



JOHN THURSTON  
ARKANSAS SECRETARY OF STATE

December 2, 2019

The Hon. Jo Wester  
Crawford County Clerk  
300 Main St. Room 7  
Van Buren, AR 72956

Re: City of Mulberry Annexation Resolution 2019-11

Dear Ms. Wester,

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 14-40-609 (petition of all landowners)

Effective Date: 11/14/2019

County: Crawford

City Resolution: 2019-11

County Court Order: 65

City: Mulberry

Dated: 10/15/2019

Date Filed: 10/08/2019

A file marked copy of the resolution, 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 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. Gary Baxter, Mayor of Mulberry (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: Crawford City/Town: Mulberry

City Ordinance/Resolution No: 2019-11 Date approved: 10/15/2019

County Court Case No: 605 Date Order Filed: 10/8/2019

Type: Ark. Code Ann § 14-40-609

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

Date Change Effective: 11/14/19 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)

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 (required except for island annexation and annexation approved by election)
- 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 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: Gary Baxter Title: Mayor

Street Address: P.O. Box 448

City: Mulberry St: AR Zip code: 72947

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: Jo Wister / sh Title: Co. Clerk

Date: 10-18-2019

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]

Annexation  
Book 'D' 09/123

**FILED**

**DEC 02 2019**

Arkansas  
Secretary of State  
**32 162**

RECEIVED

136

2019 OCT 16 PM 4:13

CITY OF MULBERRY, ARKANSAS

RESOLUTION NO. 2019-11

JO WESTER  
COUNTY CLERK  
CRAWFORD COUNTY, AR

*Co Court # 65*

A RESOLUTION ACCEPTING CONTIGUOUS LANDS BY ANNEXATION PETITION INTO THE CORPORATE LIMITS OF THE CITY OF MULBERRY, ARKANSAS AND FOR OTHER RELATED PURPOSES.

WHEREAS, the County Court of Crawford County, Arkansas, has forwarded a petition for annexation of lands into Mulberry, Arkansas and an order from Crawford County Court regarding the same annexation to the City of Mulberry, Arkansas, for its consideration;

WHEREAS, Ark. Code Ann. § 14-40-609 provides that a City may grant such a petition and accept the lands for annexation but is not required to grant such petition; and

WHEREAS, after careful consideration, the City Council of Mulberry, Arkansas, believes that it is in the best interests of the City to grant the petition and accept the lands for annexation into the corporate limits of the City of Mulberry, Arkansas.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MULBERRY, ARKANSAS:

**SECTION 1:** The petition for annexation and subsequent County Court Order is hereby granted.

**SECTION 2:** The lands described in said petition and also described in the attached Exhibit A, which is hereby incorporated by reference, are hereby accepted for annexation into the City of Mulberry, Arkansas.

**SECTION 3:** A plat map prepared by the Arkansas GIS of the annexed area is attached hereto as Exhibit B, and hereby incorporated by reference.

**SECTION 4:** Pursuant to Ark. Code Ann. § 14-40-609 (f)(1), the annexation shall become final thirty (30) days after passage of this resolution.

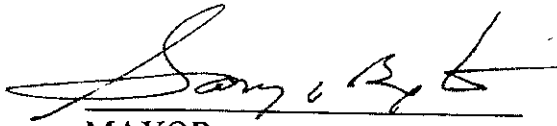
*Annexation  
Book 'D' Pg. 117*

**SECTION 5:** The City recorder is hereby directed to certify and send one copy of the plat of the annexed property and one copy of this resolution to the County Clerk.

PASSED AND APPROVED THIS 15<sup>th</sup> DAY OF OCTOBER, 2019.

APPROVED:

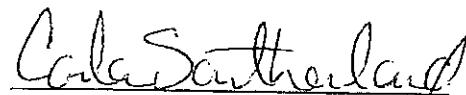
ATTESTED:

  
MAYOR

  
RECORDER/TREASURER

**CERTIFICATION**

I, the City Recorder/Treasurer of Mulberry, Arkansas, certify that the foregoing resolution was passed by a vote of 5 to 0 by the City Council of Mulberry, Arkansas, at a city council meeting held on OCTOBER 15, 2019, such that the resolution was duly adopted and approved granting the petition for annexation and accepting the proposed lands for annexation into Mulberry, Arkansas.

