

RESOLUTION NO. 09-01

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

RECITALS

WHEREAS, on the 11th day of May, 2001, a request was filed with the City of Malvern, Arkansas, by Aaron Wright and Leeann W. Welch, the owners of the property hereinafter described:

A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION FIFTEEN (15) TOWNSHIP FOUR (4) SOUTH, RANGE SEVENTEEN (17) WEST AND MORE MINUTELY DESCRIBED TO-WIT: beginning 180 feet south and 315 northeasterly of the NW corner of said forty (40) acre tract which point is on the Military Road; thence south to the south side of the tract of land conveyed to the said George Lancaster by E.C. Gibbs and wife on June 21, 1926, as shown on Deed Record No. 49 at page 316 there of the records of said County; thence West 100 feet; thence north to the said Military Road thence Northeasterly with said Military Road 100 feet to the said place of beginning.

AND A PART OF THE NORTHWEST QUARTER OF SECTION FIFTEEN (15), TOWNSHIP FOUR (4) SOUTH, RANGE SEVENTEEN (17) WEST AND MORE MINUTELY DESCRIBED AS FOLLOWS: Beginning 180 feet south and 215 feet northeasterly of the northwest corner of said forty acre tract, which point is on the Military Road; thence south to the south side of the tract of land conveyed to the said George Lancaster by E.C. Gibbs and wife on June 21, 1926, as shown on Deed Record 49, page 316 there of the records of said county; thence West 140 feet; thence north to the said Military Road; thence northeasterly with said Military Road 140 feet to the place of beginning.

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 above described property as a part of the corporate limits of the City of Malvern, Arkansas.

ADOPTED this 11th day of June, 2001.

Stephen Northcutt
Mayor

ATTEST.

J. Shelia Wood
City Clerk

REQUEST FOR ANNEXATION TO OBTAIN
MUNICIPAL SERVICES

TO: City of Malvern, Arkansas

The undersigned landowner requests annexation to obtain municipal services.

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 the undersigned's property:

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 rates based on reasonable cost for production and delivery.

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 and made a part hereof by reference.

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

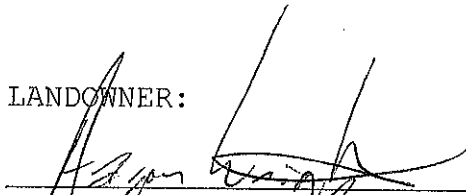
4. The undersigned landowner made a written request to the City of Rockport, Arkansas, to make a commitment to take substantial steps, within ninety (90) days after the written request was filed, toward making the services available and within each thirty (30) day period thereafter to continue to take steps demonstrating a consistent commitment to provide the services within a reasonable time, as determined by the kind of services requested. The City of Rockport, Arkansas failed to make a commitment to take substantial steps within ninety (90) calendar days after the statement was filed toward making the services

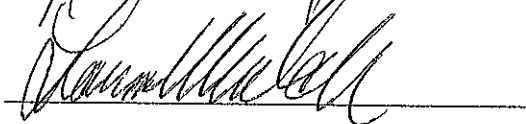
available and to continue to take steps demonstrating a consistent commitment to provide the services within a reasonable time.

5. The undersigned landowner requests the annexation of the described land into the City of Malvern, and thereby detach 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 ninety (90) days after the statement is filed, toward making the services available and within each thirty (30) day period thereafter to continue to take steps demonstrating a consistent commitment to provide the service within a reasonable time, as determined by the kind of services requested or the land will be returned to the City of Rockport, Arkansas if the City of Malvern, Arkansas fails to take substantial steps. The landowner will take appropriate steps to make the land accessible to the service and comply with reasonable requests of the City of Malvern, Arkansas that are necessary for the services to be provided.

LANDOWNER:





ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF HOT SPRING)

Be it remembered that on this day personally appeared before the undersigned, a Notary Public within and for the County and State aforesaid, duly qualified and acting, Aaron Wright and Learn W. Welch, and stated that they had executed the foregoing instrument for the

consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 11th day of May, 2001.

