



JOHN THURSTON

ARKANSAS SECRETARY OF STATE

May 14, 2019

The Hon. Keri Teague
Howard County Clerk
421 N. Main St.
Nashville, AR 71852

Re: City of Nashville Annexation Ordinance 942

Dear Ms. Teague,

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. §14-40-609 (annexation by 100% of the landowners)

Effective Date: 3/14/18

County: Howard

City Ordinance: 942

County Court Order: CC-2017-1

City: Nashville

Dated: 3/30/17

Date Filed: 3/30/17

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 filing, please contact our office at 501-682-3478.

Sincerely,

Rusty Jackson
Elections Division
Room 26
501-682-3478

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 Honorable Billy Ray Jones, Mayor of Nashville (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: Howard City/Town: Nashville
 City Ordinance/Resolution No: 942 Date approved: March 30, 2017
 County Court Case No: 2017-1 Date Order Filed: March 30, 2017
 Type: Annexation to The City of Nashville, Howard Co.
(Choose from the list of Arkansas Code Sections located on the back)
 Date Change Effective: 3/14/2018 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: _____
(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: Mary Woodruff Title: City Clerk
 Street Address: 426 North Main
 City: Nashville, Ar St: _____ Zip code: 71852

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: [Signature] Title: County Clerk
 Date: 5/9/2019

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: _____

Municipal Annexation, Detachment, and Incorporation Reference

- Annexation of Territories Contiguous to County Seat A.C.A §14-40-201
- Annexation of Territories in another Judicial District (multiple county seats) A.C.A. §14-40-202
 - Annexation of City Park or Airport (automatic) A.C.A §14-40-204
- Annexation of building on boundary of two municipalities (written notice) A.C.A. §14-40-207
 - Annexation by Election (contiguous land) A.C.A. §14-40-302
 - Annexation of land in adjoining County A.C.A §14-40-401
- Annexation of surrounded unincorporated area (island/doughnut holes) by ordinance A.C.A. §14-40-501
 - Annexation by Petition of majority of Landowners A.C.A. §14-40-602
 - Annexation by Petition of all Landowners A.C.A §14-40-609
- Consolidation of two municipalities by Election A.C.A §14-40-1201
- Annexation with Detachment from another municipality at landowner request A.C.A §14-40-2001
 - Annexation with Detachment from adjoining city at city request A.C.A §14-40-2101
- Detachment of Land annexed by petition under §14-40-601 A.C.A §14-40-608
- Detachment of municipal lands back to County by election A.C.A. §14-40-1801
 - Detachment of unsuitable land by municipal resolution A.C.A §14-40-1901
- Incorporation by direct petition of landowners A.C.A §14-38-101
 - Incorporation by petition for special election A.C.A §14-38-115
- Surrender of Charter (Disincorporation) by second class city A.C.A §14-39-101

IN THE COUNTY COURT
OF HOWARD COUNTY, ARKANSAS



IN THE MATTER OF A
PROPOSED ANNEXATION TO
THE CITY OF NASHVILLE,
HOWARD COUNTY, ARKANSAS

CIVIL 2017-1

AMENDED ORDER

Now on this date, comes on for hearing the Motion to Modify, Amend, or Vacate filed by the City of Nashville, Arkansas. Based thereupon, the Court finds as follows:

I.

That on July 12 2017, this Court entered an Ordered entitled "Order on Petition to Annex" (hereinafter "July 12, 2017 Order". That the purpose of said July 12, 2017 Order was to annex certain real property owned by Jose A. Cruz and Rosa M. Cruz. That after completion of the July 12, 2017 Order, it was determined that the legal description used in aforesaid Order used to describe the real property owned by Jose A. Cruz and Rosa M. Cruz, contained an error. Therefore, the City of Nashville, Arkansas, filed a Motion to Modify, Amend, or Vacate, changing only the corrected legal description, but otherwise fulfilling the purposes of the July 12, 2017 Order, that Motion is GRANTED, and this Amended Order shall replace the July 12, 2017 Order.

II.

Jose A. Cruz and Rosa M. Cruz are the owners in fee simple of the following described tracts of land, to wit:

Part of the NE ¼ of the SE ¼ described as follows:

Commencing at the Northeast corner of said NE ¼ of SE ¼, thence Run West 420 feet, thence South 300 feet to the SE corner of Block 3 of Spencer's Addition to Town of Nashville, Arkansas, for the point of Beginning; Thence West 300 feet, thence South 300 feet, thence East 150 Feet, thence North 50 feet, thence East 150 feet, thence North 250 feet to Point of beginning, containing 1.9 acres, more or less;

LESS AND EXCEPT, That part thereof taken for street purposes by County Court of Howard County No. C-99 1.

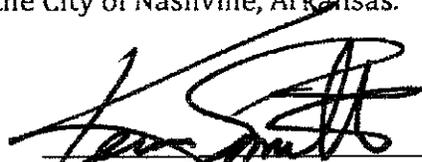
All in Section 35, Township 9 South, Range 27 West, Howard County, Arkansas.

III.

Accordingly, this Order amends the prior order of this Court substituting the legal description contained herein, in Section II, as the correct legal description referred unto and referenced in this Court's prior Order in all sections therein for purposes of the annexation thereof.

IT IS THEREFORE, BY THE COURT CONSIDERED, ORDERED AND ADJUDGED, that the real property described is hereby annexed to the City of Nashville, Arkansas.

NUNC PRO TUNC to July 12, 2017.



Kevin Smith
Howard County Judge

IN THE COUNTY COURT
OF HOWARD COUNTY, ARKANSAS



IN THE MATTER OF A
PROPOSED ANNEXATION TO
THE CITY OF NASHVILLE,
HOWARD COUNTY, ARKANSAS

CIVIL 2017-1

MOTION TO CORRECT

Comes now the City of Nashville and states:

I.

An Order was entered on July 12, 2017. Said Order contained within it a clerical error, to wit:
the legal description was determined to be wrong.

II.