  
Recorder/Treasurer

*Annexation  
Book W' Pg. 118*

RECEIVED

2019 OCT -8 AM 10:59

JO WESTER  
COUNTY CLERK  
CRAWFORD COUNTY, AR

IN THE COUNTY COURT OF  
CRAWFORD COUNTY, ARKANSAS

IN RE: ANNEXATION OF MULBERRY, ARKANSAS

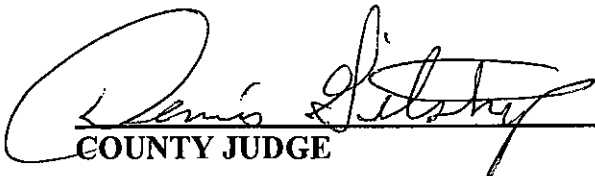
CASE NO. 65

ORDER

Before the County Court comes now a petition for property annexation into Mulberry, Arkansas, pursuant to Ark. Code Ann. § 14-40-609. The County Court having reviewed the petition and additional supporting documents filed in the above-captioned matter makes the following findings and order:

1. The petition and verifications filed in the above-captioned matter are complete and accurate.
2. No enclaves will be created by the annexation.
3. The petition contains a schedule of services to be offered by the Town of Mulberry to the annexed area, which includes the requirement of no additional services.
4. There are no county roads or streets in the proposed area.
5. The petition as amended and corrected and this order shall be immediately forwarded to the Town of Mulberry, Arkansas, for its consideration.

IT IS SO ORDERED.

  
COUNTY JUDGE

10-8-2019  
DATE

CRAWFORD COUNTY, ARKANSAS

*Annexation  
Book 'D' Pg 114*

Co. Court # 65

RECEIVED

2019 SEP 30 AM 10:58

PETITION FOR ANNEXATION INTO  
MULBERRY, ARKANSAS

10 WESTER  
COUNTY CLERK

We, the undersigned petitioners seek annexation of our properties into Mulberry, Arkansas; and for our petition state:

1. The petitioners seek annexation into Mulberry, Arkansas, pursuant to Act 991 of the 2015 Arkansas Legislature codified at Ark. Code Ann. §14-40-609.
2. The property sought to be annexed is contiguous to Mulberry, Arkansas.
3. The legal description for the property is attached hereto in Exhibit A and hereby incorporated by reference.
4. An Abstractor/Title Company verification of ownership is attached as Exhibit B.
5. A surveyor's verification of contiguousness and lack of enclaves is attached as Exhibit C.
6. Mulberry, Arkansas, shall not be required to extend any additional services within three (3) years after the annexation becomes final.
7. No enclaves will be created by this annexation.
8. No property owners are included in the petition that do not wish to be annexed.

Respectfully submitted,

*Mulberry Annexation Petitioners*

By: \_\_\_\_\_

M. Sean Brister  
BRISTER LAW FIRM, PLLC  
P.O. Box 1451  
Alma, AR 72921

(479) 632-2446  
(479) 632-2447 facsimile

sean@bristerlawfirm.com


*Annexation  
Book 10' Pg. 104*

CERTIFIED


ATTESTATION OF PETITIONERS SEEKING  
ANNEXATION INTO MULBERRY, ARKANSAS

ATTESTED:

D&D Investments, LLC by:

  
Douglas C. Bowen  
Member-Manager

8-23-17

  
Darren S. Winstead  
Member-Manager

8-23-17

PO Box 282; Dyer, AR 72935  
ADDRESS OF PROPERTY OWNER

(479) 459-5095  
TELEPHONE NUMBER

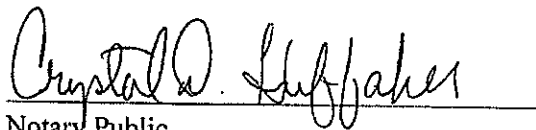
See Attached Exhibit

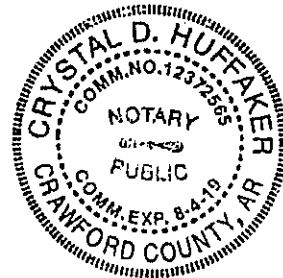
Exhibit A

LEGAL DESCRIPTION OF PROPERTY TO BE ANNEXED OR REFERENCE TO EXHIBIT  
CONTAINING LEGAL DESCRIPTION

ATTESTATION

The foregoing property owner(s) D&D Capital Investments LLC by Douglas C. Bowen and Darren S. Winstead, Member-Managers known to me or providing sufficient identification to prove their identity to me and subscribed and swore to the foregoing annexation petition stating that they executed the same for the purposes therein described.

