



JOHN THURSTON
ARKANSAS SECRETARY OF STATE

October 14, 2019

The Hon. Sandy Boyette
Hot Spring County Clerk
210 Locust St.
Malvern, AR 72104

Re: City of Malvern Annexation Ordinance 14-2019

Dear Ms. Boyette,

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 with Detachment from another municipality § A.C.A 14-40-2001

Effective Date: 08/12/2019

County: Hot Spring

City Ordinance: 14-2019

County Court Order: N/A

City: Malvern

Dated: 08/12/2019

Date Filed: 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 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 black ink, 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. Brenda Weldon, Mayor of Malvern (w/encl)
The Hon. Phyllis Dial, Malvern City Clerk/Treasurer (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: Hot Spring City/Town: Malvern

City Ordinance/Resolution No: 74-2019 Date approved: 8/12/19

County Court Case No: _____ Date Order Filed: 8/22/19

Type: Act 779 ACA 14-40-2001
(Choose from the list of Arkansas Code Sections located on the back)

Date Change Effective: 8/12/19 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: Ward 4
(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: Thyllis Dial Title: City Clerk / Treasurer

Street Address: 120 W. Third St

City: Malvern St: AR Zip code: 72104

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: [Signature] Title: County Clerk

Date: 8-23-19

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

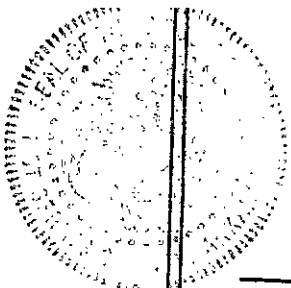
Office of the Arkansas Secretary of State use only

Received by: [Signature]

FILED

OCT 14 2019

Arkansas Secretary of State Rev. 2/2019



RESOLUTION NO. 14-2019

I HEREBY CERTIFY THAT THIS INSTRUMENT
WAS FILED AND RECORDED ON 08/22/2019 10:05:34 P
TERESA PILCHER, CIRCUIT CLERK
HOT SPRING COUNTY, ARKANSAS

**A RESOLUTION ACCEPTING DESIGNATED REAL PROPERTY AS A PART OF
THE CORPORATE LIMITS OF THE CITY OF MALVERN, ARKANSAS**

*Shauna
Walters*

WHEREAS, on the 10th day of January, 2019, Petition was filed with the City of Malvern, Arkansas, by Mark Cramer Agency, Inc., the owner of the property described in attached Exhibit A, praying that the City of Malvern, Arkansas approve and accept said landowners' request to annex the said property consistent with the provisions of Act 779 of 1999, to the corporate limits of the City of Malvern, Arkansas; and

WHEREAS, Act 779 provides that the land shall be annexed if the governing body of the municipality to which annexation is sought signs a statement committing to make the services requested by the landowners available and approves the request for annexation; and

WHEREAS, the governing body of the City of Malvern, Arkansas has passed Resolution No. 550 agreeing to make the requested services available to the landowners and has signed a statement further committing to make said services available.

NOW, THEREFORE, BE IT RESOLVED BY THE MALVERN CITY COUNCIL AS FOLLOWS:

Section 1. The City of Malvern, Arkansas, hereby accepts the described property in attached Exhibit A as a part of the corporate limits of the City of Malvern, Arkansas.

Section 2. The property described in attached Exhibit A is hereby zoned C-2 (Highway Commercial).

Adopted this 12th day of August, 2020.

Brenda J. Wilder

Mayor

ATTEST
[Signature]

City Clerk

Exhibit A

A Part of the SE1/4 SE1/4 Section 9, Township 4 South, Range 17 West, Hot Spring County, Arkansas being more particularly described as follows: Commencing at the Southeast corner of the said SE1/4 SE1/4 being a painted rock; thence S 89° 32' 16" W 350.52 feet to a 1 inch rebar on the West right of way of Highway 270; thence N 89° 47' 37" W 245.59 feet; thence N 18° 48' 19" W 152.37 feet to a set rebar wire; thence N 18° 48' 19" W 26.12 feet to a set rebar wire; thence N 89° 37' 54" E 62.48 feet to a set rebar wire; thence N 89° 37' 54" E 149.50 feet to a set rebar wire and the Point of Beginning; thence N 89° 37' 54" E 141.67 feet to a set rebar wire; thence N 92° 41' 31" E 150.13 feet to a 2 1/2 inch rebar; thence S 89° 37' 54" E 156.27 feet to a set rebar wire; thence S 00° 37' 54" W 149.98 feet to the Point of Beginning.

