



ARKANSAS SECRETARY OF STATE

MARK MARTIN

June 24, 2016

The Honorable Paula Brown
Crittenden County Clerk
100 Court Square
Marion, AR 72364

Re: City of Marion Annexation Ordinance 565

Dear Ms. Brown,

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 by petition pursuant to A.C.A § 14-40-609 (Petition by All Land Owners)

Effective Date: 01/27/2015

County: Crittenden

City: Marion

City Ordinance: 565

Dated: 01/27/2015

County Court Order: CO 2014-64 Dated: 11/26/2014 Hon. Woody Wheelless, County Judge, Crittenden County

A file marked copy of the ordinance and exhibits submitted to our Office along with the GIS Office map 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
Special Projects Manager
Arkansas Secretary of State Legal Division
500 Woodlane St, Suite 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)
UALR Institution for Economic Advancement (w/encl)
Tom-Tom (w/encl)
Patty James, Marion City Clerk (mail 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: Crittenden City/Town: Marion

City Ordinance/Resolution No: 565 Date approved: 01/27/2015

County Court Case No: CO 2014-64 Date of Order: 11/26/2014

Type: Annexation by Petition of all Landowners A.C.A §14-40-609

Date Change Effective: 01/27/2015 Emergency clause: Yes No

For Circuit Court Challenge: Date 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 (not required for A.C.A § 14-40-1801)
- File marked copy of County Court Order (not required for A.C.A. § 14-40-501)
- Proof of Publication for all Legal Notices (Hearing, Election, City Ordinance/Resolution)
- Copy of Arkansas GIS approved printed map and certification letter
- File marked copy of Petition Part or File marked copy of the certified special election results (if applicable)
- File marked copy of Complaint and final Circuit Court Order (Court Challenge only)

Municipal Contact:

Name: Patty James Title: Marion City Clerk

Street Address: PO Box 717

City: Marion St: AR Zip code: 72346

City/County Official:

Signature: _____ Title: _____

Date: _____

Complete one form for each ordinance/resolution and attach it as a cover page to the supporting document set. Submit the documents to Arkansas Secretary of State, Atten: Municipal Boundary Filing, 500 Woodlane Ave, Little Rock, AR 72201-1094

Office of the Arkansas Secretary of State use only

Received by: *Cynthia Fisher*

FILED
JUN 24 2016
Arkansas
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ORDINANCE NO. 565

AN ORDINANCE ACCEPTING THE MARCONI LAND ANNEXATION, INCLUDING SAID LAND INTO THE CITY OF MARION, ARKANSAS, ZONING SAID LANDS C-2 AND AGRICULTURAL; AND DECLARING AN EMERGENCY

WHEREAS, a petition for voluntary annexation (the "Petition") was filed with the County Clerk of Crittenden County, Arkansas on October 23, 2014 by the owners of the land praying that said land be annexed into and made part of the City of Marion, Arkansas; and

WHEREAS, on November 26, 2014, the County Court of Crittenden County, Arkansas entered a Decree of Annexation in Case No: CO: 2014-64 finding as follows:

- (1) that the Petition was signed by a majority of the total number of the real property owners of the land area to be annexed and owning more than one-half of the acreage of said area;
- (2) that said lands are contiguous to and adjoining the present corporate limits of the City of Marion;
- (3) that an accurate map of said lands has been filed with and made a part of said Petition;
- (4) proper notice has been given for the time and in the manner prescribed by law; and

WHEREAS, all things pertaining thereto have been done in the manner prescribed by law and that said lands should be annexed to and made part of the City of Marion; and

WHEREAS, the owners of the land have requested that a portion of their land, designated as **Tract A** in the legal description below and containing approximately 5.74 acres, be zoned C-2 (General Commercial District), and the balance of the annexed land, referred to as **Tract B** and containing approximately 42.41 acres, be zoned Agricultural pursuant to the Zoning Ordinance of the City of Marion, Arkansas.