  
Notary Public  
My commission expires: 08-04-2019



*Annexation  
Book 'D' Pg 105*

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**EXHIBIT A**

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*Amesbury  
Book 'D' Pg. 106*

**32 145**



EXHIBIT TO ANNEXATION PETITION  
ANNEXATION INTO THE  
CITY OF MULBERRY, ARKANSAS

ALL OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, 40 ACRES; ALL OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, SECTION 31, 40 ACRES; ALL THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 31, LYING NORTH OF THE LITTLE ROCK AND FT. SMITH RAILWAY, ABOUT 8 ACRES, MORE OR LESS; ALL THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 32, LYING NORTH OF THE LITTLE ROCK AND FT. SMITH RAILWAY, ABOUT 2 ACRES, MORE OR LESS ALL OF SAID LAND BEING SITUATED IN TOWNSHIP 10 NORTH, RANGE 29 WEST, CRAWFORD COUNTY, ARKANSAS.

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**EXHIBIT B**

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*Annexation  
Book 'D' Pg. 108*

**32 147**

**Crawford County Abstract Co., Inc.**

424 Main Street--P.O. Box 426  
Van Buren, Ar 72957  
479-474-2711--(fax 479-474-2954)

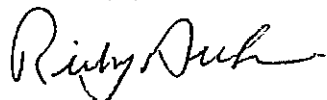
December 19, 2017

To Whom It May Concern:

I am a certified abstractor. I verify that the petitioner, D&D Capital Investments, LLC, is the record owner of the property described below as of the real estate closing held on July 31, 2017.

All of the Southwest Quarter of the Northwest Quarter of Section 32, 40 Acres; All of the Southeast Quarter of the Northeast Quarter, Section 31, 40 Acres; All that part of the Northeast Quarter of the Southeast Quarter, Section 31, Lying North of the Little Rock and Ft. Smith Railway, about 8 Acres, more or less; All that part of the Northwest Quarter of the Southwest Quarter, Section 32, Lying North of the Little Rock and Ft. Smith Railway, about 2 Acres, more or less all of said land being situated in Township 10 North, Range 29 West, Crawford County, Arkansas.

Very truly yours,



Ricky Dickens  
Crawford County Abstract

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EXHIBIT C

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*Annexation  
Book 'D' Pg. 110*



# Satterfield Land Surveyors, P. A.



P.O. Box 640 • Alma, Arkansas 72921

Office located at 1928 Highway 71 North

Alma 479-632-3565 • Fax 479-632-5002 • Fort Smith 479-648-3850

Springdale 479-751-7909 • Web Site: [www.slsurveying.com](http://www.slsurveying.com)

Member: ASPS-OSLS

August 23, 2017

To Whom It May Concern:

I am a certified surveyor. I verify that the relevant property described below is contiguous to the annexing city, Mulberry, Arkansas. I further verify that no enclaves will be created if the property is accepted for annexation by the city.

All of the Southwest Quarter of the Northwest Quarter of Section 32, 40 Acres; All of the Southeast Quarter of the Northeast Quarter, Section 31, 40 Acres; All that part of the Northeast Quarter of the Southeast Quarter, Section 31, Lying North of the Little Rock and Ft. Smith Railway, about 8 Acres, more or less; All that part of the Northwest Quarter of the Southwest Quarter, Section 32, Lying North of the Little Rock and Ft. Smith Railway, about 2 Acres, more or less all of said land being situated in Township 10 North, Range 29 West, Crawford County, Arkansas.