Also a 10' Utility Easement more particularly described as follows: A Part of the SE1/4 SE1/4 Section 9, Township 4 South, Range 17 West, Hot Spring County, Arkansas being more particularly described as follows: Commencing at the Southeast corner of the said SE1/4 SE1/4 being a painted rock; thence S 89° 37' 54" E 350.52 feet to a 1 inch rebar; thence E 89° 47' 37" W 245.59 feet to the center line of easement and the Point of Beginning; thence along the centerline of easement the following courses and distances: N 18° 48' 19" W 26.12 feet; thence N 89° 37' 54" E 317.96 feet; thence N 89° 37' 54" E 141.67 feet to the end of the Easement.

Along and together with a 24 foot easement for ingress & egress, more particularly described as follows: A Part of the SE1/4 SE1/4 Section 9, Township 4 South, Range 17 West, Hot Spring County, Arkansas being more particularly described as follows: Commencing at the Southeast corner of the said SE1/4 SE1/4 being a painted rock; thence S 89° 37' 54" E 350.52 feet to a 1 inch rebar on the west right of way of Highway 270; thence along the said right of way N 22° 07' 19" W 99.70 feet to a right of way monument; thence continuing along the said right of way N 05° 46' 00" W 90.64 feet to a set rebar wire and the Point of Beginning; thence continuing along the said right of way N 05° 46' 00" W 150.87 feet to a 3/4 inch rebar; thence continuing along the said right of way N 05° 46' 00" W 151.26 feet to a 1 inch pipe; thence leaving the said right of way S 89° 37' 54" E 24.18 feet to a set rebar wire; thence N 89° 37' 54" E 24.12 feet to the Point of Beginning; thence S 89° 37' 54" E 150.86 feet; thence N 89° 37' 54" E 24.12 feet to the Point of Beginning.

Also known as Tract 2, Lots 25, 26, 27 of Wilcox Subdivision.

COMMITMENT TO MAKE SERVICES AVAILABLE

The City of Malvern, Arkansas, commits to make the following services available to Marc Cramer, landowner, who has requested that their land be annexed to the City of Malvern, Arkansas, consistent with the provisions of Act 779 of 1999:

Sewer Service to property, Street Department, Street Sweeper Service, 24-Hour Police Protection, 24-Hour Fire Protection with Class 3 Insurance Rating, Animal Control Program with Animal Shelter, Municipal Water Department with Current rate of \$19.76 for 10,000 gallons subject to change Based on reasonable cost for production and delivery.

This commitment is conditioned on the landowner taking appropriate steps to make the land available to the services and having complied with the reasonable requests of the City of Malvern that are necessary for the services to be provided.

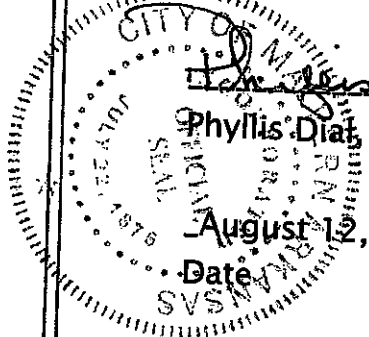
City of Malvern, Arkansas

Brenda J. Weldon
Brenda J. Weldon, Mayor

ATTEST;

Phyllis Diaz
Phyllis Diaz, City Clerk

August 12, 2019
Date



**REQUEST FOR ANNEXATION TO OBTAIN
MUNICIPAL SERVICES**

TO THE CITY OF MALVERN:

The undersigned landowner requests annexation to obtain municipal services consistent with the provisions of Ark. Code Ann. Section 14-40-2001 et. seq.

1. The City of Rockport, Arkansas, is not providing the following listed services necessary to create improvements, provide employment, or additional employment, subdivide or otherwise maximize the use and value to the undersigned's property:

- a. Water service
- b. Sewer service
- c. 24 hour fire protection
- d. Drainage and storm water management
- e. Street maintenance
- f. Economic development and support
- g. Trash collection
- h. Animal control services
- i. Code Enforcement

2. The undersigned landowner owns the following described lands comprising one area within the City of Rockport, Arkansas, which is contiguous to the City of Malvern, Arkansas:

See Exhibit A attached hereto

3. The requested services are available in the City of Malvern, Arkansas, a municipality that borders the land subject to this request for services.

