



JOHN THURSTON
ARKANSAS SECRETARY OF STATE

September 9, 2019

The Hon. Tina Stowers
Lawrence County Clerk
P.O. Box 526
Walnut Ridge, AR 72476

Re: City of Powhatan Annexation Ordinance 2019-01

Dear Ms. Stowers,

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 §14-40-602 (annexation by petition of majority of landowners)

Effective Date: 6/18/2019

County: Lawrence

City: Powhatan

City Ordinance: 2019-01

Dated: 6/18/2019

County Court Order: C-2019-2

Date Filed: 4/3/2019

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 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. David Foley, Mayor of Powhatan (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: Lawrence County City/Town: Powhatan

City Ordinance/Resolution No: 2019-01 ^{SVC} Date approved: 6/18/19 SM 9/3/19

County Court Case No: C-2019-2 Date Order Filed: 4/3/2019

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

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

Date Change Effective: 6/18/2019 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: 1
(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: David Foley Title: Mayor

Street Address: 4372 Highway 25 / PO Box 53

City: Powhatan St: AR Zip code: 72458

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: Sarah Masterson Title: Deputy Clerk

Date: 8/28/2019

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: SM

FILED

SEP 09 2019

Arkansas Secretary of State

PROBATE CLERK
24 JUN 2019 11:51

ORDINANCE NO. 2019-01

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

FILED

WHEREAS, a petition was filed with the County Clerk of Lawrence 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 permanent part of the City of Powhatan, Arkansas; and,

WHEREAS, on June 18, 2019, the County Court of Lawrence 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 Powhatan, Arkansas; that an accurate plat map of said territory had been filed with and made a part of said territory had been filed with and made 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 Powhatan, 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 Powhatan, Arkansas:

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

All of the unincorporated part of Section Thirty (30), Township Seventeen (17), Range One (1), West lying North of Arkansas Highway 117 Spur and the Southwest Quarter (SW ¼) of the Northeast Quarter (NE ¼) of Section Thirty (30), Township Seventeen (17), Range One (1), West lying South and West of Arkansas Highway 117 Spur.

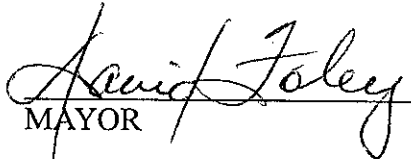
LESS AND EXCEPT THE FOLLOWING:

The East Half of Lot Twenty-three (23), Lots Twenty-four (24), Twenty-six (26), Twenty-eight (28), Thirty (30), Thirty-two (32), and Thirty-three (33), of Price's

Powhatan Park.

SECTION 2. That the above-described territory shall be annexed to and made a permanent part of the City of Powhatan, Arkansas, and the same shall hereceforth be a part of Ward 1 of the City of Powhatan, Arkansas.

APPROVED BY:


MAYOR

ATTESTED TO:


CLERK OR RECORDER

IN THE LAWRENCE COUNTY COURT IN THE MATTER OF ANNEXING TO THE CITY OF POWHATAN ARKANSAS, CERTAIN TERRITORY CONTIGUOUS TO THE SAID CITY OF POWHATAN, ARKANSAS

LAW CO PROBATE CLERK 3 APR 2019 14:07

FILING NO. C-2019-2

TINA STOWERS, CLERK

AMENDED DECREE OF ANNEXATION

FILED

COMES ON FOR HEARING, this regular day of a regular term of the County Court of Lawrence County, Arkansas, a petition presented to the Court by Mayor David Foley, agent for the petitioners, for annexation of certain territory, hereinafter more particularly described, to the City of Powhatan, Arkansas, and the Court being fully advised of the facts and the law, does hereby FIND, ADJUDGE, DECREE and ORDER as follows:

- 1. That the Petition was filed more than thirty (30) days prior to this date and that in said petition Mayor David Foley was selected by the petitioners to act on their behalf in filing and presenting the petition.
2. That notice of the hearing on this matter was published one (1) time a week for three (3) consecutive weeks as required by Ark. Code Ann. Sec. 14-40-602.
3. 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.
4. That the territory consists of lands that:
a) Furnish homes for a densely settled community and represents actual growth of the municipality beyond its legal boundary; and
b) Are valuable by reason of their adaptability for prospective municipal uses.
5. 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 Powhatan, Arkansas.
6. 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 Powhatan, Arkansas.
7. That the prayer of the petition is right and proper and deserving of a decree from

this honorable court.