Very truly yours,

Ricky Hill, P. L. S.  
Satterfield Land Surveyors

*Annexation  
Book 'D' Pg. 111*

FILED

2019 SEP 30 AM 10:58  
cm

IN THE COUNTY COURT OF  
CRAWFORD COUNTY, ARKANSAS

IN RE: ANNEXATION OF MULBERRY, ARKANSAS

CASE NO. 65

---

VERIFICATION OF CRAWFORD COUNTY, ARKANSAS  
ASSESSOR

---

Pursuant to Ark. Code Ann. § 14-40-609 (b)(3), the undersigned Crawford County Assessor makes the following verifications of the petition for annexation into Mulberry, Arkansas, filed in the above-captioned matter. I verify as follows:

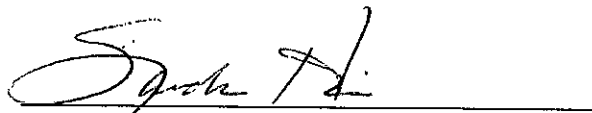
1. The annexation petition is in writing.
2. The petition contains an attestation before a notary by the property owner of the relevant property confirming the desire to be annexed.
3. The petition contains an accurate description of the property to be annexed.
4. The petition contains a letter/opinion from a certified abstractor/title company verifying that the petitioners are all owners of record of the relevant property.

*Annexation  
Book 'D' Pg. 112*

32 151

5. The petition contains a letter or verification from a surveyor that the relevant property is contiguous with the annexing city and that no enclaves will be created if the property is accepted for annexation.

THE UNDERSIGNED HEREBY VERIFIES THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF HIS/HER KNOWLEDGE, BELIEF, AND INFORMATION AS OF THIS THE 30 DAY OF Sept IN THE YEAR 2019.



**ASSESSOR  
CRAWFORD COUNTY, ARKANSAS**

FILED

cm  
2019 SEP 30 AM 10:59

IN THE COUNTY COURT OF  
CRAWFORD COUNTY, ARKANSAS

TERESA M. HAYES  
COUNTY CLERK  
CRAWFORD COUNTY, ARK.

IN RE: ANNEXATION OF MULBERRY, ARKANSAS

CASE NO. 65

---

VERIFICATION OF CRAWFORD COUNTY, ARKANSAS  
COUNTY CLERK

---

Pursuant to Ark. Code Ann. § 14-40-609 (b)(3), the undersigned Crawford County County Clerk makes the following verifications of the petition for annexation into Mulberry, Arkansas, filed in the above-captioned matter. I verify as follows:

1. The annexation petition is in writing.
2. The petition contains an attestation before a notary by the property owner of the relevant property confirming the desire to be annexed.
3. The petition contains an accurate description of the property to be annexed.
4. The petition contains a letter/opinion from a certified abstractor/title company verifying that the petitioners are all owners of record of the relevant property.

*Annexation  
Book 'D' Pg 114*



5. The petition contains a letter or verification from a surveyor that the relevant property is contiguous with the annexing city and that no enclaves will be created if the property is accepted for annexation.

THE UNDERSIGNED HEREBY VERIFIES THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF HIS/HER KNOWLEDGE, BELIEF, AND INFORMATION AS OF THIS THE 30<sup>th</sup> DAY OF September IN THE YEAR 2019.

