



ARKANSAS SECRETARY OF STATE

MARK MARTIN

August 24, 2018

The Honorable De Anna Schmalz
Franklin County Clerk
607 E. Main St
Charleston, AR 72933

Re: City of Ozark Annexation Ordinance 1996-2

Dear Ms. Schmalz,

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

Filing Type: Annexation pursuant to A.C.A § 14-40-602 (petition by a majority of the landowners)

Effective Date: 02/07/1996

County: Franklin

City: Ozark

County Ordinance: 1996-2

Dated: 01/08/1996

County Court Order: CC-95-19

Date Filed: 11/16/1995 Honorable Joe Powell, Franklin County Judge

A file marked copy of the ordinance, 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 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)
Tom-Tom (w/encl)
Honorable T.R. McNutt, Mayor of Ozark





Arkansas Secretary of State

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

Municipal Boundary Change Checklist

County: Franklin City/Town: Ozark

City Ordinance/Resolution No: 1996-2 Date approved: 01/08/1996

County Court Case No: CC-95-19 Date Order Filed: 11/16/1995

Type: Annexation by Petition majority of Landowners A.C.A §14-40-602

Date Change Effective: 02/07/1996 Set by: 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: Honorable T.R. McNutt Title: Mayor of Ozark

Street Address: P.O. Box 253

City: Ozark St: AR Zip code: 72949

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: _____ Title: Franklin County Clerk

Date: _____

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: *Synthia Fisher*

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AUG 24 2018

**Arkansas
Secretary of State**

ORDINANCE NO. 1996-2

AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF OZARK, ARKANSAS, AND MAKING SAME A PART OF THE CITY OF OZARK, AND ASSIGNING SAME TO WARDS.

WHEREAS, Petition was filed with the County Clerk of Franklin County, Arkansas, by the majority of the real estate owners of the hereinafter described territory praying that said territory be annexed to, and made a part of the City of Ozark, Arkansas; and,

WHEREAS, on the 16 day of November, 1995, the County Court of Franklin County, Arkansas, found that the Petition was signed by a majority of the real estate owners in said territory; that said territory was contiguous and adjoining the present corporate limits of the City of Ozark, Arkansas; that an accurate plat or map of said territory had been filed with and made a part of said Petition; that proper notice had been given for the time and in the manner prescribed by law, and that all things pertaining thereto had been done in the manner prescribed by law, and that said lands and territory should be annexed to and made a part of the City of Ozark, Arkansas, subject to the acceptance of same by the City Council of said City at the proper time, as provided by law; and

WHEREAS, the time fixed by law for appealing from said Order of Annexation made by the County Court has expired and no appeal has been taken from said Order.

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


SECTION 1: That the following described lands and territory contiguous and adjoining the City of Ozark, Arkansas, be and the same is hereby accepted as part of and annexed to and made a part of the City of Ozark.

See attached

SECTION 2: That the above described territory shall be annexed to and made a part of Ward 2 of the City of Ozark, and same shall henceforth be a part of said ward as fully as existing parts of said ward.

Passed and approved this 8th day of January, 1996.

APPROVED:


Mayor, Vernon McDaniel

F I L E D

AUG 24 2018

Arkansas
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ATTEST: *Carol Sneath*
City Recorder, Carol Sneath

JPV:rm5
ford.ord

IN THE FRANKLIN COUNTY COURT IN THE MATTER OF ANNEXING TO THE
CITY OF OZARK, ARKANSAS, CERTAIN TERRITORY CONTIGUOUS TO THE SAID
CITY OF OZARK, ARKANSAS.

NO. CC-95-19

DECREE OF ANNEXATION

On this regular day of a regular term of the County Court of Franklin County, Arkansas, there is presented to the court by Anderson Whitson Ford, Inc. and Holley, Inc., a Petition for Annexation of certain territory, hereinafter more particularly described, to the City of Ozark, Arkansas, and the Court being fully advised of the facts and the law, doth hereby find, judge and decree as follows:

The Court finds the Petition was filed more than thirty (30) days prior to this date and that in said Petition the said John Ross was selected by the Petitioners to act on their behalf in filing and presenting the Petition.