The corrected legal description is as follows:

Part of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ described as follows:

Commencing at the Northeast corner of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$, thence Run West 420 feet, thence South 300 feet to the SE corner of Block 3 of Spencer's Addition to Town of Nashville, Arkansas, for the point of Beginning; Thence West 300 feet, thence South 300 feet, thence East 150 Feet, thence North 50 feet, thence East 150 feet, thence North 250 feet to Point of beginning, containing 1.9 acres, more or less;

LESS AND EXCEPT, That part thereof taken for street purposes by County Court of Howard County No. C-99 1.

All in Section 35, Township 9 South, Range 27 West, Howard County, Arkansas.

III.

A new Order should be substituted with the corrected legal description.

WHEREFORE, City of Nashville prays this Court enter a corrected Order.

CITY OF NASHVILLE, ARKANSAS

BY:

Aaron R Brasel, ABN 2009138
Post Office Box 813
Nashville, AR 71852
(870) 845-4100 - Telephone

Part of the NE1/4 of the SE1/4, described as follows:

Beginning 400 feet South of the NE corner of said NE1/4 of SE1/4, thence run West 380 feet, thence South 50 feet, thence East 380 feet, thence North 50 feet to the point of beginning;

ALSO, Commencing at Northeast corner of said NE1/4 of SE1/4, thence run West 420 feet, thence South 300 feet to SE corner of Block 3 of Spencer's Addition to town of Nashville, Arkansas, for the point of beginning; Thence West 300 feet, thence South 300 feet, thence East 150 feet, thence North 50 feet, thence East 150 feet, thence North 250 feet to point of beginning, containing 1.9 acres, more or less;

AND, Commencing at Northeast corner of said NE1/4 of SE1/4, thence run West 420 feet, thence South 600 feet to the point of beginning; thence West 150 feet, thence South 150 feet, thence East 150 feet, thence North 150 feet to the point of beginning, containing 0.51 acre, more or less;

ALL in Section 35, Township 9 South, Range 27 West, and containing in the aggregate 2.84 acres, more or less, in Howard County, Arkansas.

LESS AND EXCEPT, That part thereof taken for street purposes by County Court of Howard County No. C-99-1.

All in Section 35, Township 9 South, Range 27 West, Howard County, Arkansas.

CERTIFICATE OF RECORD

COUNTY OF HOWARD }
STATE OF ARKANSAS } SS.

I, KAY McCLURE, Circuit Clerk, for the County aforesaid, do hereby certify that the annexed and foregoing instrument of writing was filed for record in my office on the 11TH day of JULY A.D. 20 00 at 8:25 o'clock A M., and the same is now duly recorded, with the acknowledgment and certificate thereon, in "Record Book" 379 . Page 314-316

In witness whereof I have hereunto set my hand and affixed the seal of said court this 11TH day of JULY 20 00

KAY McCLURE
Circuit Clerk

(Seal)

By *L. J. Hinds* D.C.

WARRANTY DEED, PAGE 2

ACKNOWLEDGMENT

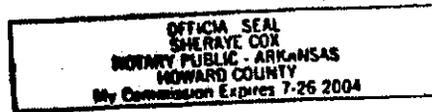
State of Arkansas
County of Howard

On this day personally appeared before me Don Tollett, known to me to be the person whose name is subscribed to the foregoing warranty deed, and acknowledged that he executed the same for the consideration and purposes therein contained.

WITNESS my hand and official seal this 6th day of July, 2000.

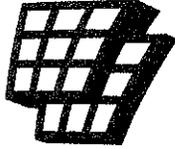
Sherry Cox
Notary Public

My Commission Expires: 07-26-2004



I CERTIFY UNDER PENALTY OF FALSE SWEARING THAT THE LEGALLY CORRECT AMOUNT OF DOCUMENTARY STAMPS HAVE BEEN PLACED ON THIS INSTRUMENT

Bob Davis
(GRANTEE OR AGENT)
#8 Dartwood
(ADDRESS)
Nashville, AR 71852
(CITY AND STATE)



**ARKANSAS
GIS OFFICE**

May 14, 2019

Mr. Rustin Jackson
Arkansas Secretary of State
Administrative Rules and Annexations – Elections Division

RE: City of Nashville Annexation Coordination Requirement

Mr. Jackson,

Thank you for coordinating with our office as you seek to file Amended Nashville Annexation Ordinance 942, County Case Number 2017-1 located in Section 35, Township 9 South, Range 27 West. Our office has confirmed with the City that the attached legal description and map correctly represent their intent for this annexation. 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
Legal Description
Secretary of State Municipal Change Checklist

H:\City_Annexations\Cities\Nashville\20180315\Doc\20190514_Nashville_Annexation_Coordination_Letter.docx

**Proposed Annex: City of Nashville Amended Ordinance 942, CC 2017-1
May 2019**

City: Nashville
Mayor: Billy Ray Jones

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



- Sections
- Parcels
- Minor Road
- Proposed Annex
- Existing City

0 0.0178 0.035 0.07
Miles



ARKANSAS
GIS OFFICE

\\City_Annexations\Cases\N\Nash\1920180315

Part of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ described as follows:

Commencing at the Northeast corner of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$, thence Run West 420 feet, thence South 300 feet to the SE corner of Block 3 of Spencer's Addition to Town of Nashville, Arkansas, for the point of Beginning; Thence West 300 feet, thence South 300 feet, thence East 150 Feet, thence North 50 feet, thence East 150 feet, thence North 250 feet to Point of beginning, containing 1.9 acres, more or less;

LESS AND EXCEPT, That part thereof taken for street purposes by County Court of Howard County No. C-99 1.