4. The undersigned landowner made a written request to the City of Rockport, Arkansas, to make a commitment to take substantial steps, within 180 days after the filing of the statement toward making the services available and within each 30 day period thereafter to continue taking steps to demonstrate a consistent commitment to provide the services within a reasonable time. The City of Rockport has failed to comply.

5. The undersigned landowner requests the annexation of the described land into the City of Malvern, Arkansas, and he hereby detaches the land from the boundaries of the City of Rockport, Arkansas, in which the land is currently located.

6. The City of Malvern, Arkansas, is requested to make a commitment to take substantial steps, within the statutory time period, to make the requested services available and within each 30-day period thereafter continue to take steps demonstrating a consistent commitment to provide the services within a reasonable time as determined by the kind of service requested. The undersigned landowner shall take appropriate steps to make the lands

accessible to the services requested and comply with reasonable requests of the City of Malvern, Arkansas, that are necessary for the services to be provided.

[Signature]
By Mark Cramer, for Mark Cramer Agency, Inc.

Date: 4-9-18

STATE OF ARKANSAS
COUNTY OF Hot Spring

On this day, before me, the undersigned officer, personally appeared MARK CRAMER, known to me to be the person whose name is subscribed to this document and acknowledges that he executed the same for the purposes therein contained.

Subscribed and sworn to before me this 9th day of April, 2017.

[Signature]
NOTARY PUBLIC

MY COMMISSION EXPIRES:
February 20, 2024

SETH HOBBS
GARLAND COUNTY
NOTARY PUBLIC -- ARKANSAS
My Commission Expires February 20, 2024
Commission No. 12397494

Exhibit A

A Part of the SE1/4 Section 9, Township 4 South, Range 17 West, Hot Spring County, Arkansas being more particularly described as follows: Commencing at the Southeast corner of the said SE1/4 Section 9 being a painted stake; thence S 89° 52' 16" W 300.52 feet to a 1 inch iron on the West right of way of Highway 270; thence N 69° 47' 57" W 245.59 feet; thence N 18° 48' 19" W 152.37 feet to a set iron stake; thence N 18° 48' 19" W 36.12 feet to a 3/8 inch iron stake; thence N 90° 37' 54" E 68.48 feet to a set iron stake; thence N 90° 37' 54" E 149.50 feet to a 3/8 inch iron stake and the Point of Beginning; thence N 89° 56' 21" W 141.67 feet to a set iron stake; thence N 90° 41' 31" E 150.11 feet to a 3/8 inch iron stake; thence S 89° 56' 21" E 136.27 feet to a set iron stake; thence S 00° 37' 54" W 149.98 feet to the Point of Beginning.

Also a 10' Utility Easement more particularly described as follows: A Part of the SE1/4 Section 9, Township 4 South, Range 17 West, Hot Spring County, Arkansas being more particularly described as follows: Commencing at the Southeast corner of the said SE1/4 Section 9 being a painted stake; thence S 89° 52' 16" W 300.52 feet to a 1 inch iron on the West right of way of Highway 270; thence N 69° 47' 57" W 245.59 feet to the Point of Beginning; thence along the boundary of tracts the following courses and distances: N 18° 48' 19" W 245.59 feet; thence N 00° 37' 54" E 217.98 feet; thence N 89° 56' 21" W 141.67 feet to the end of the Easement.

Also and together with a 24 foot additional 3rd Easement across the utility, more particularly described as follows: A Part of the SE1/4 Section 9, Township 4 South, Range 17 West, Hot Spring County, Arkansas being more particularly described as follows: Commencing at the Southeast corner of the said SE1/4 Section 9 being a painted stake; thence S 89° 52' 16" W 300.52 feet to a 1 inch iron on the West right of way of Highway 270; thence along the West right of way of Highway 270; thence N 69° 47' 57" W 245.59 feet to a right of way monument; thence along the West right of way of Highway 270; thence N 05° 46' 05" W 150.67 feet to a 3/4 inch pipe; thence along the West right of way of Highway 270; thence N 05° 46' 05" W 151.75 feet to a 3/4 inch pipe; thence leaving the West right of way of Highway 270; thence N 05° 46' 05" E 151.63 feet; thence S 05° 47' 57" E 150.68 feet; thence N 89° 56' 21" E 24.12 feet to the Point of Beginning.

