



ARKANSAS SECRETARY OF STATE

MARK MARTIN

April 27, 2017

The Honorable Teresa Armer
Crawford County Clerk
300 Main ST, Room 7
Van Buren, AR 72956

Re: City of Mountainburg Annexation Ordinance 17-001

Dear Ms. Armer,

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

Filing Type: Annexation pursuant to A.C.A § 14-40-501 (area surrounded by incorporated municipality)

Effective Date: 4/10/2017 (emergency declared)

County: Crawford City: Mountainburg

City Ordinance: 17-001 Dated: 4/10/2017

County Court Order: 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 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)
Hon. Neal Moon, Mayor of Mountainburg (w/encl)
Mr. Sean Brister, Mountainburg City Attorney (w/encl)

Room 256 State Capitol • Little Rock, Arkansas 72201-1094
501-682-1010 • Fax 501-682-3510
e-mail: arsos@sos.arkansas.gov • www.sos.arkansas.gov





Arkansas Secretary of State
Mark Martin

State Capitol 500 Woodlane Ave Suite 256 • Little Rock, AR 72201-1094

Co. Court # 2017-29

FILED

Municipal Boundary Change Form

2017 APR 11 PM 1:32

County: Crawford City/Town: Mountainburg

City Ordinance/Resolution No: 17-001 Date approved: April 10, 2017

County Court Case No: _____ Date Order Filed: _____

Type: ACA § 14-40-501 et seq
(Choose from the list of Arkansas Code Sections located on the back)

Date Change Effective: 4-10-2017 Emergency clause: Yes No

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 (not required for A.C.A § 14-40-1801)
- File marked copy of County Court Order (not required for A.C.A. § 14-40-501)
- Proof of Publication for all Legal Notices (Hearing, Election, City Ordinance/Resolution)
- Copy of Arkansas GIS approved printed map and certification letter
- 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: M. Sean Brister Title: City Attorney

Street Address: PO Box 1451

City: Alma St: AR Zip code: 72921

City/County Official:

Signature: [Signature] Title: Mayor

Date: 4-10-2017

(Complete one form for each ordinance/resolution and attach it as a cover page to the supporting document set. Submit the documents to Arkansas Secretary of State, 500 Woodlane Ave, Suite 256, Little Rock, AR 72201-1094)

Office of the Arkansas Secretary of State use only

Received by: [Signature]

FILED

APR 27 2017

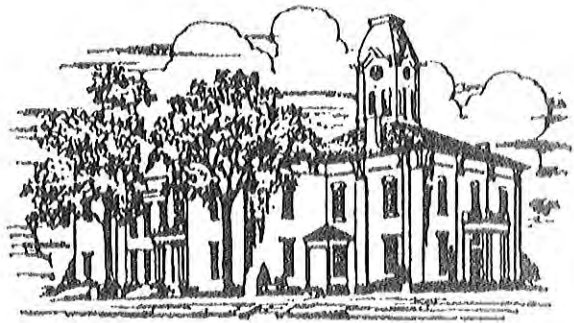
Arkansas Secretary of State

30 064

Annexation Book D' Pg 14

Teresa Armer

COUNTY AND PROBATE CLERK
OF CRAWFORD COUNTY
300 MAIN STREET • ROOM 7
VAN BUREN, AR 72956
PHONE: (479) 474-1312
FAX: (479) 471-3236
E-mail: tarmer@crawford-county.org



April 11, 2017

Honorable Mark Martin
Arkansas Secretary of State
500 Woodlane Ave. Suite 256
Little Rock, AR 72201-1094


To Whom It May Concern:

Enclosed you will find a copy of the municipal boundary change form to the City of Mountainburg, Arkansas which was filed in our office on this date under the A.C.A. §14-40-501.

This municipal boundary change is due to an enclave annexation.

If any questions, please feel free to contact me at 479-922-4643.

Respectfully,


Linda S. Horton
Chief Deputy

Cc: AR Public Service Commission

MOUNTAINBURG, ARKANSAS

ORDINANCE NO.: 17-001 2017 APR 11 PM 1:32

AN ORDINANCE ANNEXING CERTAIN LANDS THAT ARE COMPLETELY SURROUNDED BY THE INCORPORATED LIMITS OF THE CITY OF MOUNTAINBURG, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Arkansas Code Annotated sections §14-40-501—§14-40-503 provide that unincorporated islands of land that have been surrounded by the incorporated limits of a municipality may be annexed by that municipality.