ORDINANCE NO. 942

**AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN
LANDS INTO THE CITY LIMITS OF NASHVILLE,
HOWARD COUNTY, ARKANSAS.**

WHEREAS, the Petition was properly made to the County Court of Howard County, Arkansas, by the City of Nashville, Arkansas, Jose A. Cruz and Rosa M. Cruz, along with the Mayor of the City of Nashville, asking for annexation of certain lands into the City, and:

WHEREAS, after due notice was given a hearing was held by the County Court on the said Petition on the 12th day of July, 2017, at 11:00 a.m., and:

WHEREAS, there were no objections made to the said annexation and no legal challenges made within thirty (30) days after the Order of the County Court, now:

THEREFORE, BE IT HEREBY ORDAINED BY THE CITY OF NASHVILLE:

SECTION 1: The following described real property should be and is hereby annexed by the City of Nashville, to-wit:

Part of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ described as follows:

Beginning 400 feet South of the NE corner of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$, thence run West 380 feet, thence South 50 feet, thence East 380 feet, thence North 50 feet to the point of beginning;

Also, Commencing at Northeast corner of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$, thence run West 420 feet, thence South 300 feet to SE corner of Block 3 of Spencer's Addition to Town of Nashville, Arkansas, for the point of beginning; Thence West 300 feet, thence South 300 feet, thence East 150 feet, thence North 50 feet, thence East 150 feet, thence North 250 feet to point of beginning, containing 1.9 acres, more or less;

AND, Commencing at Northeast corner of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$, thence run West 420 feet, thence South 600 feet to the point of beginning; thence West 150 feet, thence South 150 feet, thence East 150 feet, thence North 150 feet to the point of beginning, containing 0.51 acre, more or less; ALL in Section 35, Township 9 South, Range 27 West, and containing in the aggregate 2.84 acres, more or less, in Howard County, Arkansas.

LESS AND EXCEPT, That part thereof taken for street purposes by County Court of Howard County No. C-99-1.

SECTION 2: The said real property is to be zoned as R-3.

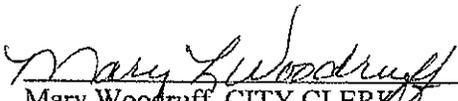
SECTION 3: This Ordinance shall be in full force and effect from and after its passage.

Passed this 22nd day of August, 2017.



Billy Ray Jones, MAYOR

ATTEST:



Mary Woodruff, CITY CLERK

Public hearing on the Petition is set for the 12 day of July,
2017, at 11:00 in the Howard County Circuit Court Room, located in the
Courthouse on Main Street, Nashville, Howard County, Arkansas.

COUNTY JUDGE KEVIN SMITH

A handwritten signature in cursive script that reads "Kevin Smith". The signature is written in black ink and is positioned above a horizontal line.

Kevin Smith, Howard County Judge

PUBLIC NOTICE

IN THE COUNTY COURT OF HOWARD
COUNTY, ARKANSAS
CIVIL DIVISION

IN THE MATTER OF A PROPOSED
ANNEXATION TO THE CITY OF NASHVILLE,
HOWARD COUNTY, ARKANSAS

— - CIVIL 2017 - 1

NOTICE OF HEARING

All interested parties are hereby notified that a Petition to Annex the below described real property has been filed by the City of Nashville, Arkansas, by and through its Mayor, Billy Ray Jones, and by Jose A. Cruz and Rosa M. Cruz, to-wit:

Part of the NE 1/4 of the SE 1/4 described as follows:

Beginning 400 feet South of the NE corner of said NE 1/4 of SE 1/4, thence run West 380 feet, thence South 50 feet, thence East 380 feet, thence North 50 feet to the point of beginning;

Also, Commencing at Northeast corner of said NE 1/4 of SE 1/4, thence run West 420 feet, thence South 300 feet to SE corner of Block 3 of Spencer's Addition to Town of Nashville, Arkansas, for the point of beginning; Thence West 300 feet, thence South 300 feet, thence East 150 feet, thence North 50 feet, thence East 150 feet, thence North 250 feet to point of beginning, containing 1.9 acres, more or less;

AND, Commencing at Northeast corner of said NE 1/4 of SE 1/4, thence run West 420 feet, thence South 600 feet to the point of beginning; thence West 150 feet, thence South 150 feet, thence East 150 feet, thence North 150 feet to the point of beginning, containing 0.51 acres, more or less; ALL in Section 35, Township 9 South, Range 27 West, and containing in the aggregate 2.84 acres, more or less, in Howard County, Arkansas.

LESS AND EXCEPT, That part thereof taken for street purposes by County Court of Howard County No. C-99-1.

Public hearing on the Petition is set for the 12 day of July, 2017, at 11:00 in the Howard County Circuit Court Room, located in the Courthouse on Main Street, Nashville, Howard County, Arkansas.

Kevin Smith, Howard County Judge

(C:51-1)

PROOF OF PUBLICATION

*In the
Nashville News-Leader
Nashville, AR 71852*



I, Louis F. Graves III, do solemnly swear that I am the co-publisher of the **Nashville New-Leader**, a newspaper published weekly at Nashville, Howard County, Arkansas, and that said newspaper, published in said county, has a bonafide circulation, and that the notice attached hereto was published in said newspaper for 3 consecutive issues

as follows:

- 1st Pub June 21, 2017
- 2nd Pub June 28, 2017
- 3rd Pub July 5, 2017
- 4th Pub _____

Louis F. Graves III

Publisher

State of Arkansas
County of Howard

Subscribed and sworn to before me this 10 day of July, 2017.

Pam McAnelly
Notary Public

My commission expires 4-1-2025
Publication cost _____

PAM MCANELLY
Notary Public - Arkansas
Sevier County
Commission #12403418
My Commission Exp. 4/01/2025

FILED
JUL 12 2017
Circuit Court
Probate Division
Howard Co., AR

IN THE COUNTY COURT OF HOWARD COUNTY, ARKANSAS

**IN THE MATTER OF A PROPOSED
ANNEXATION TO THE CITY OF
NASHVILLE, HOWARD COUNTY,
ARKANSAS**

CIVIL 2017 - 1

ORDER ON PETITION TO ANNEX

Now on this 12th day of July, 2017, comes on for hearing the Petition to Annex filed herein by Billy Ray Jones, as Mayor of the City of Nashville, and Jose A. Cruz and his wife, Rosa M. Cruz, and the Court finds the following:

I.