Also known as Tract 2, Lots 25, 26, 27 of Wilcox Subdivision.

REQUEST FOR DETACHMENT OF THE CITY OF ROCKPORT, ARKANSAS

TO THE CITY OF ROCKPORT:

The undersigned landowner requests detachment from the City of Rockport, Arkansas, to annex into the City of Malvern, Arkansas. The City of Rockport, Arkansas, is unable to offer the municipal services required for development of my property and pursuant to Ark. Code Ann. Section 14-40-2002, I request my land be detached from the City of Rockport, Arkansas.

1. The City of Rockport, Arkansas, is not providing the following listed services necessary to create improvements, provide employment, or additional employment, subdivide or otherwise maximize the use and value of my property:

- a. Water service
- b. Sewer service
- c. 24 hour fire protection
- d. Drainage and storm water management
- e. Street maintenance
- f. Economic development and support
- g. Trash collection
- h. Animal control services
- i. Code Enforcement

2. The undersigned landowner owns the following described lands comprising one area within the City of Rockport, Arkansas, which is contiguous to the City of Malvern, Arkansas:

See Exhibit "A" attached hereto.

3. The requested services are not available in the City of Rockport, Arkansas. They are however available in the City of Malvern, Arkansas, a municipality that borders the land subject to this request.

4. Please consider this a written request to the City of Rockport, Arkansas, to make a commitment to take substantial steps within 180 days from the filing of this statement to make the services available.

5. The City of Rockport, Arkansas, is requested to make a commitment to take substantial steps, within the statutory time period, to make the requested services available and within each 30-day period thereafter continue to take steps demonstrating a consistent commitment to provide the services within a reasonable time as determined by the kind of service requested. The undersigned landowner shall take appropriate steps to make the lands accessible to the services requested and comply with reasonable requests of the City of Rockport, Arkansas, that are necessary for the services to be provided.

6. It is my desire to detach from the City of Rockport, Arkansas, and annex to the City of Malvern, Arkansas.

Mark Cramer

By Mark Cramer, for Mark Cramer Agency, Inc.

Date: 4-9-18

STATE OF ARKANSAS
COUNTY OF Hot Spring

On this day, before me, the undersigned officer, personally appeared MARK CRAMER, known to me to be the person whose name is subscribed to this document and acknowledges that he executed the same for the purposes therein contained.

Subscribed and sworn to before me this 9th day of April, 2018.

Seth Hobbs
NOTARY PUBLIC

MY COMMISSION EXPIRES:
February 20, 2024

SETH HOBBS
GARLAND COUNTY
NOTARY PUBLIC -- ARKANSAS
My Commission Expires February 20, 2024
Commission No. 12397494

Exhibit A

A Part of the SE¼ SE¼ Section 9, Township 4 South, Range 17 West, Hot Spring County, Arkansas being more particularly described as follows: Commencing at the Southeast corner of the said SE¼ SE¼ being a painted rock; thence S 89°52'16" W 350.52 feet to a 1 inch rebar on the West right of way of Highway 270; thence N 89°47'57" W 245.59 feet; thence N 18°48'19" W 152.37 feet to a set rebar w/cap; thence N 18°48'19" W 86.12 feet to a set rebar w/cap; thence N 00°37'54" E 68.48 feet to a set rebar w/cap; thence N 00°37'54" E 149.50 feet to a 3/8 inch rebar and the Point of Beginning; thence N 89°56'21" W 141.67 feet, W 141.67 feet to a set rebar w/cap; thence N 02°41'31" E 150.13 feet to a 3/8 inch rebar; thence S 89°56'29" E 136.27 feet to a set rebar w/cap; thence S 00°37'54" W 149.98 feet to the Point of Beginning.