WHEREAS, the City of Mountainburg, Arkansas desires to annex certain lands more completely described below; and

WHEREAS, all necessary urban services, such as fire and police protection, are to be extended to such area within a reasonable period of time; and

WHEREAS, the area to be annexed complies with the standards for lands qualifying for annexation which are set forth in A.C.A. § 14-40-302 and A.C.A. § 14-40-501; and

WHEREAS, the council finds that the territory to be annexed is surrounded by the incorporated limits of a municipality, namely the City of Mountainburg; and

WHEREAS, the council further finds that the territory consists of lands that are (1) held to be sold as suburban property; (2) the lands represent the actual growth of the municipality beyond its legal boundary; and (3) the lands are needed for a proper municipal purpose, namely police regulation of the restaurant.

WHEREAS, a public hearing was held on the 10th day of April in the year 2017, regarding this proposed annexation; and

WHEREAS, on the 25th day of March in the year 2017, a legal notice was published setting out the legal description of the territory proposed to be annexed, and all property owners within the area were notified by certified mail of their right to appear at the public hearing.

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

SECTION 1. That the following described unincorporated area which is completely surrounded by the city limits of the City of Mountainburg, Arkansas is hereby annexed to the City of Mountainburg, Arkansas.

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT A TO THIS ORDINANCE.

F I L E D

APR 27 2017

Arkansas
Secretary of State

30 065

Annexation Book 'D' Pg. 15

SECTION 2. All necessary urban services, such as police and fire protection, solid waste collection and disposal, and maintenance of public streets shall be extended to such area within a reasonable time.

SECTION 3. Because these areas are in need of all necessary urban services, such as police and fire protection, and this is necessary for the public peace, health, safety and welfare, an emergency is declared to exist. Therefore, this ordinance shall be in full force and effect from after the date of the passage.

PASSED AND APPROVED THIS 10th DAY OF April 2017.

APPROVED:

ATTEST:


MAYOR


RECORDER/TREASURER

EXHIBIT A

TO
ORDINANCE NO.: 17-001

LEGAL DESCRIPTION OF TRACTS TO BE ANNEXED THAT ARE LOCATED IN CRAWFORD COUNTY, ARKANSAS:

Part of the Northwest Quarter Northwest Quarter of Section 11, Township 11 North, Range 30 West, Crawford County, Arkansas more particularly described as follows: Beginning at the Southeast Corner of said Northwest Quarter Northwest Quarter; thence North 89 degrees 12 minutes West 472.07 feet; thence North 89 degrees 15 minutes 40 seconds West 43.7 feet to the centerline of Warloop Road; thence North 23 degrees 18 minutes 20 seconds East, along said centerline, 165.5 feet; thence North 35 degrees 36 minutes 20 seconds East along said centerline, 170.0 feet; thence North 79 degrees 45 minutes 20 seconds West 125.0 feet to the point of beginning; thence South 33 degrees 31 minutes 54 seconds West 179.2 feet to the center of an existing ditch; thence North 78 degrees 58 minutes 12 seconds West, along the center of said ditch, 162.1 feet to the Easterly Right of Way Line of U.S. Highway No. 71; thence North 24 degrees 17 minutes East along said Right of Way line. 58.0 feet; thence South 79 degrees 39 minutes East 108.0 feet; thence North 24 degrees 17 minutes East, along an existing fence line, 130.0 feet; thence South 65 degrees 44 minutes 09 seconds East 81.76 feet to the point of beginning, containing 0.42 of an acre, more or less, according to survey by Satterfield Land Surveyors dated 6/2/88.

Part of the Northwest Quarter of the Northwest Quarter of Section 11, Township 11 North, Range 30 West, described as beginning at the Southeast corner of the Northwest Quarter of the Northwest Quarter; thence North 89 degrees, 12 minutes West 472.07 feet; thence North 89 degrees 15 minutes 40 seconds West 43.7 feet to the center of Warloop road, thence North 23 degrees 18 minutes 20 seconds east along the center of Warloop Road 166.5 feet; thence north 35 degrees 36 minutes 20 seconds east 170 feet; thence leaving the Warloop road north 79 degrees 45 minutes 20 seconds west, 125 feet; thence south 35 degrees 36 minutes 20 seconds west 179.2 feet; thence North 79 degrees 39 minutes west 162.10 feet to the east right of way of U.S. Highway 711 thence North 24 degrees 17 minutes east along east right of way of U.S. Highway 71, 58 feet for a point of beginning of the tract herein conveyed; thence south 79 degrees 39 minutes east 108 feet; thence North 24 degrees 17 minutes east 130 feet; thence north 79 degrees 39 minutes west 108 feet to the east right of way of U.S Highway 71; thence along said highway right of way south 24 degrees 17 minutes west 130 feet to the point of beginning, according to survey of Clovis Satterfield Filed October 14, 1981 in survey book T, Page 30.