Jane Anna Holmes
NOTARY PUBLIC

My Commission Expires:
3-10-2003

Exhibit A

A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION FIFTEEN (15) TOWNSHIP FOUR (4) SOUTH, RANGE SEVENTEEN (17) WEST AND MORE MINUTELY DESCRIBED TO-WIT: beginning 180 feet south and 315 feet northeasterly of the NW corner of said forty (40) acre tract which point is on the Military Road; thence south to the south side of the tract of land conveyed to the said George Lancaster by E.C. Gibbs and wife on June 21, 1926, as shown on Deed Record no. 49 at page 316 there of the records of said County; thence West 100 feet; thence north to the said Military Road thence Northeasterly with said Military Road 100 feet to the said place of beginning.

AND A PART OF THE NORTHWEST QUARTER OF SECTION FIFTEEN (15), TOWNSHIP FOUR (4) SOUTH, RANGE SEVENTEEN (17) WEST AND MORE MINUTELY DESCRIBED AS FOLLOWS: Beginning 180 feet south and 215 feet northeasterly of the northwest corner of said forty acre tract, which point is on the Military road; thence south to the south side of the tract of land conveyed to the said George Lancaster by E. C. Gibbs and wife on June 21, 1926, as shown on Deed Record 49, page 316 there of the records of said county; thence west 140 feet; thence north to the said Military Road; thence northeasterly with said Military Road 140 feet to the place of beginning.



State of Arkansas
SECRETARY OF STATE

Sharon Priest
SECRETARY OF STATE

February 8, 2000

The Honorable Carole Burns
Hot Spring County Clerk
210 Locust Street
Malvern, AR 72104

Dear Ms. Burns:

The Following Information has been recorded and filed in the Office of the Secretary of State:

Date:	02/08/2000	County:	Hot Spring	City:	Malvern
Annexation:	Ordinance No. ~	Res. #550 accepting	Res.#552		
	Co. Order No.	~			
	Plat	~	Act 779 of 1999		
	Election	~			
	Island	~			
Incorporation:	Ordinance No.	~			
	Co. Order No.	~			
	Plat	~			
	Election	~			
Census Information		~			
1st Class City		~			
2nd Class City		~			
Incorporated Town		~			

I have forwarded this information to the Arkansas Municipal League. If you have any further questions please do not hesitate to contact me at 1-800-482-1127 or 682-3451.

Sincerely,

Tena Arnold
Election Services Representative

RESOLUTION NO. 550

A RESOLUTION DECLARING A COMMITMENT TO ASSIST
LANDOWNERS TO OBTAIN MUNICIPAL SERVICES ACCORDING
TO SENATE BILL 510 (ACT 779)

WHEREAS, pursuant to Act 779 of 1999, landowners whose property is located within one municipality may detach their lands from said municipality and annex to another that provides additional services to create improvements, provide employment, subdivide or otherwise maximize the use of said property; and

WHEREAS, to assist any landowners, the City of Malvern desires to commit to making certain municipal services available to landowners seeking to annex to the City of Malvern under said Act 779 of 1999.

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

Section 1. That the services listed below will be available to the landowner or landowners requesting City of Malvern services at the regular fees and cost for connection or use of:

- A. Sewer service to property;
- B. Street department service;
- C. Street sweeper service;
- D. 24-Hour police protection;
- E. 24-Hour fire protection with a Class 5 Insurance Rating;
- F. Animal control program with an animal shelter; and
- G. Municipal water department with a current rate of \$19.76 for 10,000 gallons subject to change based on a reasonable cost for protection and delivery.

Section 2. That the Malvern City Council commits to annex any or all tracts of lands presently in another municipality but contiguous to the City of Malvern upon the request of the landowner and compliance with the terms of Act 779 of 1999.

PASSED AND APPROVED this 12th day of July, 1999.