Also a 10' Utility Easement more particularly described as follows: A Part of the SE¼ SE¼ Section 9, Township 4 South, Range 17 West, Hot Spring County, Arkansas being more particularly described as follows: Commencing at the Southeast corner of the said SE¼ SE¼ being a painted rock; thence S 89°52'16" W 350.52 feet to a 1 inch rebar; thence S 89°47'57" W 245.59 feet to the centerline of easement and the Point of Beginning; thence along the centerline of easement the following courses and distances; N 18°48'19" W 238.49 feet; thence N 00°37'54" E 217.98 feet; thence N 89°56'21" W 141.67 feet to the end of the Easement.

Along and together with a 24 foot easement for ingress-egress & utilities, more particularly described as follows: A Part of the SE¼ SE¼ Section 9, Township 4 South, Range 17 West, Hot Spring County, Arkansas being more particularly described as follows: Commencing at the Southeast corner of the said SE¼ SE¼ being a painted rock; thence S 89°52'16" W 350.52 feet to a 1 inch rebar on the west right of way of Highway 270; thence along the said right of way, N 22°07'19" W 79.30 feet to a right of way monument; thence continuing along the said right of way N 05°46'06" W 70.94 feet to a set rebar w/cap and the Point of Beginning; thence continuing along the said right of way N 05°46'06" W 150.67 feet to a 3/8 inch rebar; thence continuing along the said right of way N 05°36'02" W 151.76 feet to a 1/2 inch pipe; thence leaving the said right of way S 89°33'25" W 24.10 feet to a set rebar w/cap; thence S 05°36'02" E 151.61 feet; thence S 05°45'37" E 150.68 feet; thence N 89°53'32" E 24.12 feet to the Point of Beginning.



ARKANSAS GIS OFFICE

A Division of the Department of Transformation and Shared Services

August 30, 2019

Mr. Robin Halbert
IT Specialist/GIS Coordinator
City of Malvern
305 Locust
Malvern, AR 72104

RE: City of Malvern Annexation Coordination Requirement

Mr. Halbert,

Thank you for coordinating with our office as you seek to annex property into the City of Malvern, AR located in Section 9, Township 4 South, Range 17 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 90th General Assembly.

Please note that according to our records this proposed annexation is already within the City of Malvern.

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

Attachments:

GIS Office Map of Proposed Annexation

Legal Description

Secretary of State Municipal Change Checklist

H:\City_Annexations\Cities\Malvern\20190829\Doc\20190829_Malvern_Annexation_Coordination_Letter.docx