Annexation Book 'D' Pg. 16

30 067



ARKANSAS
GIS OFFICE

March 21, 2017

Mr. Sean Brister
PO BOX 1451
Alma AR 72921

RE: City of Mountainburg Annexation Coordination Requirement

Mr Brister,

Thank you for coordinating with our office as you seek to annex two enclave tracts into the City of Mountainburg, lying in the Northwest Quarter of the Northwest Quarter of Section 11, Township 11 North, Range 30 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,

Shelby D Johnson, State Geographic Information Officer
/sdj

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

F I L E D

APR 27 2017

Arkansas
Secretary of State

H:\City_Annexations\Cibes\Mountainburg\20170321\Doc\20170321_Mountainburg_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

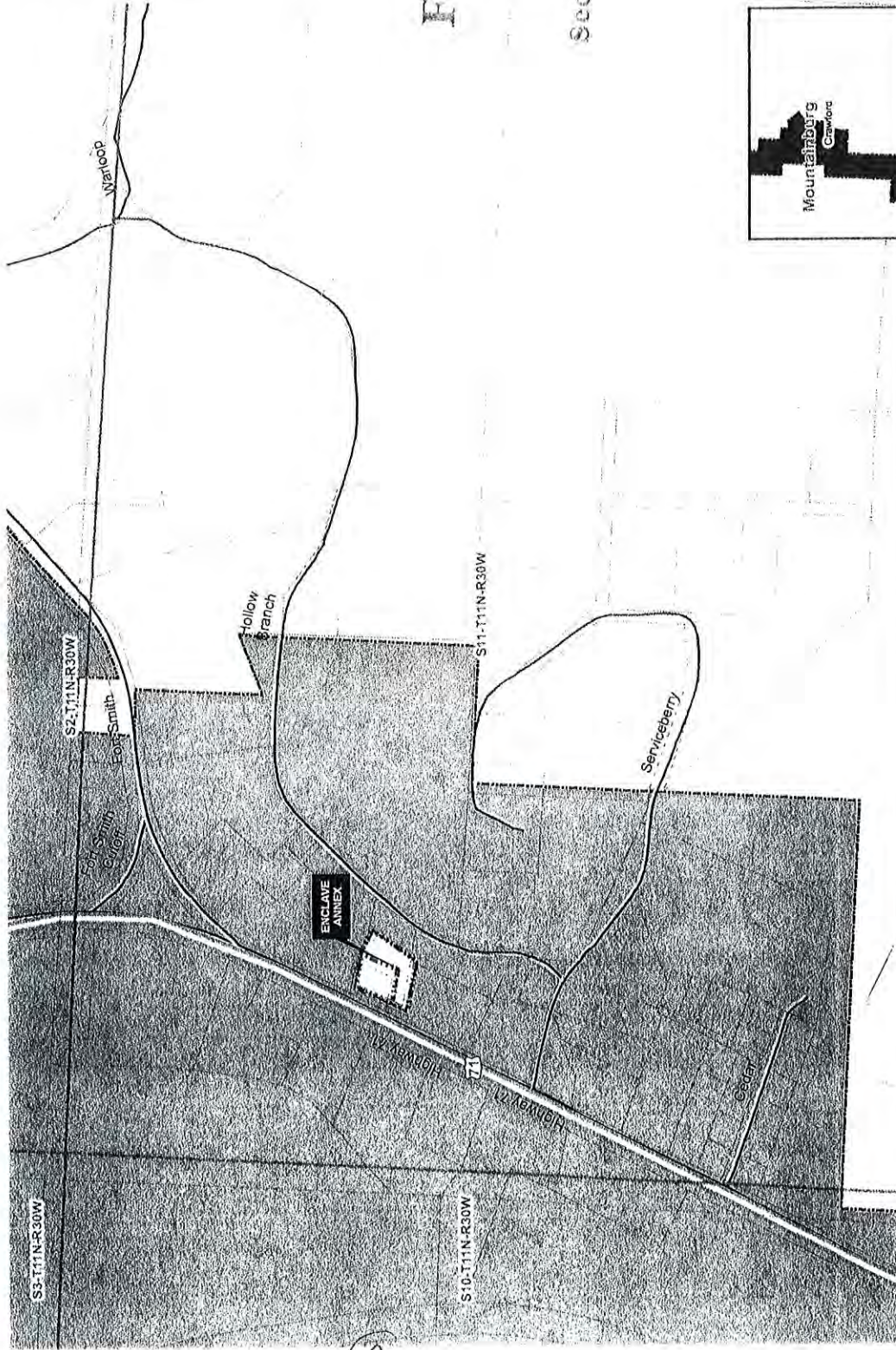
Annexation Book 'D' Pg. 17

30 068

Proposed Annex: City of Mountainburg
March 2017

City: Mountainburg
Mayor: Neal Moon

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



FILED

APR 27 2017

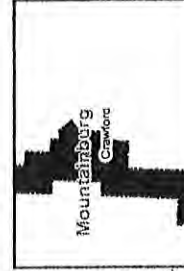
Arkansas
Secretary of State

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Miles



ARKANSAS
GIS OFFICE

H:\City_Annexes\GIS\Mountainburg\0170321



Annexation Book 'D' Pg. 18

30 069

Brister Law Firm, PLLC

www.bristerlawfirm.com

724 Fayetteville Avenue
P.O. Box 1451
Alma, Arkansas 72921

T: (479) 632-2446
F: (479) 632-2447
sean@bristerlawfirm.com

March 21, 2017

VIA CERTIFIED MAIL: 7007 2560 0000 7247 8649
RETURN RECEIPT REQUESTED

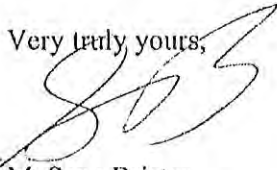
Ms. Jennifer R. Willroth
1003 Kensington Dr.
Centerton, AR 72719

Re: City of Mountainburg, Notice of Public Hearing

Dear Property Owner:

Enclosed please find a *Notice of Public Hearing* where you have the right to appear to express your views on the proposed annexation. Thank you for your attention to this matter.

Very truly yours,



M. Sean Brister

Enclosure

Annexation Book 'D' Pg. 19

30 070

Notice of Public Hearing

The City of Mountainburg, Arkansas, has proposed the annexation of certain enclaves within the current city limits as described below. A public hearing on the proposed annexation is scheduled at the Mountainburg City Hall; 101 Hwy 71 NW; Mountainburg, Arkansas 72946 on April 10, 2017, at 6:00 p.m. in which the public may attend and present their views on the proposed annexation.

The proposed annexed area lying in Crawford County, Arkansas:

Part of the Northwest Quarter Northwest Quarter of Section 11, Township 11 North, Range 30 West, Crawford County, Arkansas more particularly described as follows: Beginning at the Southeast Corner of said Northwest Quarter Northwest Quarter; thence North 89 degrees 12 minutes West 472.07 feet; thence North 89 degrees 15 minutes 40 seconds West 43.7 feet to the centerline of Warloop Road; thence North 23 degrees 18 minutes 20 seconds East, along said centerline, 165.5 feet; thence North 35 degrees 36 minutes 20 seconds East along said centerline, 170.0 feet; thence North 79 degrees 45 minutes 20 seconds West 125.0 feet to the point of beginning; thence South 33 degrees 31 minutes 54 seconds West 179.2 feet to the center of an existing ditch; thence North 78 degrees 58 minutes 12 seconds West, along the center of said ditch, 162.1 feet to the Easterly Right of Way Line of U.S. Highway No. 71; thence North 24 degrees 17 minutes East along said Right of Way line. 58.0 feet; thence South 79 degrees 39 minutes East 108.0 feet; thence North 24 degrees 17 minutes East, along an existing fence line, 130.0 feet; thence South 65 degrees 44 minutes 09 seconds East 81.76 feet to the point of beginning, containing 0.42 of an acre, more or less, according to survey by Satterfield Land Surveyors dated 6/2/88.

Part of the Northwest Quarter of the Northwest Quarter of Section 11, Township 11 North, Range 30 West, described as beginning at the Southeast corner of the Northwest Quarter of the Northwest Quarter; thence North 89 degrees, 12 minutes West 472.07 feet; thence North 89 degrees 15 minutes 40 seconds West 43.7 feet to the center of Warloop road, thence North 23 degrees 18 minutes 20 seconds east along the center of Warloop Road 166.5 feet; thence north 35 degrees 36 minutes 20 seconds east 170 feet; thence leaving the Warloop road north 79 degrees 45 minutes 20 seconds west, 125 feet; thence south 35 degrees 36 minutes 20 seconds west 179.2 feet; thence North 79 degrees 39 minutes west 162.10 feet to the east right of way of U.S. Highway 711 thence North 24 degrees 17 minutes east along east right of way of U.S. Highway 71, 58 feet for a point of beginning of the tract herein conveyed; thence south 79 degrees 39 minutes east 108 feet; thence North 24 degrees 17 minutes east 130 feet; thence north 79 degrees 39 minutes west 108 feet to the east right of way of U.S Highway 71; thence along said highway right of way south 24 degrees 17 minutes west 130 feet to the point of beginning, according to survey of Clovis Satterfield Filed October 14, 1981 in survey book T, Page 30.

