergency is hereby declared to exist and this ordinance shall be effective and in full force and effect from and after its passage and approval.

PASSED: August 13, 2018

ATTEST: Vicki Smith  
Clerk or Recorder

APPROVED: Stanley B. McConnell

CERTIFICATE

I, City Clerk of the City of Magazine, hereby certify that this ordinance was duly passed and approved by a two thirds vote of the total number of members of the City Council of the City of Magazine, Arkansas, on the 13<sup>th</sup> day of August, 2018.

Seal



I, VICKI SMITH, CITY CLERK FOR  
MAGAZINE, AR, DO VERIFY THIS  
IS A TRUE AND CERTIFIED COPY  
OF THE ORIGINAL.

Vicki Smith  
VICKI SMITH

Vicki Smith  
City Clerk

City of: Magazine



**ARKANSAS  
GIS OFFICE**

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August 15, 2018

Ms. Vicki Smith  
City of Magazine  
P.O. Box 367  
Magazine, AR 72943

RE: City of Magazine Annexation Coordination Requirement

Dear Ms. Smith:

Thank you for coordinating with our office as you seek to annex property into the City of Magazine, AR (Ordinance No. 2018-06). This letter represents confirmation that you have properly coordinated with the Arkansas GIS Office as specified in § 14-40-101 (Act 914 of 2015) of the 90<sup>th</sup> General Assembly.

As we discussed, the legal description for Tract 2 needs to be corrected in order to accurately reflect the territory intended to be annexed. 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,

Jonathan Duran, Deputy Director

**FILED**  
DEC 05 2018  
Arkansas  
Secretary of State

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

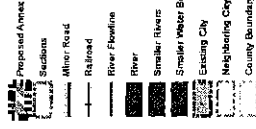
H:\City\_Annexations\Cities\Magazine\20180814\Doc\20180814\_Magazine\_Annexation\_Coordination\_Letter.docx

City: Magazine  
Mayor: Stanley McConnell

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.

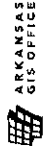
The map contained herein, is evidence, the entity has met requirements of Act 914 of 2015