FILED

FEB 08 2000

SHARON PRIEST
SECRETARY OF STATE

BY

ATTEST:

Phyllis Dial
PHYLLIS DIAL, CITY CLERK

Steve Northcutt
STEVE NORTHCUTT, MAYOR

RESOLUTION NO. 552

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

RECITALS

WHEREAS, on the 6th day of July, 1999, a request was filed with the City of Malvern, Arkansas by Raymond Dale Horn and Beth Horn, the owners of the property hereinafter described:

Part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 15, Township 4 South, Range 17 West and part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 16, Township 4 South, Range 17 West all in Hot Spring County, Arkansas and being more particularly described as follows, to-wit: Commencing at the Northwest corner of said NW $\frac{1}{4}$ NW $\frac{1}{4}$; thence S00°50'56"W 439.70' to the point of beginning; thence N88°38'33"E 67.17'; thence S87°41'54"E 424.27'; thence S00°01'44"E 432.37'; thence N88°33'12"W 255.88'; thence N00°50'56"E 110.00'; thence N88°33'12"W 318.89' to the East right of way of Highway 270; thence along said right of way N08°45'15"W 267.64'; N04°42'29"W 51.58' and N08°44'18"W 5.24'; thence departing from said right of way N89°02'26"E 114.84'; thence N88°38'33"E 12.60' to the point of beginning and containing 5.10 acres, more or less.

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, said 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:

FILED

FEB 08 2000

SHARON PRIEST
SECRETARY OF STATE
BY _____

Section 1. The City of Malvern, Arkansas hereby accepts the above described property as a part of the corporate limits of the City of Malvern, Arkansas.

Adopted this 12th day of July, 1999.

Steve Northcutt
MAYOR STEVE NORTHCUTT

ATTEST:

Phyllis Dial
PHYLLIS DIAL, CITY CLERK



(501) 332-3638 Fax: (501) 332-7607

Phyllis Dial, City Clerk
City of Malvern
305 Locust
Malvern, Arkansas 72104

August 17, 2001

State of Arkansas
Secretary of State's Office
State Capitol
Little Rock, AR 72104

ATTENTION: Leanna Godley, Election Services Representative

Dear Ms. Godley:

As discussed during our telephone conversation of this morning, please find enclosed a copy of the documents I have on the Wright/Welch annexation to the City of Malvern in accordance with Act 779 of the State of Arkansas. If you have any questions or desire further information, please feel free to contact my office at (501)332-3638. Thank you.

Sincerely,

A handwritten signature in cursive script that reads 'Phyllis Dial'.

Phyllis Dial
City Clerk

**AARON WRIGHT &
LEANN WRIGHT WELCH
152 MILITARY ROAD
MALVERN, AR 72104**

Mayor Northcutt and
Malvern City Council
City Hall
Malvern, AR 72104

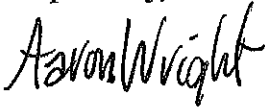
May 25, 2001

Dear Mayor Northcutt and City Counsel Members,

Please accept our petition for annexation to the city of Malvern for the property described in exhibit "A." Our property abuts the North Park Square Mall property on 270 West. We are requesting annexation due our need for sewer services to develop the property.

Please consider annexing the property zoned for residential use (R-2). Since the property is not highway frontage we do not intend to develop it for commercial use. Rather we are interested in upgrading the complexion of the residential area.

Respectfully,



Aaron Wright



Leann Wright Welch

COMMITMENT TO MAKE SERVICES AVAILABLE

The City of Malvern, Arkansas commits to make the following services available to Leeann Wright Welch and Aaron Wright, landowners, who have requested that its 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



Stephen Northcutt, Mayor

ATTEST:



Phyllis Dial, City Clerk

6-11-01

Date



State of Arkansas Secretary of State

Charlie Daniels
Secretary of State

Business & Commercial Services	682-3409
Elections	682-5070
Building & Grounds	682-3407
Communications & Education	683-0057
State Capitol Police	682-5173
Business Office	682-8032
Information Technology	682-3411