The Court doth find that a majority of the total number of real estate owners in the area affected by this Petition have signed said Petition and that such majority owns more than one-half of the acreage affected.

The Court further finds that the territory sought to be annexed was accurately described in said Petition and that said territory is contiguous to the boundaries of the City of Ozark, Arkansas.

The Court further finds that attached to and made a part of said Petition is an accurate map of the territory sought to be annexed to the City of Ozark, Arkansas.

The Court further finds that the prayer of the Petition is right and proper.

Therefore, the Court doth hereby ORDER, JUDGE and DECREE that the following described territory be and the same is hereby annexed to and made a part of the

F I L E D

AUG 24 2018

Arkansas
Secretary of State

City of Ozark, Arkansas, to-wit:

TRACT NO. 1: Part of the West Quarter of the Northwest Quarter of Section 26 AND part of the East half of the Northeast Quarter of Section 27, All in Township 10 North, Range 27 West, more particularly described as beginning at a point 128.51 feet East and North 01 degrees 24 minutes East 1295.56 feet, from the Southwest Corner of the Southwest Quarter of the Northwest Quarter of Section 26, running from said point of beginning the following courses and distances:

North 60 degrees 14 minutes East 270.4 feet, thence
North 48 degrees 49 minutes West 179.1 feet, thence
North 52 degrees 52 minutes West 455.6 feet, thence
South 04 degrees 01 minutes West 697.3 feet, thence
North 61 degrees 38 minutes East 354.85 feet to the Point of Beginning, and containing 4.29 acres, more or less.

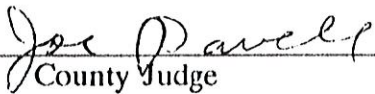
ALSO

TRACT NO. 2: Part of the West Quarter of the Northwest Quarter of Section 26 AND part of the East half of the Northeast Quarter of Section 27, All in Township 10 North, Range 27 West, more particularly described as beginning at a point 725.06 feet North and 128.51 feet East of the Southwest Corner of the Southwest Quarter of the Northwest Quarter of Section 26, and running the following courses and distances:

North 01 degrees 24 minutes East 572.5 feet, thence
South 61 degrees 38 minutes West 354.85 feet, thence
South 04 degrees 01 minutes West 458.0 feet, thence
South 89 degrees 38 minutes East 127.1 feet, thence
North 67 degrees 05 minutes East 138.3 feet, thence
South 89 degrees 44 minutes East 76.1 feet to the Point of Beginning and containing 3.77 acres, more or less, AND CONTAINING IN THE AGGREGATE 8.06 acres, more or less.

Part of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 26, Township 10 North, Range 27 West, described as commencing at the Southwest corner of the said SW 1/4 NW 1/4, thence North 725.06 feet, thence East 128.51 feet to the Point of Beginning, thence continue East 209.42 feet, thence North 208 feet, thence East 208 feet to the West right of way line of Arkansas Highway No. 23, thence North along said right of way a distance of 105.07 feet, thence West 417.42 feet, thence South 313.07 feet to the Point of Beginning, containing 2 acres, more or less.

The Court doth further order that the original papers in this cause be delivered to the Clerk of Franklin County, Arkansas, same to be properly recorded upon the records of Franklin County, Arkansas, and the Clerk, after properly recording and filing the original papers, prepare transcripts of same; that one of the certified transcripts be delivered to the City of Ozark, Arkansas, one copy to the Secretary of State and one copy to the Director of the Tax Division of the Arkansas Public Service Commission.



County Judge

JPV:rm8
ford.dcr



ARKANSAS
GIS OFFICE

July 5, 2018

Ms. Cynthia Fisher
Special Projects Manager
Arkansas Secretary of State Legal Division
500 Woodlane St, Suite 256
Little Rock, AR 72201

RE: City of Ozark Annexation Coordination Requirement

Ms. Fisher,

Thank you for coordinating with our office as we seek to reconcile Ozark's missing annexation ordinance 1992-2 located in Section 26 and 27, Township 10 North, Range 27 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.