WHEREFORE, the Court hereby ORDERS, ADJUDGES, and DECREES that the following - described territory be and the same is hereby annexed to and made a permanent part of the City of Powhatan, Arkansas, to-wit:


All of the unincorporated part of Section Thirty (30), Township Seventeen (17), Range One (1), West lying North of Arkansas Highway 117 Spur and the Southwest Quarter (SW ¼) of the Northeast Quarter (NE ¼) of Section Thirty (30), Township Seventeen (17), Range One (1), West lying South and West of Arkansas Highway 117 Spur.

LESS AND EXCEPT THE FOLLOWING:

The East Half of Lot Twenty-three (23), Lots Twenty-four (24), Twenty-six (26), Twenty-eight (28), Thirty (30), Thirty-two (32), and Thirty-three (33), of Price's Powhatan Park.

The Court further orders that the original papers in this cause be delivered to the Clerk of Lawrence County, Arkansas, with the same to be properly recorded into the records of Lawrence County, Arkansas; the Clerk, after properly recording and filing the original papers, is hereby directed to prepare transcripts of this proceeding and is directed to deliver one copy of the certified transcript to the following: the City of Powhatan, Arkansas, the Secretary of State, the Lawrence County Tax Assessor and the Director of the Tax Division of the Arkansas Public Service Commission.

IT IS SO ORDERED.



COUNTY JUDGE
4-3-19

DATE

IN THE LAWRENCE COUNTY COURT IN THE MATTER OF ANNEXING
TO THE CITY OF POWHATAN ARKANSAS, CERTAIN TERRITORY
CONTIGUOUS TO THE SAID CITY OF POWHATAN, ARKANSAS

FILING NO. C-2019-2

PETITION FOR ANNEXATION

We, as property owners of the following described area, do hereby petition the County Court of Lawrence County, Arkansas to annex the following lands to the City of Powhatan, Arkansas. We further state that the petition is signed by a majority of the real estate owners owning more than one-half of the acreage in said area, and do further by our petition appoint Mayor David Foley to act on behalf of the petitioners in presenting this matter to the court.

Description of the area to be annexed to the City of Powhatan, Arkansas:

All of the unincorporated part of Section Thirty (30), Township Seventeen (17), Range One (1), West lying North of Arkansas Highway 117 Spur. (Area map attached as Ex. A)

WHEREFORE, having properly petitioned the County Court of Lawrence County, Arkansas, petitioners pray that their petition be granted, that above-described real property be annexed into the incorporated city limits of the city of Powhatan, Arkansas, that the Court issue orders directing the Clerk of Lawrence County, Arkansas to record the original papers filed in this proceeding and further direct the Lawrence County Clerk to prepare transcripts of the record of this proceeding and deliver a transcript to the City of Powhatan, Arkansas, the Arkansas Secretary of State, the Lawrence County Tax Assessor's Office and to the Director of the Tax Division of the Arkansas Public Service Commission.