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

SECTION 1. The following described territory contiguous and adjoining the City of Marion, Arkansas be and the same is hereby accepted as annexed into and made a part of the City of Marion, Crittenden County, Arkansas, to wit:

Tract A

A portion of Lot 8 of the Division of Henry Reginelli Estate as recorded in Plat Book 2, Page 44, and a portion of Tracts 1 and 2 as described in Deed Book 1226, Page 449, all lying in Section

F I L E D

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30, Township 7 North, Range 9 East, Crittenden County, Arkansas being more particularly described by metes and bounds as follows:

COMMENCING at the Southeast Corner of said Lot 8; Thence along the South line of said Lot 8, South 88° 10' 03" West a distance of 1433.04 feet to a found 2" AHTD Brass Cap on the East Right-of-Way of Arkansas Highway 77 per AHTD Job #110303;

Thence along said East Right-of-Way, the following three (2) courses:

- (1) North 02° 29' 01" East, a distance of 734.40 feet to the **POINT OF BEGINNING**;
- (2) North 02°29'01" East, a distance of 185.20 feet to a found 2" AHTD Brass Cap with cap (LS#1363);

Thence along the East Right-of-Way of Arkansas Highway 77 per AHTD Job #110342; North 03°20'57" East, a distance of 240.83 feet; Thence leaving said East Right-of-Way, South 87°29'58" East, a distance of 584.31 feet; Thence South 02°29'53" West, a distance of 425.99 feet; Thence North 87°30'04" West, a distance of 587.84 feet to the **POINT OF BEGINNING**, containing 250,003 square feet or 5.74 acres, more or less.

Tract B

A portion of Lot 8 of the Division of Henry Reginelli Estate as recorded in Plat Book 2, Page 44, and a portion of Tract 2 as described in Deed Book 1226, Page 449, all lying in Section 30, Township 7 North, Range 9 East, Crittenden County, Arkansas being more particularly described by metes and bounds as follows:

BEGINNING at the Southeast Corner of said Lot 8; Thence along the South line of said Lot 8, South 88° 10' 03" West, a distance of 1433.04 feet to a found 2" AHTD Brass Cap on the East Right-of-Way of Arkansas Highway 77 per AHTD Job #110303; Thence along said East Right-of-Way, North 02° 29' 01" East, a distance of 734.40 feet; Thence leaving said Right-of-Way, South 87°30'04" East, a distance of 587.84 feet; Thence North 02°29'53" East, a distance of 425.99 feet; Thence North 87°29'58" West, a distance of 584.31 feet to the East Right-of-Way of Arkansas Highway 77 per AHTD Job #110342; Thence along said Right-of-Way the following courses:

- (3) North 03° 20' 57" East, a distance of 291.61 feet to a found 2" AHTD Brass Cap;
- (4) North 14° 24' 33" West, a distance of 52.25 feet to a found 2" AHTD Brass Cap;
- (5) North 24° 32' 53" West, a distance of 25.77 feet;

Thence leaving said East Right-of-Way, North 63° 45' 11" East, a distance of 149.37 feet; Thence North 23° 59' 11" East, a distance of 223.80 feet to the South Right-of-Way of Burlington Northern & Santa Fe Railway;

Thence along said South Right-of-Way, the following two (2) courses:

- (1) South 56° 09' 18" East, a distance of 439.56 feet;
- (2) South 56° 10' 49" East, a distance of 1333.20 feet to the East line of said Lot 8;

Thence along said East line, South 29° 58' 14" West, a distance of 637.01 feet; Thence continuing along said East line, South 01° 32' 10" East, a distance of 210.42 feet to the POINT of BEGINNING and containing 1,847,574 square feet or 42.41 acres, more or less.

SECTION 2. That **Tract A** of the above described lands is hereby zoned C-2 (General Commercial District), and **Tract B** of the above described land is hereby zoned Agricultural in accordance with the Zoning Ordinance of the City of Marion, Crittenden County, Arkansas; and that the Official Zoning Map of the City be amended to include said land and zoning designations as specified herein.

SECTION 3. The City of Marion will only extend police and fire protection for the newly annexed area.

SECTION 4. Repealer. All laws, ordinances and regulations and parts thereof in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. Severability. In the event any portion of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration and adjudication shall not affect the remaining portions of the ordinance, which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this ordinance.

SECTION 6. Emergency. The City Council deems an emergency exists and has suspended the rules and placed this Ordinance on three readings. **This Ordinance shall be in full force and effect from and after its passage.**

PASSED: 1-27-15, 2015

ATTEST:

APPROVED:



CITY CLERK



MAYOR

FILED

JUN 24 2016

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Secretary of State

157
(1-29)

IN THE COUNTY COURT OF CRITTENDEN COUNTY, ARKANSAS

IN THE MATTER OF THE
ANNEXATION OF CERTAIN
LANDS INTO THE CITY OF
MARION, ARKANSAS

NO. CO: 2014-64

FILED
AT _____ O'CLOCK _____ M
NOV 26 2014

DECREE OF ANNEXATION

PAULA BROWN, CLERK
BY _____

ON THIS 26th day of November, 2014, a day of the regular term of the County Court of Crittenden County, Arkansas, there is presented to the Court by the Petitioner or Stephen R. Giles, their agent, a Petition for Annexation of certain territory, more particularly described below, into the City of Marion, Arkansas. The Court being fully advised of the facts and the law does hereby find, adjudge and decree as follows:

1. The Court finds that the Petition for Annexation was filed with the Clerk of this Court more than thirty (30) days prior to the date of this hearing.
2. The Court finds that a majority of the total number of real estate owners within the area described in the Petition have signed the Petition and that such majority owns more than one-half of the acreage affected.
3. The Court further finds that the territory sought to be annexed was accurately described in Exhibit 1 of said Petition, and that the territory is contiguous to the boundaries of the City of Marion, Arkansas.
4. The Court further finds that Exhibit 2 of the Petition is an accurate map of the territory sought to be annexed into the City of Marion, Arkansas.
5. The Court further finds that the prayer of the Petition is right and proper.

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WHEREFORE, THE COUNTY COURT DOES HEREBY ORDER, ADJUDGE AND DECREE that the following described territory be and the same is hereby annexed to and made a part of the City of Marion, Arkansas, to wit:

Lot 8 of the Division of Henry Reginelli Estate of Section 30, Township 7 North, Range 9 East, Crittenden County, Arkansas as recorded in Plat Book 2, Page 44, being described by metes and bounds as follows:

BEGINNING at the Southeast of said Lot 8; Thence along the South line of said Lot 8 South 88° 10' 03" West a distance of 1433.04 feet to a found 2" AHTD Brass Cap on the East Right-of-Way of Arkansas Highway 77 per AHTD Job #110342; Thence along said East Right-of-Way the following four (4) courses:

- (1) North 02° 29' 01" East a distance of 919.60 feet to a found 2" AHTD Brass Cap with cap (LS#1363);
- (2) North 03° 20' 57" East a distance of 532.44 feet to a found 2" AHTD Brass Cap;
- (3) North 14° 24' 33" West a distance of 52.25 feet to a found 2" AHTD Brass Cap;
- (4) North 24° 32' 53" West a distance of 25.77 feet;

Thence leaving said East Right-of-Way North 63° 45' 11" East a distance of 149.37 feet; Thence North 23° 59' 11" East a distance of 223.80 feet to the South Right-of-Way of Burlington Northern & Santa Fe Railway; Thence along said South Right-of-Way the following two (2) courses:

- (1) South 56° 09' 18" East a distance of 439.56 feet;
- (2) South 56° 10' 49" East a distance of 1333.20 feet to the East line of said Lot 8; Thence along said East line South 29° 58' 14" West a distance of 637.01 feet; Thence South 01° 32' 10" East a distance of 210.42 feet to the **POINT of BEGINNING** and containing 2,097,576 square feet or 48.15 acres, more or less.

THE COURT DOES FURTHER ORDER that this Decree of Annexation be delivered to the County Clerk to be properly recorded upon the records of Crittenden County, Arkansas, and the certified transcripts to be sent to the City of Marion, Arkansas, with a copy to the Arkansas Secretary of State and one copy to the Director of the Tax Division of the Arkansas Public Service Commission.

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Secretary of State

IT IS SO ORDERED on this 26th day of NOVEMBER, 2014.

Woody Wheeler
Honorable Woody Wheeler

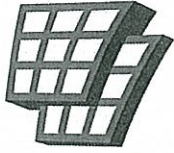
Prepared by:

STEPHEN R. GILES, P.A.
425 W. Capitol Ave., Suite 3200
Little Rock, AR 72201
(501) 687-0836

By: Stephen R. Giles
Stephen R. Giles, #75046

Representative of Petitioner

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**ARKANSAS
GIS OFFICE**

June 21, 2016

Mrs. Cynthia Fisher
Special Projects Manager
AR Secretary of State Legal Division
500 Woodlane Street
Little Rock, AR 72201

RE: City of Marion Annexation Coordination Requirement

Mrs. Fisher,

Thank you for coordinating with our office as you seek to annex property into the City of Marion, AR case number CO:2014-64. 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 90th 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,

Richie Pierce, Sr. GIS Analyst
/rp

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JUN 24 2016

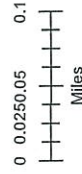
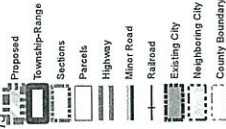
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City: Marion
 Mayor: Frank Fogleman

Arkansas Code 14-40-101.