Jose A. Cruz and Rosa M. Cruz are the owners in fee simple of the following described tracts of land, to-wit:

Part of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ described as follows:

Beginning 400 feet South of the NE corner of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$, thence run West 380 feet, thence South 50 feet, thence East 380 feet, thence North 50 feet to the point of beginning;

Also, Commencing at Northeast corner of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$, thence run West 420 feet, thence South 300 feet to SE corner of Block 3 of Spencer's Addition to Town of Nashville, Arkansas, for the point of beginning; Thence West 300 feet, thence South 300 feet, thence East 150 feet, thence North 50 feet, thence East 150 feet, thence North 250 feet to point of beginning, containing 1.9 acres, more or less;

AND, Commencing at Northeast corner of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$, thence run West 420 feet, thence South 600 feet to the point of beginning; thence West 150 feet, thence South 150 feet, thence East 150 feet, thence North 150 feet to the point of beginning, containing 0.51 acre, more or less; ALL in Section 35, Township 9 South, Range 27 West, and containing in the aggregate 2.84 acres, more or less, in Howard County, Arkansas.

LESS AND EXCEPT, That part thereof taken for street purposes by County Court of Howard County No. C-99-1.

II.

The described tract of land is wholly owned by the Co-Petitioners, Jose A. Cruz and Rosa M. Cruz. The Co-Petitioners, Jose A. Cruz and Rosa M. Cruz, own apartments within the city limits of Nashville, Howard County, Arkansas, which are located adjacent to the land described herein, which is found to be accurate. The Co-Petitioners, Jose A. Cruz and Rosa M. Cruz, have built and constructed upon the land in question apartments compatible to the apartments that are located upon the adjacent land that is within the city limits. It is the intent of the Petitioners to annex these new apartments within the city limits of Nashville, Howard County, Arkansas.

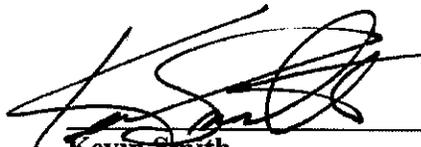
III.

Notice of the time and place of the hearing was given in accordance with the provisions of Arkansas Code Annotated 14-40-602.

IV.

No objections to the annexation were raised at the public hearing, and the prayer of the Petitioners is right and proper.

IT IS THEREFORE, BY THE COURT CONSIDERED, ORDERED AND ADJUDGED, that the Petition to Annex the above described real property to the City of Nashville, Arkansas, should be and is hereby approved and granted and the property annexed to the City of Nashville, Arkansas. If no proceedings are commenced in Circuit Court to prevent the annexation within thirty (30) days of this Order, then these proceedings shall be confirmed by operation of law in accordance with Arkansas Code Annotated Section 14-40-605.



Kevin Smith
Howard County Judge



IN THE COUNTY COURT OF HOWARD COUNTY, ARKANSAS

**IN THE MATTER OF A PROPOSED
ANNEXATION TO THE CITY OF
NASHVILLE, HOWARD COUNTY,
ARKANSAS**

- CIVIL 2017 - 1

PETITION TO ANNEX

COMES now the Petitioners, Billy Ray Jones, as Mayor of the City of Nashville,
and Jose A. Cruz and his wife, Rosa M. Cruz, and for their Petition to Annex, states:

I.

Jose A. Cruz and Rosa M. Cruz are the owners in fee simple of the following
described tracts of land, to-wit:

Part of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ described as follows:

Beginning 400 feet South of the NE corner of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$,
thence run West 380 feet, thence South 50 feet, thence East 380 feet,
thence North 50 feet to the point of beginning;

Also, Commencing at Northeast corner of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$, thence
run West 420 feet, thence South 300 feet to SE corner of Block 3 of
Spencer's Addition to Town of Nashville, Arkansas, for the point of
beginning; Thence West 300 feet, thence South 300 feet, thence East 150
feet, thence North 50 feet, thence East 150 feet, thence North 250 feet to
point of beginning, containing 1.9 acres, more or less;

AND, Commencing at Northeast corner of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$, thence
run West 420 feet, thence South 600 feet to the point of beginning; thence
West 150 feet, thence South 150 feet, thence East 150 feet, thence North
150 feet to the point of beginning, containing 0.51 acre, more or less;
ALL in Section 35, Township 9 South, Range 27 West, and containing in
the aggregate 2.84 acres, more or less, in Howard County, Arkansas.

LESS AND EXCEPT, That part thereof taken for street purposes by
County Court of Howard County No. C-99-1.

II.

The described tract of land is wholly owned by the Co-Petitioners, Jose A. Cruz and Rosa M. Cruz. The Co-Petitioners, Jose A. Cruz and Rosa M. Cruz, own apartments within the city limits of Nashville, Howard County, Arkansas, which are located adjacent to the land described herein. The Co-Petitioners, Jose A. Cruz and Rosa M. Cruz, have built and constructed upon the land in question apartments compatible to the apartments that are located upon the adjacent land that is within the city limits. It is the intent of the Petitioners to annex these new apartments within the city limits of Nashville, Howard County, Arkansas.

III.

Attorney, Bryan L. Chesshir, is authorized to act on behalf of the Petitioners.

IV.

A hearing on this matter should be set not less than thirty (30) days from the filing hereof, and Petitioners will provide Notice in accordance with Arkansas Code Annotated Section 14-40-602.

WHEREFORE, premises considered, Petitioners request that a hearing be set on its Petition to Annex, that the said real property in question as specified herein be annexed into and made a part of the City of Nashville, Howard County, Arkansas, and for all other just and proper relief requested herein.

BRYAN L. CHESSHIR
Attorney at Law
122 West Bishop
P. O. Box 158
Nashville, Arkansas 71852
(870) 451 - 9332



Bryan L. Chesshir

Attorney for Petitioners

VERIFICATION

State of Arkansas)
)
County of Howard)

Jose A. Cruz and Rosa M. Cruz, state upon their oath that the statements contained in the above and foregoing pleading are true and correct to the best of his knowledge and belief.

Jose A. Cruz
Jose A. Cruz

Rosa M. Cruz
Rosa M. Cruz

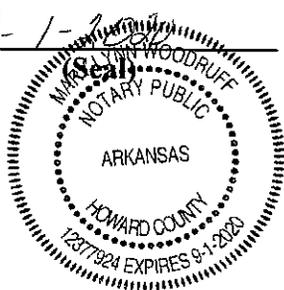
Subscribed and sworn to before me this 19th day of March, 2017.