3W CO PROBATE CLERK
11 FEB 2019 13:54

NA STOWERS, CLERK

LED

M. Masse
Signature of Property Owner

125 Law 237
Address

David Foley
Signature of Attesting Witness

Dominic Masse
Signature of Property Owner

161 Law
Address

David Foley
Signature of Attesting Witness

Danell Lepetit
Signature of Property Owner

180 LAW 232
Address

David Foley
Signature of Attesting Witness

Nicholas Dem
Signature of Property Owner

176 Law 233
Address

David Foley
Signature of Attesting Witness

Morgan Wise
Signature of Property Owner

207 law 233
Address

David Foley
Signature of Attesting Witness

R. [Signature]
Signature of Property Owner

43 Highway 117 Spur

David Foley
Signature of Attesting Witness

Address

Pat P. Kelly
Signature of Property Owner

57 Aug 117 Spun. Pavehater
Address

Paul Kelly
Signature of Attesting Witness

Bill Ray Jones
Signature of Property Owner

109 Aug 117 Spun
Address

Paul Kelly
Signature of Attesting Witness

Ernie Smith
Signature of Property Owner

26 W. Ficklin St
Address
Agent for Pawlataw Cemetery
ASSOCIATION

Paul Kelly
Signature of Attesting Witness

Tony R Smith
Signature of Property Owner
150 LAW 233

Address

Paul Kelly
Signature of Attesting Witness

James L. Fitzgerald
Signature of Property Owner

158 Law 233
Address

Paul Kelly
Signature of Attesting Witness

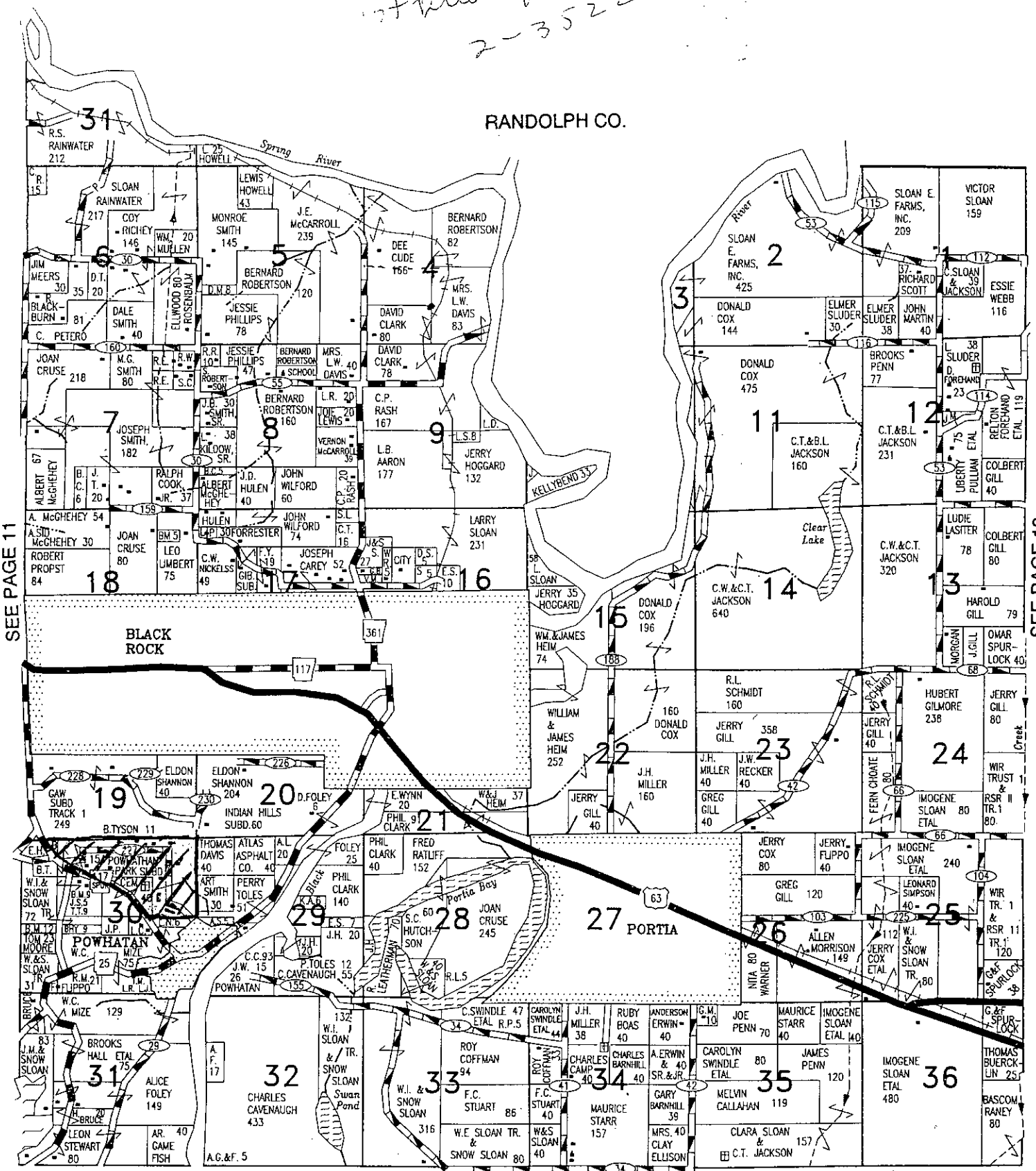
Roger Taylor
Signature of Property Owner

PO 3 Powhatan AR 72458
Address

Paul Foley
Signature of Attesting Witness

of Primary As Propert
2-3522

RANDOLPH CO.