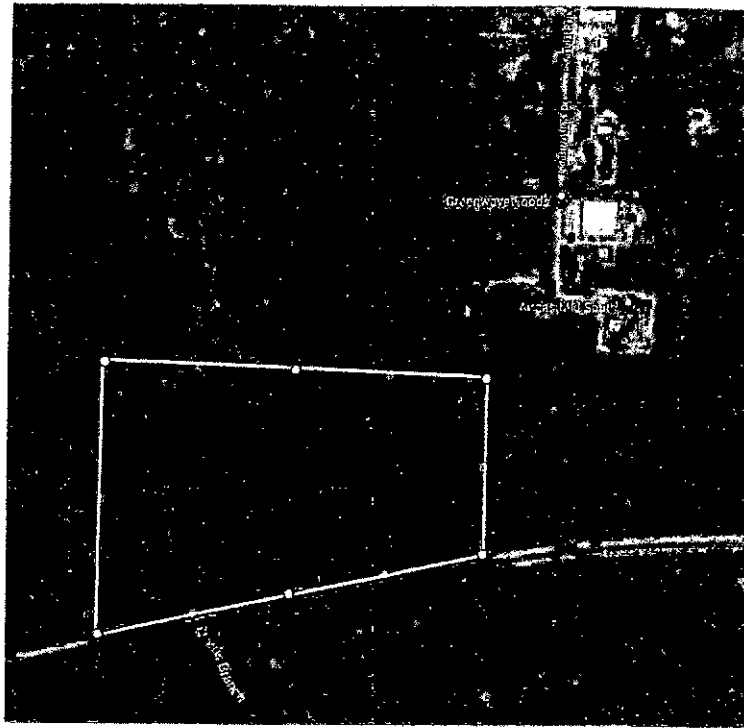


**COUNTY CLERK  
CRAWFORD COUNTY, ARKANSAS**

EXHIBIT TO RESOLUTION  
ANNEXATION INTO THE  
CITY OF MULBERRY, ARKANSAS

ALL OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, 40 ACRES; ALL OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, SECTION 31, 40 ACRES; ALL THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 31, LYING NORTH OF THE LITTLE ROCK AND FT. SMITH RAILWAY, ABOUT 8 ACRES, MORE OR LESS; ALL THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 32, LYING NORTH OF THE LITTLE ROCK AND FT. SMITH RAILWAY, ABOUT 2 ACRES, MORE OR LESS ALL OF SAID LAND BEING SITUATED IN TOWNSHIP 10 NORTH, RANGE 29 WEST, CRAWFORD COUNTY, ARKANSAS.

*Annexation  
Book 'D' Pg. 119*



*Annexation  
Book 'D' Pg. 120*

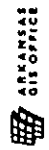
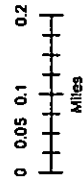
City: Mulberry  
Mayor: Gary Baxter

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 574 of 2013

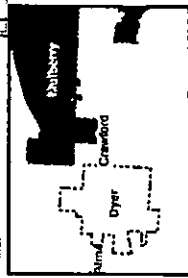
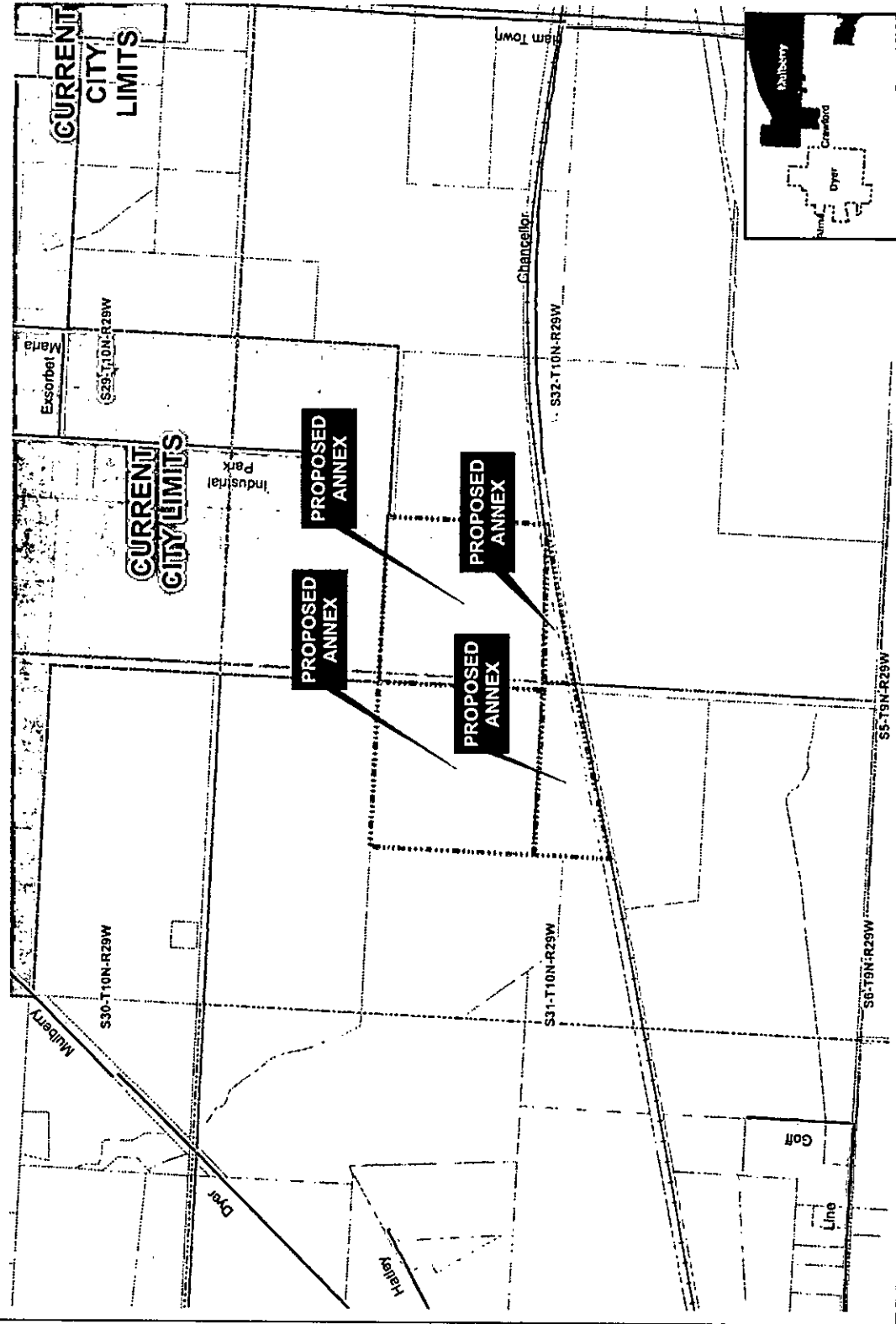
Legend:

- Proposed Annex (Dashed line)
- Current City Limits (Solid line)
- Section (Dotted line)
- Parish (Dotted line)
- Water Body (Blue area)
- Public (Dotted line)
- Existing City (Solid line)
- Incorporating City (Dotted line)
- County Boundary (Dotted line)



HOBY\_AnnexationsCityMulberry-00170023

Proposed Annex: City of Mulberry  
August 2017



*Annexation  
Book 'D' Pg. 121*

*Exhibit B*

RECEIVED

2019 OCT 18 AM 10:59

IN THE COUNTY COURT OF  
CRAWFORD COUNTY, ARKANSAS

JO WESTER  
COUNTY CLERK  
CRAWFORD COUNTY, AR

IN RE: ANNEXATION OF MULBERRY, ARKANSAS

CASE NO. 65

---

ORDER CONFIRMING ANNEXATION

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Before the County Court comes now a resolution from the City of Mulberry, Arkansas accepting the annexation in the above-captioned proceeding before this Court. The County Court finds that the requirements of Ark. Code Ann. § 14-40-609 have been met and otherwise complied with such that the annexation is in all respects proper. The County Court hereby confirms the annexation. The County Clerk shall forward the necessary documents to the Secretary of State pursuant to Ark. Code Ann. § 14-40-609 (e).

IT IS SO ORDERED.

  
\_\_\_\_\_  
COUNTY JUDGE

10-18-2019  
\_\_\_\_\_  
DATE

CRAWFORD COUNTY, ARKANSAS

*Annexation  
Book 'D' Pg 122*



ARKANSAS  
GIS OFFICE

August 23, 2017

Mr. Sean Brister  
Brister Law Firm, PLLC  
5802 red Hill Road  
Alma, AR 72921

RE: City of Mulberry Annexation Coordination Requirement

Mr. Brister,

Thank you for coordinating with our office as you seek to annex property into the City of Mulberry, AR. 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  
/jjw

Attachments:  
GIS Office Map of Proposed Annexation  
Secretary of State Municipal Change Checklist

H:\City\_Annexations\Cities\Mulberry\20170823\Doc\20170823\_Mulberry\_Annexation\_Coordination\_Letter.docx

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

PHONE (501) 682-2767 · www.gis.arkansas.gov · FAX (501) 682-6077

*Annexation  
Book 'D' Pg. 124*

Proposed Annex: City of Mulberry  
August 2017

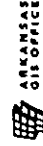
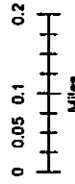
City: Mulberry  
Mayor: Gary Baxter

Arkansas Code 14-40-101.