ARKANSAS GIS OFFICE · 1 CAPITOL MALL SUITE 6D · LITTLE ROCK · ARKANSAS · 72201

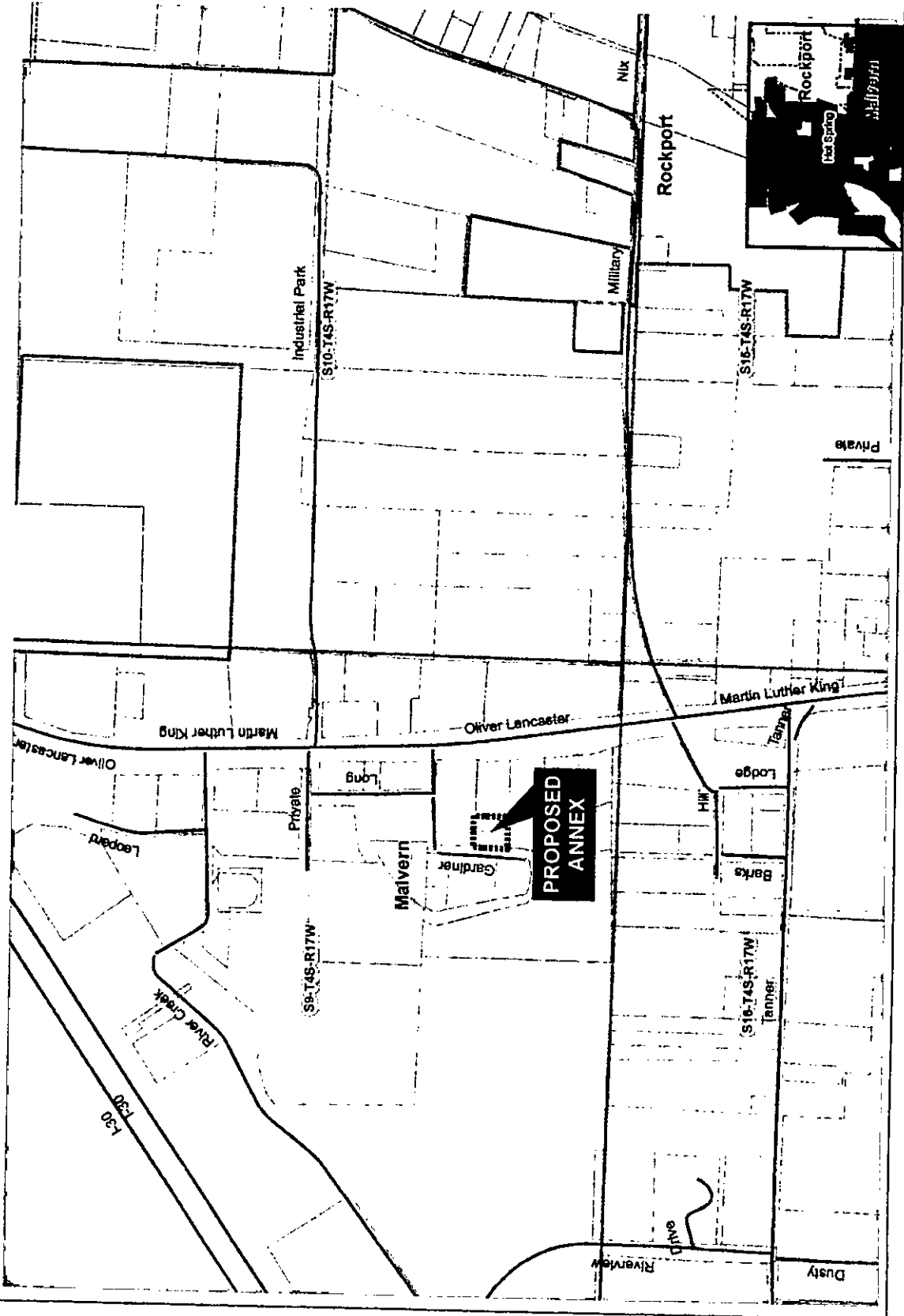
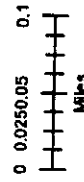
PHONE (501) 682-2767 · www.gis.arkansas.gov

Proposed Annex: City of Malvern
August 2019

City: Malvern
Mayor: Brenda Weldon

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 2015



Legal Description

A Part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, Township 4 South, Range 17 West, Hot Spring County, Arkansas being more particularly described as follows: Commencing at the Southeast corner of the said SE $\frac{1}{4}$ SE $\frac{1}{4}$ being a painted rock; thence S 89°52'16" W 350.52 feet to a 1 inch rebar on the West right of way of Highway 270; thence N 89°47'57" W 245.59 feet; thence N 18°48'19" W 152.37 feet to a set rebar w/cap; thence N 18°48'19" W 86.12 feet to a set rebar w/cap; thence N 00°37'54" E 68.48 feet to a set rebar w/cap; thence N 00°37'54" E 149.50 feet to a 3/8 inch rebar and the Point of beginning; thence N 89°56'21" W 141.67 feet, W 141.67 feet to a set rebar w/cap; thence N 02°41'31" E 150.13 feet to a 3/8 inch rebar; thence S 89°56'29" E 136.27 feet to a set rebar w/cap; thence S 00°37'54" W 149.98 feet to the Point of Beginning.



Phyllis Dial
City Clerk/Treasurer

September 6, 2019

Shantell McGraw
Election Coordinator
500 Woodlane St. Room 026
Little Rock, AR 72201

RE: 2019 Annexation Check Lists as requested

Dear Ms McGraw:

Attached are the checklists for annexations to the City of Malvern in 2019 as requested. You will also find the checklist and annexation Resolution No. 14-2019 that we discussed over the telephone. I realize that there will probably be litigation pending from the City of Rockport. If you have any questions, please feel free to contact my office.

Thank you for your assistance in this matter.

Sincerely,

Phyllis Dial
City of Malvern
City Clerk/Treasurer

Enclosures: Checklist for Resolution No. 03-2019, Resolution No. 04-2019, Resolution No. 05-2019
Checklist and Resolution No. 14-2019