Mary Lynn Woodruff
Notary Public

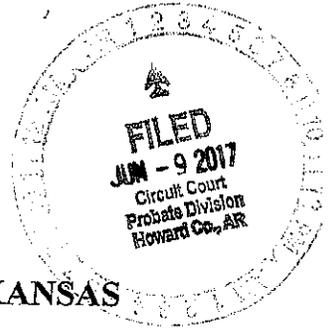
My Commission Expires:

9-1-2020

9-1-2020







**IN THE COUNTY COURT OF HOWARD COUNTY, ARKANSAS
CIVIL DIVISION**

**IN THE MATTER OF A PROPOSED
ANNEXATION TO THE CITY OF
NASHVILLE, HOWARD COUNTY,
ARKANSAS**

- CIVIL 2017 - 1

NOTICE OF HEARING

All interested parties are hereby notified that a Petition to Annex the below described real property has been filed by the City of Nashville, Arkansas, by and through its Mayor, Billy Ray Jones, and by Jose A. Cruz and Rosa M. Cruz, to-wit:

Part of the NE ¼ of the SE ¼ described as follows:

Beginning 400 feet South of the NE corner of said NE ¼ of SE ¼, thence run West 380 feet, thence South 50 feet, thence East 380 feet, thence North 50 feet to the point of beginning;

Also, Commencing at Northeast corner of said NE ¼ of SE ¼, thence run West 420 feet, thence South 300 feet to SE corner of Block 3 of Spencer's Addition to Town of Nashville, Arkansas, for the point of beginning; Thence West 300 feet, thence South 300 feet, thence East 150 feet, thence North 50 feet, thence East 150 feet, thence North 250 feet to point of beginning, containing 1.9 acres, more or less;

AND, Commencing at Northeast corner of said NE ¼ of SE ¼, thence run West 420 feet, thence South 600 feet to the point of beginning; thence West 150 feet, thence South 150 feet, thence East 150 feet, thence North 150 feet to the point of beginning, containing 0.51 acre, more or less; ALL in Section 35, Township 9 South, Range 27 West, and containing in the aggregate 2.84 acres, more or less, in Howard County, Arkansas.

LESS AND EXCEPT, That part thereof taken for street purposes by County Court of Howard County No. C-99-1.



ARKANSAS GIS OFFICE

March 16, 2018

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

RE: City of Nashville Annexation Coordination Requirement

Ms. Fisher,

Thank you for coordinating with our office as we seek to reconcile Nashville Annexation ordinance 942, County Case Number 2017-1. 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. Please note that during our coordination review, we were unable to determine that the provided legal description matches the intention of this annexation. As mapped, the annexation appears to include land that is not owned by the petitioner. The legal description also mentions land to be 'less & excepted' out referring to County Court of Howard County No C-99-1. We were not able to obtain a copy of C-99-1 which may have provided some clarity.

Also, based on the map included in the ordinance (on page 9 of this document), as well as another map of unknown source (on page 16 of this document), we are unable to clearly interpret the intent of this annexation as neither of the user provided maps appear to be similar to the legal description provided. Without a more clearly defined legal description or user map, we believe this annexation as described in the legal description would be opposed to the intent of the petitioner.

Our office will wait for clarification or notice from your office on how to best proceed.

Thank you,

Jennifer Wheeler, GIS Analyst
/jjw

Attachments:
GIS Office Map of Proposed Annexation
Ordinance 942; County Court Case No: 942
Unknown user provided map (last page)

H:\City_Annexations\Cities\Nashville\20180315\Doc\20180316_Nashville_Annexation_Coordination_Letter.docx

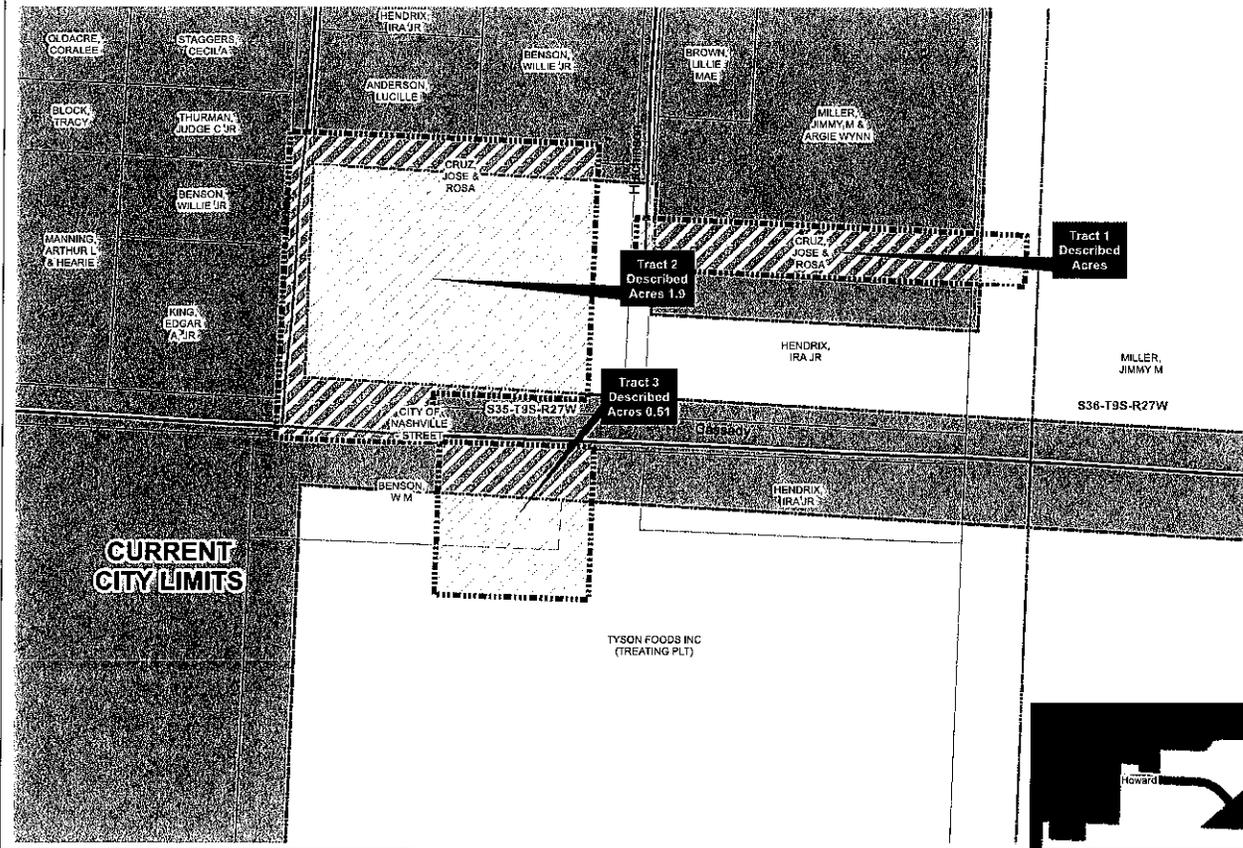
Proposed Annex: City of Nashville Ordinance 942, CC 2017-1
April 2018