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
Ordinance 1996-2

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AUG 24 2018

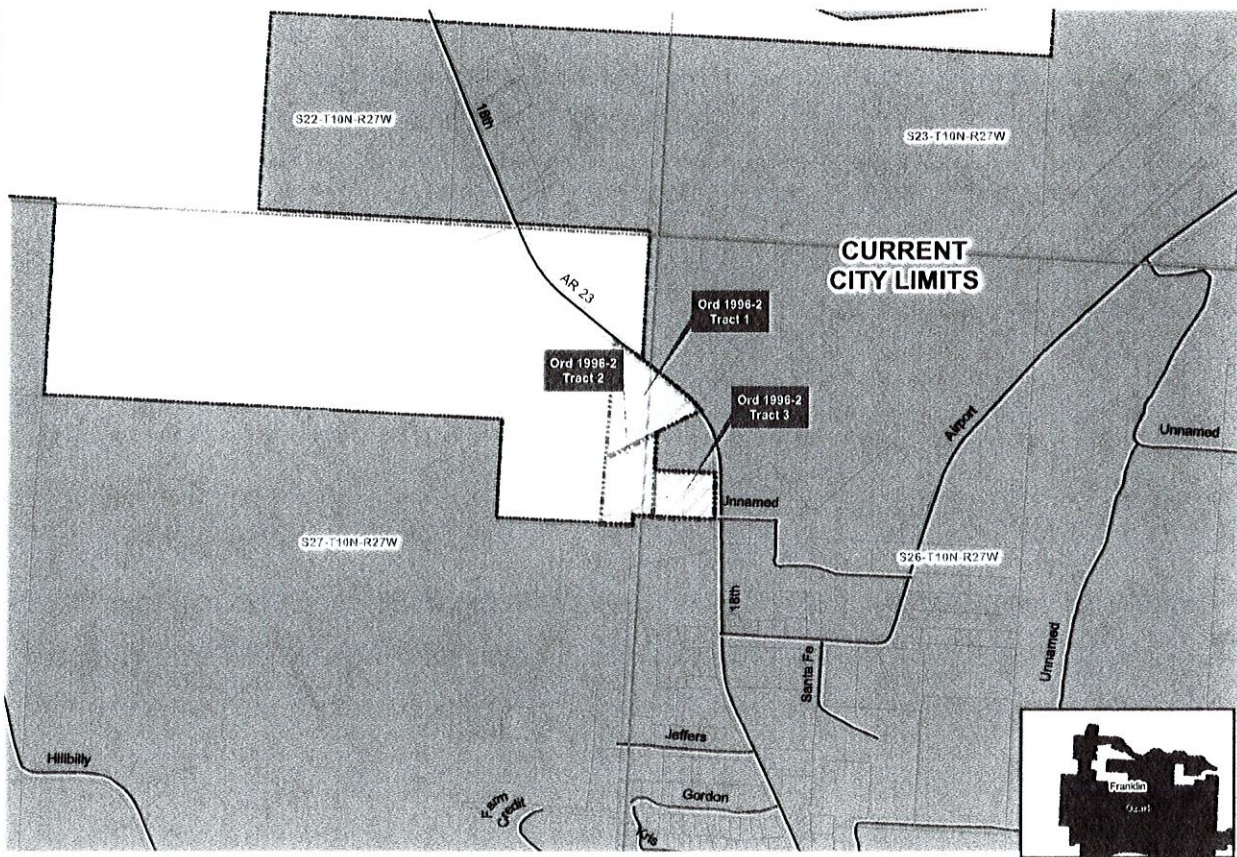
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Historic Annexation Ordinance 1996-2- City of Ozark

City: Ozark
Mayor: T.R. McNitt

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 comparison 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



FILED

AUG 24 2018

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