SEE PAGE 11

SEE PAGE 13

SEE PAGE 19

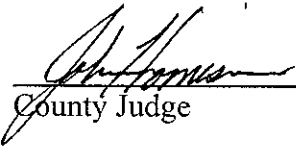
EX.A

IN THE LAWRENCE COUNTY COURT IN THE MATTER OF ANNEXING
TO THE CITY OF POWHATAN ARKANSAS, CERTAIN TERRITORY
CONTIGUOUS TO THE SAID CITY OF POWHATAN, ARKANSAS

FILING NO: C-2019-2

ORDER SETTING HEARING FOR ANNEXATION

On this the 11 day of Feb, 2019, is filed the petition of real estate owners desiring the annexation of territory to the City of Powhatan, Arkansas, more particularly described therein, and this Court does hereby fix March, 13, 2019, as the date for hearing on said petition, and, the agent named by said petitioners, shall give notice of such hearing as provided by law, said hearing to be held in the office of the County Judge at 12:00 p.m.



County Judge

LAW CO PROBATE CLERK
11 FEB 2019 13:55

INA STOWERS, CLERK

FILED

ANNEXATION LEGAL DESCRIPTION

All of the unincorporated part of Section Thirty (30), Township Seventeen (17), Range One (1), West lying North of Arkansas Highway 117 Spur and the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Thirty (30), Township Seventeen (17), Range One (1), West lying South and West of Arkansas Highway 117 Spur.

LESS AND EXCEPT THE FOLLOWING:

The East Half of Lot Twenty-three (23), Lots Twenty-four (24), Twenty-six (26), Twenty-eight (28), Thirty (30), Thirty-two (32), and Thirty-three (33), of Price's Powhatan Park.

Proof of Publication

STATE OF ARKANSAS

COUNTY OF LAWRENCE

ss. }

I, John A. Bland, do solemnly swear that I am the publisher of THE TIMES DISPATCH, weekly newspaper, having a bonafide and general circulation in said county and published in the City of Walnut Ridge, Lawrence County, Arkansas, and that the

Notice _____

Annexing certain territory _____

Of which the attached is a true copy, was published in the full and complete editions consecutively on

the 13 Day of February 2019

the 20 Day of February 2019

the 27 Day of February 2019

the _____ Day of _____ 2019

the _____ Day of _____ 2019

the _____ Day of _____ 2019

Signed: John A. Bland
Publisher, The Times Dispatch

STATE OF ARKANSAS

COUNTY OF LAWRENCE

ss. }

Sworn to and subscribed before me this 28th

Day of February 2019

My Commission Expires May 19, 2021

Signature Tammy Whitehead

IN THE LAWRENCE COUNTY COURT IN THE MATTER OF ANNEXING TO THE CITY OF POWHATAN, ARKANSAS, CERTAIN TERRITORY CONTIGUOUS TO THE SAID CITY OF POWHATAN, ARKANSAS

NOTICE

Notice is hereby given that there has been filed in the County Court of Lawrence County, Arkansas, the petition of certain owners of real estate asking for the annexation to the City of the following described lands situated in Lawrence County, Arkansas, and contiguous to said city, to-wit:

All of the unincorporated part of Section Thirty (30), Township Seventeen (17), Range One (1), West lying North of Arkansas Highway 117 Spur

A plat of said land proposed for annexation is on file with said petition in the office of the Clerk of said Court, and the undersigned has been named by the petitioners as the person authorized to act for them.

The Court has fixed the 13th day of March, 2019, at 12:00 o'clock as the date for a hearing on said petition, and all interested persons are now notified to be present at said Court at the time and date so fixed.

Given this 11th day of Feb., 2019.
Mayor David Foley 7-3tc

LAW CO PROBATE CLERK
6 MAR 2019 10:16

TINA STOWERS, CLERK

FILED

TAMMY WHITEHEAD
NOTARY PUBLIC-STATE OF ARKANSAS
LAWRENCE COUNTY
My Commission Expires 05-19-2021
Commission # 12382373

No. Words 190

Printing Fee \$123.50

Received Payment in the sum of \$ _____

This _____ Day of _____ 2018

Publisher



**ARKANSAS
GIS OFFICE**

April 3, 2019

Honorable David Foley
PO BOX 55
Powhatan, AR 72458

RE: City of Powhatan Annexation Coordination Requirement

Honorable Mayor Foley,

Thank you for coordinating with our office as you seek to annex property into the City of Powhatan, AR, Lawrence County case number C-2019-2. 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,

Shelby D Johnson, State Geographic Information Officer
/sdj





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

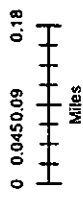
H:\City_Annexations\Templates\Folder Structure\Doc\20190403_Powhatan_Annexation_Coordination_Letter.docx

City: Powhatan
 Mayor: David Foley

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
-  Sections
-  Minor Road
-  Existing City



H:\City_Annexations\Cities\Powhatan\201904029

Proposed Annex: City of Powhatan
 April 2019