City: Nashville
Mayor: Billy Ray Jones

Arkansas Code 14-40-101.

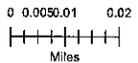
Before an entity undertakes an annexation, consolidation, or detachment proceeding under this chapter, the entity shall coordinate with the Arkansas Geographic Information Systems Office for preparation of legal descriptions and digital mapping for the relevant annexation, consolidation, and detachment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

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



Proposed Annex

- Hatched Pattern: Proposed Annex
- Dotted Pattern: Sections
- Solid Line: Parcels
- Dashed Line: Minor Road
- Stippled Pattern: Existing City





Arkansas Secretary of State

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

Municipal Boundary Change Checklist

County: Howard City/Town: Nashville

City Ordinance/Resolution No: 942 Date approved: March 30, 2017

County Court Case No: 2017-1 Date Order Filed: March 30, 2017

Type: Annexation to the City of Nashville, Howard County
(Choose from the list of Arkansas Code Sections located on the back)

Date Change Effective: _____ 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: Mary Woodruff Title: City Clerk

Street Address: 426 North Main

City: Nashville St: A Zip code: 71852

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:

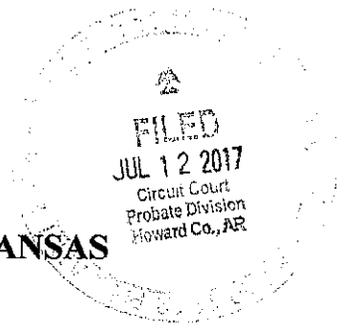
Signature: Keeli Teague Title: County Clerk

Date: 3/14/2018

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: _____



IN THE COUNTY COURT OF HOWARD COUNTY, ARKANSAS

**IN THE MATTER OF A PROPOSED
ANNEXATION TO THE CITY OF
NASHVILLE, HOWARD COUNTY,
ARKANSAS**

CIVIL 2017 - 1

ORDER ON PETITION TO ANNEX

Now on this 12th day of July, 2017, comes on for hearing the Petition to Annex filed herein by Billy Ray Jones, as Mayor of the City of Nashville, and Jose A. Cruz and his wife, Rosa M. Cruz, and the Court finds the following:

I.

Jose A. Cruz and Rosa M. Cruz are the owners in fee simple of the following described tracts of land, to-wit:

Part of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ described as follows:

Beginning 400 feet South of the NE corner of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$, thence run West 380 feet, thence South 50 feet, thence East 380 feet, thence North 50 feet to the point of beginning;

Also, Commencing at Northeast corner of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$, thence run West 420 feet, thence South 300 feet to SE corner of Block 3 of Spencer's Addition to Town of Nashville, Arkansas, for the point of beginning; Thence West 300 feet, thence South 300 feet, thence East 150 feet, thence North 50 feet, thence East 150 feet, thence North 250 feet to point of beginning, containing 1.9 acres, more or less;

AND, Commencing at Northeast corner of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$, thence run West 420 feet, thence South 600 feet to the point of beginning; thence West 150 feet, thence South 150 feet, thence East 150 feet, thence North 150 feet to the point of beginning, containing 0.51 acre, more or less; ALL in Section 35, Township 9 South, Range 27 West, and containing in the aggregate 2.84 acres, more or less, in Howard County, Arkansas.

LESS AND EXCEPT, That part thereof taken for street purposes by County Court of Howard County No. C-99-1.

II.

The described tract of land is wholly owned by the Co-Petitioners, Jose A. Cruz and Rosa M. Cruz. The Co-Petitioners, Jose A. Cruz and Rosa M. Cruz, own apartments within the city limits of Nashville, Howard County, Arkansas, which are located adjacent to the land described herein, which is found to be accurate. The Co-Petitioners, Jose A. Cruz and Rosa M. Cruz, have built and constructed upon the land in question apartments compatible to the apartments that are located upon the adjacent land that is within the city limits. It is the intent of the Petitioners to annex these new apartments within the city limits of Nashville, Howard County, Arkansas.

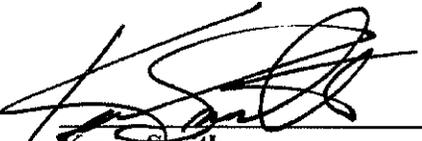
III.

Notice of the time and place of the hearing was given in accordance with the provisions of Arkansas Code Annotated 14-40-602.

IV.

No objections to the annexation were raised at the public hearing, and the prayer of the Petitioners is right and proper.

IT IS THEREFORE, BY THE COURT CONSIDERED, ORDERED AND ADJUDGED, that the Petition to Annex the above described real property to the City of Nashville, Arkansas, should be and is hereby approved and granted and the property annexed to the City of Nashville, Arkansas. If no proceedings are commenced in Circuit Court to prevent the annexation within thirty (30) days of this Order, then these proceedings shall be confirmed by operation of law in accordance with Arkansas Code Annotated Section 14-40-605.