**F I L E D**

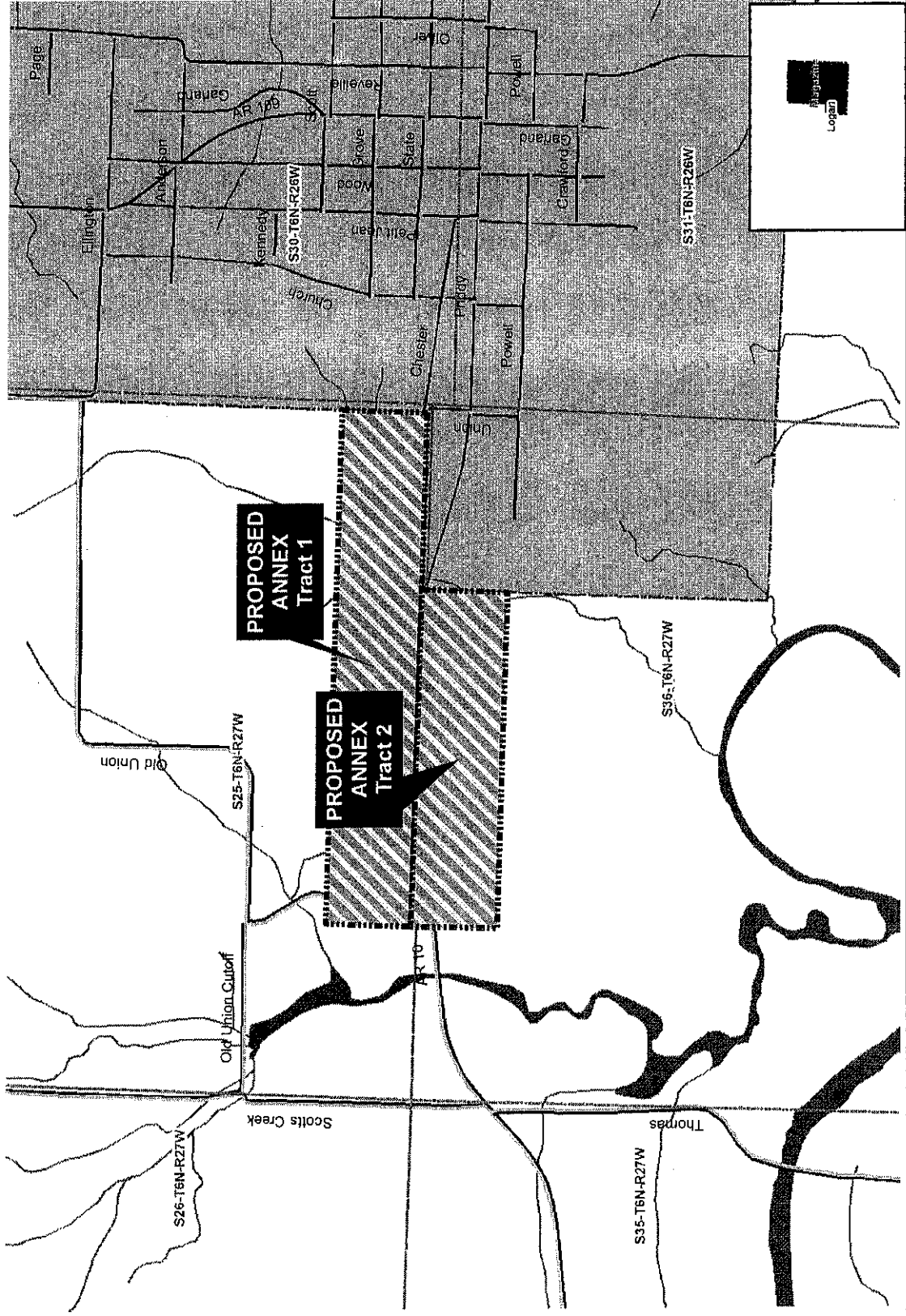
DEC 05 2018

Arkansas Code 14-10-101, 0.18  
Secretary of State  
Miles



H:\City\_Annexations\Cities\Magazine\20180814

Proposed Annex: City of Magazine  
August 2018



**Tract 1: Beginning at the South east corner of section 2S, Township 6 North, Range 27 West, thence North along the section line 660 feet to a point, thence West a distance of 3,960 feet to a point 660 feet South of the Northwest corner of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , thence 660 feet South along the West line of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , thence along the South line of section 25, 3,960 feet to the point of beginning, containing 60 acres, more or less.**

**Tract 2 (*suggested correction*): Beginning at the Northeast corner of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 36, Township 6 North, Range 27 West, thence South 660 feet to a point, thence West 2,640 feet to a point directly South of the Northeast corner of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 36, Township 6 North, Range 27 West, thence 660 feet north to a point on the north line of Section 36, Township 6 North, Range 27 West, thence East a distance of 2,640 feet along the North line of Section 36 to the point of beginning, containing 40 acres, more or less.**



**CERTIFICATE OF COUNTY BOARD OF ELECTION COMMISSIONERS  
ASCERTAINING AND DECLARING RESULTS OF ELECTION  
2018 CITY OF MAGAZINE SPECIAL ELECTION  
ANNEXATION INTO THE CITY LIMITS OF MAGAZINE  
HELD WITH THE 2018 GENERAL ELECTION  
MAGAZINE, LOGAN COUNTY, ARKANSAS  
November 6, 2018**

**ANNEXATION INTO THE CITY LIMITS OF MAGAZINE**

For Annexation	117
Against Annexation	38

Witness our hands as Members of the Logan County Board of Election Commissioners this 16th day of November, 2018.

  
\_\_\_\_\_  
Election Commission

  
\_\_\_\_\_  
Election Commission

  
\_\_\_\_\_  
Election Commission

**F I L E D**

DEC 05 2018


Arkansas  
Secretary of State

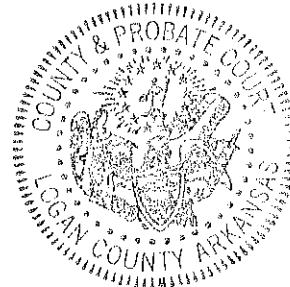
FILED FOR RECORD

NOV 16 2018

PEGGY FITZJURLS  
County and Probate Clerk  
Logan County, AR

CERTIFIED COPY OF THE ORIGINAL INSTRUMENT  
TIME: \_\_\_\_\_

  
\_\_\_\_\_  
COUNTY AND PROBATE CLERK  
NORTHERN DISTRICT OF LOGAN COUNTY, ARKANSAS



# PROOF OF PUBLICATION

STATE OF ARKANSAS  
COUNTY OF LOGAN

I, Julie Newman, an advertising representative of the Booneville Democrat, a weekly newspaper published at Booneville, Arkansas, and having a bona fide circulation in Logan County, Arkansas, for one year next proceeding the first insertion of, and during the publication of the Notice hereto attached, do solemnly swear that said Notice was published in the above named paper as follows:

Customer Name: CITY OF MAGAZINE

**RE: ORINDANCE NO. 2018-06ANNEXATION ORDINANCE AN ORDINANCE  
SUBMITTING TO THE VOTERS OF THE CITY OF MAGAZINE, ARKANSAS, AND  
OTHER AFFECTED PERSONS, THE QUESTION OF ANNEXATION TO SAID CITY  
OF CERTAIN CONTIGUOUS TERRITORY; AND DECLARING AN EMERGENCY.**

Ad Number: 1160525

Cost: \$439.80

First Run: 10-03-18

Second Run:

Third Run:

Fourth Run:

Signature



Subscribed and sworn to before the undersigned, this 3<sup>rd</sup> day of October, 2018.

My commission expires March 13, 2027.



NOTARY PUBLIC

Remit Payment to:  
Booneville Democrat  
P.O. Box 208  
Booneville, AR 72927

FOSTER BRABEC  
NOTARY PUBLIC  
CRAWFORD COUNTY, ARKANSAS  
COMM. EXP. 03/13/2027  
COMMISSION NO. 12700989

## ANNEXATION ORDINANCE

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