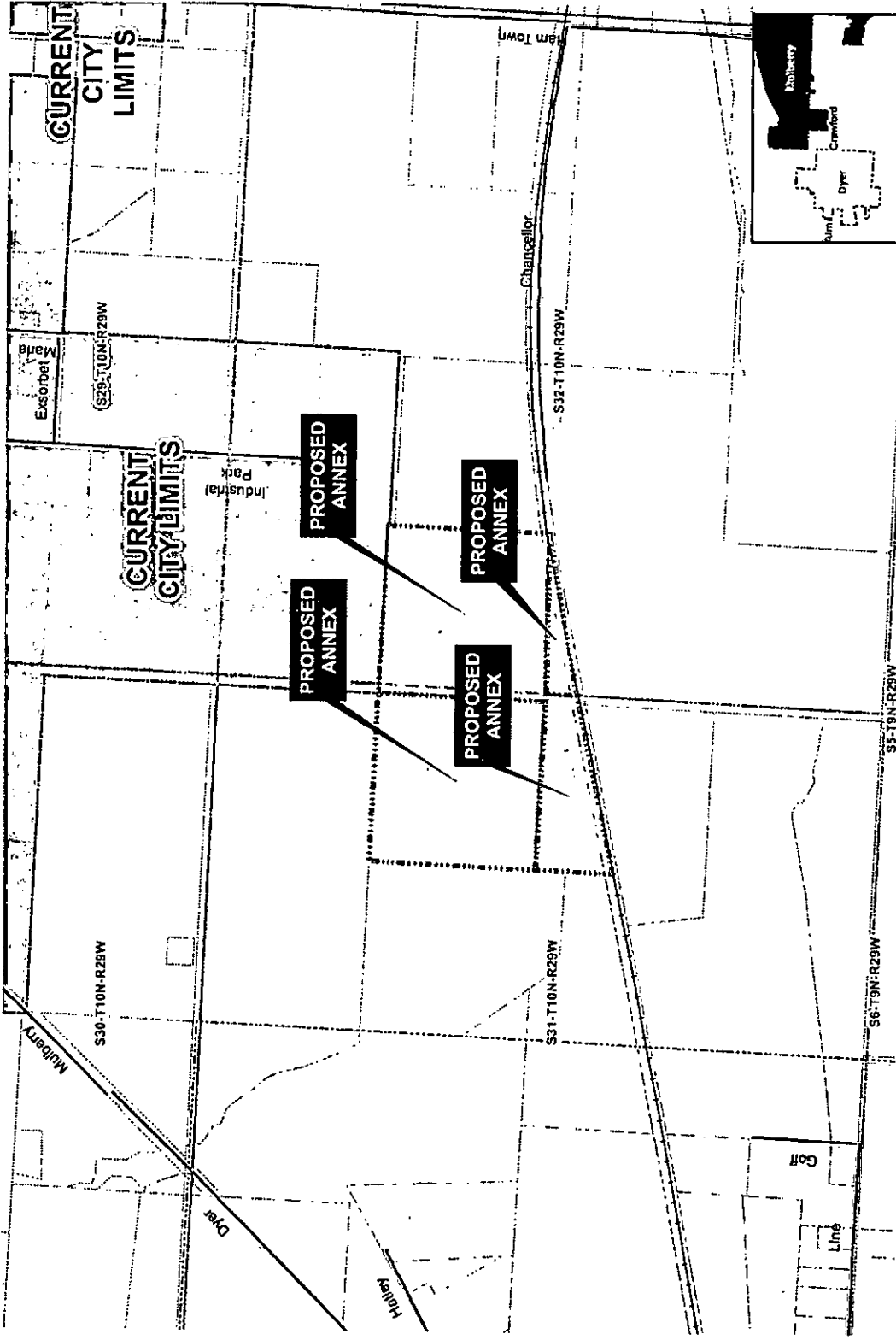
Before an entity undertakes an annexation, consolidation, or detachment proceeding under this chapter, the entity shall coordinate with the Arkansas Geographic Information Systems Office for preparation of legal descriptions and digital mapping for the relevant annexation, consolidation, and detachment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

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

- Proposed Annex
- Section
- Parcel
- Water Road
- Roadway
- Existing City
- Proposing City
- County Boundary