February 23, 2007

The Honorable Mary Ann Walters
Hot Spring County Clerk
210 Locust
Malvern, AR 72104

Dear Ms. Walters:

The Following Information has been recorded and filed in the Office of the Secretary of State:

Date: 02/22/2007 County: Hot Spring City: Malvern

Annexation:	Ordinance No. - 01-07
	Plat - Legal Description--Request for Services
	Election -
	Island -
Incorporation:	Ordinance No. -
	Co. Order No. -
	Plat -
	Election -

Census Information: The following City or Town has been upgraded or reduced to:

1st Class City	-
2nd Class City	-
Incorporated Town	-

I have forwarded this information to the Arkansas Municipal League and the Arkansas Highway and Transportation Department. If you have any further questions please do not hesitate to contact me at 1-800-482-1127 or 682-3451

Sincerely,

Tena Arnold
Election Services Representative
Arkansas Secretary of State

Room 256 State Capitol • Little Rock, Arkansas 72201-1094

501-682-1010 • Fax 501-682-3510

e-mail: arsos@sosmail.state.ar.us • www.sos.arkansas.gov

I HEREBY CERTIFY THAT THIS INSTRUMENT
WAS FILED AND RECORDED ON
02/16/2007 10:55:53 AM
BOOK 185 PAGE 73,
73 - 76

SUE JONES, CIRCUIT CLERK
HOT SPRING COUNTY, ARKANSAS

RESOLUTION NO. 509

Betty Emerson D.C.

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

WHEREAS, on the 12th day of February, 2007, Petition was filed with the City of Malvern, Arkansas, by Larry and Kathy Langley, Kathy Langley, Tim Cranford, and Chris Cranford, owners of the property described in attached Exhibits A, B, and C and formerly owned by Noel and Frances Cranford, 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 Exhibits A B, & C as a part of the corporate limits of the City of Malvern, Arkansas.

Adopted this 12th day of February, 2007.

[Signature]
Mayor

ATTEST:

[Signature]
City Clerk

FILED

FEB 22 2007

CHARLIE DANIELS
SECRETARY OF STATE
BY _____

EXHIBIT "A"

Part of the West Half ($W\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section Ten (10), Township Four (4) South, Range Seventeen (17) West, described as beginning at a point 175 feet West of the Southeast corner of said tract, thence North parallel with the East line 769 feet, thence West 147 feet, thence South 769 feet to the South line of said tract, thence East 147 feet to the point of beginning, containing 2.83 acres.

Also

A part of the Northwest Quarter ($NW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) Section Fifteen (15), Township Four (4) South, Range Seventeen (17) West, described as being a strip of land 147 feet wide East and West and approximately 30 feet North and South lying directly South of the above tract and North of the Military Road, containing $\frac{1}{10}$ of an acre, more or less.

FILED

FEB 22 2007

CHARLIE DANIELS
SECRETARY OF STATE

BY _____

EXHIBIT "B"

TRACT NO. 1: A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION TEN (10), TOWNSHIP FOUR (4) SOUTH, RANGE SEVENTEEN (17) WEST, AND MORE MINUTELY DESCRIBED AS FOLLOWS: Beginning at the Southeast corner of said twenty-acre tract; thence North on the East line thereof 769 feet to the land heretofore deeded to J. L. Richardson, as shown on Deed Record 87 at page 574 thereof, thence West 125 feet; thence South to the South line of said twenty acre tract; thence East 125 feet to the Place of Beginning and being two and one fifth acres, more or less.

TRACT NO. 2: PART OF THE NORTHWEST QUARTER (NW¼) OF NORTHWEST QUARTER (NW¼) SECTION FIFTEEN (15), TOWNSHIP FOUR (4) SOUTH, RANGE SEVENTEEN (17) WEST MORE MINUTELY DESCRIBED AS beginning at a point 125 feet West of the Southeast corner of the W¼ of SW¼ of SW¼ Sec.10, Twp. 4 S, R17 West, which point is the SW corner of land deeded by Eva Bland to Roy T. Kilmer, in Warranty Deed, recorded 3/13/59 in Deed Book 112 page 277, thence West 50 feet; thence South 29 feet to Military Road; thence Northeasterly along the Military Road 19 feet; thence North 27 feet to the North line of the NW¼ of NW¼ said Section 15, Twp. 4 S, R17 West; thence East to the Point of Beginning.