Kevin Smith
Howard County Judge



IN THE COUNTY COURT OF HOWARD COUNTY, ARKANSAS

**IN THE MATTER OF A PROPOSED
ANNEXATION TO THE CITY OF
NASHVILLE, HOWARD COUNTY,
ARKANSAS**

_____ - CIVIL 2017 - _____

PETITION TO ANNEX

COMES now the Petitioners, Billy Ray Jones, as Mayor of the City of Nashville,
and Jose A. Cruz and his wife, Rosa M. Cruz, and for their Petition to Annex, states:

I.

Jose A. Cruz and Rosa M. Cruz are the owners in fee simple of the following
described tracts of land, to-wit:

Part of the NE ¼ of the SE ¼ described as follows:

Beginning 400 feet South of the NE corner of said NE ¼ of SE ¼,
thence run West 380 feet, thence South 50 feet, thence East 380 feet,
thence North 50 feet to the point of beginning;

Also, Commencing at Northeast corner of said NE ¼ of SE ¼, thence
run West 420 feet, thence South 300 feet to SE corner of Block 3 of
Spencer’s Addition to Town of Nashville, Arkansas, for the point of
beginning; Thence West 300 feet, thence South 300 feet, thence East 150
feet, thence North 50 feet, thence East 150 feet, thence North 250 feet to
point of beginning, containing 1.9 acres, more or less;

AND, Commencing at Northeast corner of said NE ¼ of SE ¼, thence
run West 420 feet, thence South 600 feet to the point of beginning; thence
West 150 feet, thence South 150 feet, thence East 150 feet, thence North
150 feet to the point of beginning, containing 0.51 acre, more or less;
ALL in Section 35, Township 9 South, Range 27 West, and containing in
the aggregate 2.84 acres, more or less, in Howard County, Arkansas.

LESS AND EXCEPT, That part thereof taken for street purposes by
County Court of Howard County No. C-99-1.

II.

The described tract of land is wholly owned by the Co-Petitioners, Jose A. Cruz and Rosa M. Cruz. The Co-Petitioners, Jose A. Cruz and Rosa M. Cruz, own apartments within the city limits of Nashville, Howard County, Arkansas, which are located adjacent to the land described herein. The Co-Petitioners, Jose A. Cruz and Rosa M. Cruz, have built and constructed upon the land in question apartments compatible to the apartments that are located upon the adjacent land that is within the city limits. It is the intent of the Petitioners to annex these new apartments within the city limits of Nashville, Howard County, Arkansas.

III.

Attorney, Bryan L. Chesshir, is authorized to act on behalf of the Petitioners.

IV.

A hearing on this matter should be set not less than thirty (30) days from the filing hereof, and Petitioners will provide Notice in accordance with Arkansas Code Annotated Section 14-40-602.

WHEREFORE, premises considered, Petitioners request that a hearing be set on its Petition to Annex, that the said real property in question as specified herein be annexed into and made a part of the City of Nashville, Howard County, Arkansas, and for all other just and proper relief requested herein.

BRYAN L. CHESSHIR
Attorney at Law
122 West Bishop
P. O. Box 158
Nashville, Arkansas 71852
(870) 451 - 9332



Bryan L. Chesshir

Attorney for Petitioners

VERIFICATION

State of Arkansas)
)
County of Howard)

Jose A. Cruz and Rosa M. Cruz, state upon their oath that the statements contained in the above and foregoing pleading are true and correct to the best of his knowledge and belief.

Jose A. Cruz
Jose A. Cruz

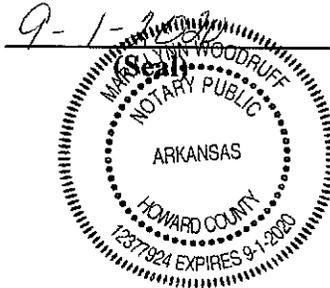
Rosa M. Cruz
Rosa M. Cruz

Subscribed and sworn to before me this 19th day of March, 2017.

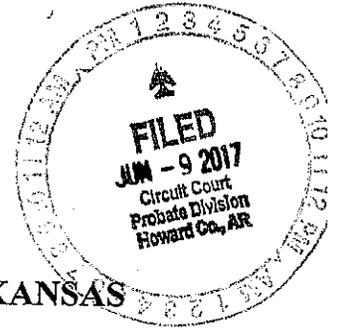
Mary Lynn Woodruff
Notary Public

My Commission Expires:

9-1-2020







**IN THE COUNTY COURT OF HOWARD COUNTY, ARKANSAS
CIVIL DIVISION**

**IN THE MATTER OF A PROPOSED
ANNEXATION TO THE CITY OF
NASHVILLE, HOWARD COUNTY,
ARKANSAS**

- CIVIL 2017 -

NOTICE OF HEARING

All interested parties are hereby notified that a Petition to Annex the below described real property has been filed by the City of Nashville, Arkansas, by and through its Mayor, Billy Ray Jones, and by Jose A. Cruz and Rosa M. Cruz, to-wit:

Part of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ described as follows:

Beginning 400 feet South of the NE corner of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$, thence run West 380 feet, thence South 50 feet, thence East 380 feet, thence North 50 feet to the point of beginning;

Also, Commencing at Northeast corner of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$, thence run West 420 feet, thence South 300 feet to SE corner of Block 3 of Spencer's Addition to Town of Nashville, Arkansas, for the point of beginning; Thence West 300 feet, thence South 300 feet, thence East 150 feet, thence North 50 feet, thence East 150 feet, thence North 250 feet to point of beginning, containing 1.9 acres, more or less;

AND, Commencing at Northeast corner of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$, thence run West 420 feet, thence South 600 feet to the point of beginning; thence West 150 feet, thence South 150 feet, thence East 150 feet, thence North 150 feet to the point of beginning, containing 0.51 acre, more or less; ALL in Section 35, Township 9 South, Range 27 West, and containing in the aggregate 2.84 acres, more or less, in Howard County, Arkansas.