Before an entity undertakes an annexation, consolidation, or detachment, proceeding under this chapter, the entity shall coordinate with the Arkansas Geographic Information Systems Office for preparation of legal descriptions and digital mapping for the relevant annexation, consolidation, and detachment areas.

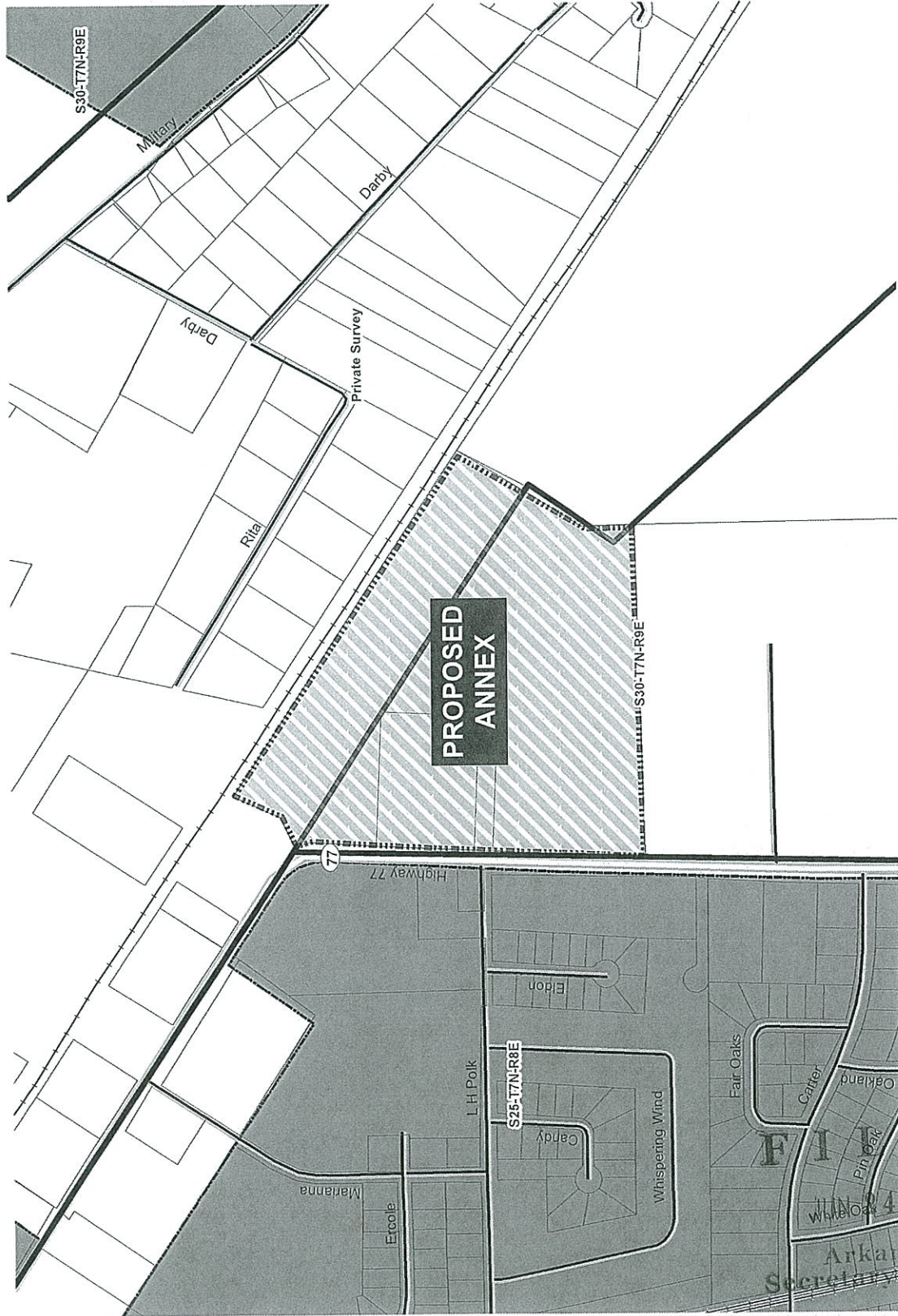
The map contained herein, is evidence the entity has met requirements of Act 914 of 2013.



ARKANSAS
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Marion-20160821

Proposed Annex: City of Marion
 June 2016



**PROPOSED
 ANNEX**

FILED
 JUN 14 2016
 Arkansas
 Secretary of State