TRACT NO. 3: PART OF THE SW¼ OF THE SW¼ SEC. 10, TOWNSHIP 4 SOUTH, RANGE 17 WEST, Beginning 125 feet West of the Southeast corner of the W¼ SW¼ SW¼ Sec. 10, Twp. 4S, R17 West; thence West 50 feet; thence North 769 feet; thence East 50 feet; thence South 769 feet to the Point of Beginning.

FILED

FEB 22 2007

CHARLIE DANIELS
SECRETARY OF STATE

BY _____

EXHIBIT "C"

Part of the West Half ($W\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section Ten (10), Township Four (4) South, Range Seventeen (17) West, described as: Beginning at a point 322 feet West of the Southeast corner of said tract, thence North parallel with the East line 155 feet, thence West 100 feet, thence South 155 Feet to the South line of said tract, thence East 100 feet to the point of beginning,

Also, West Half ($W\frac{1}{2}$)

Part of the Northwest Quarter ($NW\frac{1}{4}$) of the Northwest Quarter of Section Fifteen (15), Township Four (4) South, Range Seventeen (17) West, more minutely described as: Beginning at a point 322 feet West of the Northeast corner of said 20 acre tract, thence South 45 feet more or less to the Military Road, thence Southwesterly along the Military Road 100 feet, more or less to a point 55 feet South and 422 feet West of the Northeast corner of said 20 acre Tract, thence North 55 feet to the North line of said tract, thence East 100 feet to the point of beginning.

(for the West)

FILED

FEB 22 2007

CHARLIE DANIELS
SECRETARY OF STATE

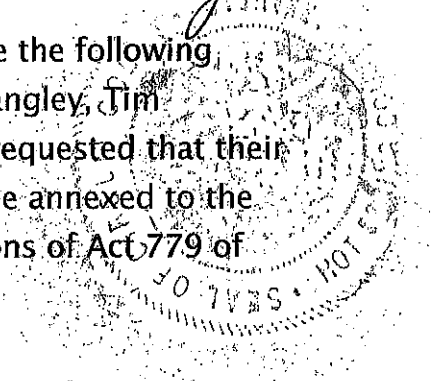
BY _____

I HEREBY CERTIFY THAT THIS INSTRUMENT
WAS FILED AND RECORDED ON
02/16/2007 10:55:52 AM
BOOK 185 PAGE 72,
72 - 72
SUE JONES, CIRCUIT CLERK
HOT SPRING COUNTY, ARKANSAS

COMMITMENT TO MAKE SERVICES AVAILABLE

Betty Emerson

The City of Malvern, Arkansas, commits to make the following services available to Larry and Kathy Langley, Kathy Langley, Tim Cranford, and Chris Cranford, landowners, who have requested that their land (formerly owned by Noel and Frances Cranford) 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

Steve Northcutt

Steve Northcutt, Mayor

ATTEST;

Phyllis Dial

Phyllis Dial, City Clerk

2-12-07

Date

FILED

FEB 22 2007

CHARLIE DANIELS
SECRETARY OF STATE

BY _____



City of Malvern, Arkansas
Phyllis Dial
City Clerk

February 20, 2007

Ms. Mary Ann Walters
Hot Spring County Clerk
210 Locust
Malvern, AR 72104

Dear Mary Ann:

Enclosed you will find a copy of the annexation resolution for the Cranford property that was adopted at the February 12 City Council meeting. Thank you.

Sincerely,

Phyllis Dial
City Clerk

FILED

FEB 22 2007

CHARLIE DANIELS
SECRETARY OF STATE

BY _____