Annexation Book 'D' Pg. 20



724 Fayetteville Avenue
P.O. Box 1451
Alma, Arkansas 72921

T: (479) 632-2446
F: (479) 632-2447
sean@bristerlawfirm.com

March 21, 2017

VIA CERTIFIED MAIL: 7007 2560 0000 7247 8564
RETURN RECEIPT REQUESTED

Ms. Joan Pense
P.O Box 225
Mountainburg, AR 72946

Re: City of Mountainburg, Notice of Public Hearing

Dear Property Owner:

Enclosed please find a *Notice of Public Hearing* where you have the right to appear to express your views on the proposed annexation. Thank you for your attention to this matter.

Very truly yours,

M. Sean Brister

Enclosure

Annexation Book 'D' Pg. 21

30 072

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Annexation Book 'D' Pg. 32

30 073

Brister Law Firm, PLLC

www.bristerlawfirm.com

724 Fayetteville Avenue
P.O. Box 1451
Alma, Arkansas 72921

T: (479) 632-2446
F: (479) 632-2447
sean@bristerlawfirm.com

March 21, 2017

VIA CERTIFIED MAIL: 7007 2560 0000 7247 8571
RETURN RECEIPT REQUESTED

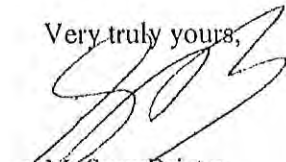
Mr. Alvis Pense
P.O. Box 225
Mountainburg, AR 72946

Re: City of Mountainburg, Notice of Public Hearing

Dear Property Owner:

Enclosed please find a *Notice of Public Hearing* where you have the right to appear to express your views on the proposed annexation. Thank you for your attention to this matter.

Very truly yours,



M. Sean Brister

Enclosure

Annexation Book 'D' Pg 23

30 074

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Annexation Book 'D' Pg 24

30 075

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Published in the March 25, 2017 issue of the Press Argus-Courier.

PRESS ARGUS-COURIER

100 N. 11th Street

Van Buren, Arkansas 72957

(479) 474-5215

PROOF OF PUBLICATION

State of Arkansas
County of Crawford

I, Kim Hattaway, Publisher of the Press Argus-Courier, a newspaper in said County and State, and having general circulation therein, hereby certify that the annexed advertisement was published in said newspaper

one time, on the 25th day of March, 2017

Publisher's Fee \$ 166.16

Kim Hattaway

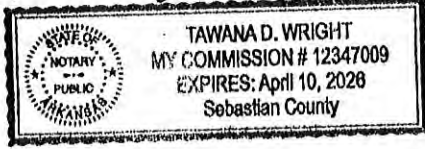
Publisher

Subscribed and sworn to before me this 27th day of March, 2017.

My Commission expires
April 10, 2026

Tawana D. Wright

Notary Public



Handwritten signature/initials

30 020

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Joan Pense
P.O. Box 225
Mountainburg, AR 72946



9590 9401 0010 5071 4034 66

2. Article Number (Transfer from service label)

7007 2560 0000 7247 8564

PS Form 3811, April 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Joan Pense* Agent
 Addressee

B. Received by (Printed Name)

Joan Pense

C. Date of Delivery

3/23/17

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No



3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Alvis Pense
P.O. Box 225
Mountainburg, AR 72946



9590 9401 0010 5071 4033 81

2. Article Number (Transfer from service label)

7007 2560 0000 7247 8571

PS Form 3811, April 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Joan Pense* Agent
 Addressee

B. Received by (Printed Name)

Joan Pense

C. Date of Delivery

3/23/17

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No



3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jennifer Willroth
1003 Kensington Dr.
Center ton, AR 72719



9590 9401 0010 5071 4033 74

2. Article Number (Transfer from service label)

7007 2560 0000 7247 8649

PS Form 3811, April 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Jennifer Willroth* Agent
 Addressee

B. Received by (Printed Name)

Jennifer Willroth

C. Date of Delivery

3-23-17

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

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Pg.

Domestic Return Receipt