Arkansas GIS Office  
K:\GIS\Annexation\City\Mulberry\00170823



*Annexation  
Book 'D' pg. 125*

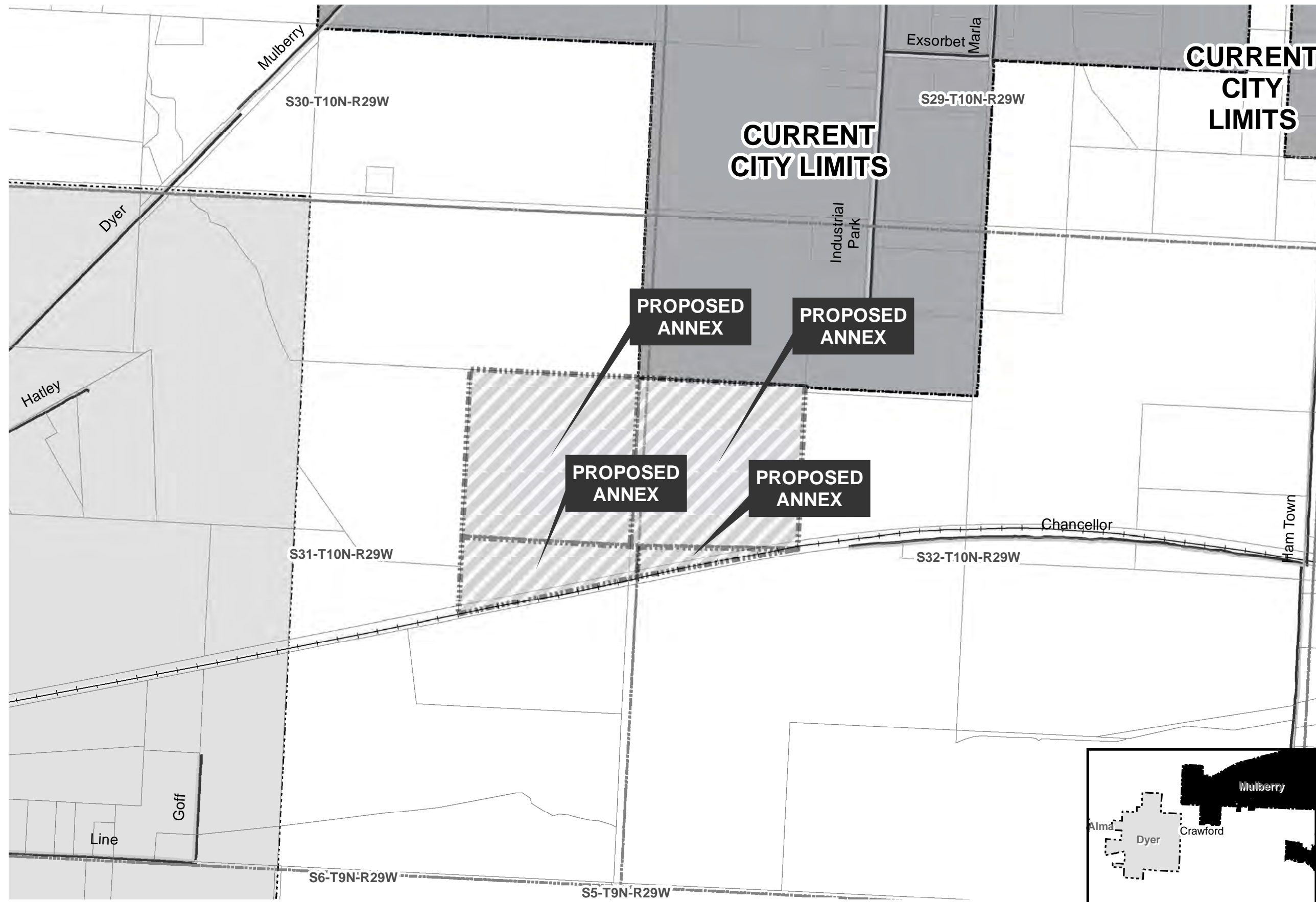
Proposed Annex: City of Mulberry  
August 2017

City: Mulberry  
Mayor: Gary Baxter

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



- Proposed Annex
- Sections
- Parcels
- Minor Road
- Railroad
- Existing City
- Neighboring City
- County Boundary