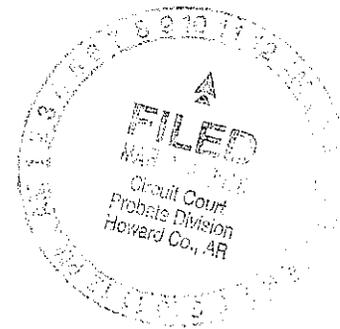
LESS AND EXCEPT, That part thereof taken for street purposes by County Court of Howard County No. C-99-1.

Public hearing on the Petition is set for the 12 day of July,
2017, at 11:00 in the Howard County Circuit Court Room, located in the
Courthouse on Main Street, Nashville, Howard County, Arkansas.

COUNTY JUDGE KEVIN SMITH

A handwritten signature in black ink that reads "Kevin Smith". The signature is written in a cursive style with a large, sweeping initial "K".

Kevin Smith, Howard County Judge



ORDINANCE NO. 942

**AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN
LANDS INTO THE CITY LIMITS OF NASHVILLE,
HOWARD COUNTY, ARKANSAS.**

WHEREAS, the Petition was properly made to the County Court of Howard County, Arkansas, by the City of Nashville, Arkansas, Jose A. Cruz and Rosa M. Cruz, along with the Mayor of the City of Nashville, asking for annexation of certain lands into the City, and:

WHEREAS, after due notice was given a hearing was held by the County Court on the said Petition on the 12th day of July, 2017, at 11:00 a.m., and:

WHEREAS, there were no objections made to the said annexation and no legal challenges made within thirty (30) days after the Order of the County Court, now:

THEREFORE, BE IT HEREBY ORDAINED BY THE CITY OF NASHVILLE:

SECTION 1: The following described real property should be and is hereby annexed by the City of Nashville, to-wit:

Part of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ described as follows:

Beginning 400 feet South of the NE corner of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$, thence run West 380 feet, thence South 50 feet, thence East 380 feet, thence North 50 feet to the point of beginning;

Also, Commencing at Northeast corner of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$, thence run West 420 feet, thence South 300 feet to SE corner of Block 3 of Spencer's Addition to Town of Nashville, Arkansas, for the point of beginning; Thence West 300 feet, thence South 300 feet, thence East 150 feet, thence North 50 feet, thence East 150 feet, thence North 250 feet to point of beginning, containing 1.9 acres, more or less;

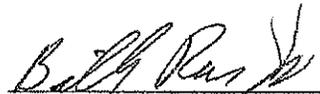
AND, Commencing at Northeast corner of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$, thence run West 420 feet, thence South 600 feet to the point of beginning; thence West 150 feet, thence South 150 feet, thence East 150 feet, thence North 150 feet to the point of beginning, containing 0.51 acre, more or less; ALL in Section 35, Township 9 South, Range 27 West, and containing in the aggregate 2.84 acres, more or less, in Howard County, Arkansas.

LESS AND EXCEPT, That part thereof taken for street purposes by County Court of Howard County No. C-99-1.

SECTION 2: The said real property is to be zoned as R-3.

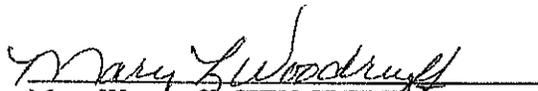
SECTION 3: This Ordinance shall be in full force and effect from and after its passage.

Passed this 22nd day of August, 2017.



Billy Ray Jones, MAYOR

ATTEST:



Mary Woodruff, CITY CLERK

PUBLIC NOTICE

IN THE COUNTY COURT OF HOWARD
COUNTY, ARKANSAS
CIVIL DIVISION

IN THE MATTER OF A PROPOSED
ANNEXATION TO THE CITY OF NASHVILLE,
HOWARD COUNTY, ARKANSAS

___ - CIVIL 2017 - 1

NOTICE OF HEARING

All interested parties are hereby notified that a Petition to Annex the below described real property has been filed by the City of Nashville, Arkansas, by and through its Mayor, Billy Ray Jones, and by Jose A. Cruz and Rosa M. Cruz, to-wit:

Part of the NE 1/4 of the SE 1/4 described as follows:

Beginning 400 feet South of the NE corner of said NE 1/4 of SE 1/4, thence run West 380 feet, thence South 50 feet, thence East 380 feet, thence North 50 feet to the point of beginning;

Also, Commencing at Northeast corner of said NE 1/4 of SE 1/4, thence run West 420 feet, thence South 300 feet to SE corner of Block 3 of Spencer's Addition to Town of Nashville, Arkansas, for the point of beginning; Thence West 300 feet, thence South 300 feet, thence East 150 feet, thence North 50 feet, thence East 150 feet, thence North 250 feet to point of beginning, containing 1.9 acres, more or less;

AND, Commencing at Northeast corner of said NE 1/4 of SE 1/4, thence run West 420 feet, thence South 600 feet to the point of beginning; thence West 150 feet, thence South 150 feet, thence East 150 feet, thence North 150 feet to the point of beginning, containing 0.51 acres, more or less; ALL in Section 35, Township 9 South, Range 27 West, and containing in the aggregate 2.84 acres, more or less, in Howard County, Arkansas.

LESS AND EXCEPT, That part thereof taken for street purposes by County Court of Howard County No. C-99-1.

Public hearing on the Petition is set for the 12 day of July, 2017, at 11:00 in the Howard County Circuit Court Room, located in the Courthouse on Main Street, Nashville, Howard County, Arkansas.

Kevin Smith, Howard County Judge

(C:51-1)

PROOF OF PUBLICATION

*In the
Nashville News-Leader
Nashville, AR 71852*



I, Louis F. Graves III, do solemnly swear that I am the co-publisher of the **Nashville New-Leader**, a newspaper published weekly at Nashville, Howard County, Arkansas, and that said newspaper, published in said county, has a bonafide circulation, and that the notice attached hereto was published in said newspaper for 3 consecutive issues

as follows:

- 1st Pub June 21, 2017
- 2nd Pub June 28, 2017
- 3rd Pub July 5, 2017
- 4th Pub _____

Louis F. Graves III

Publisher

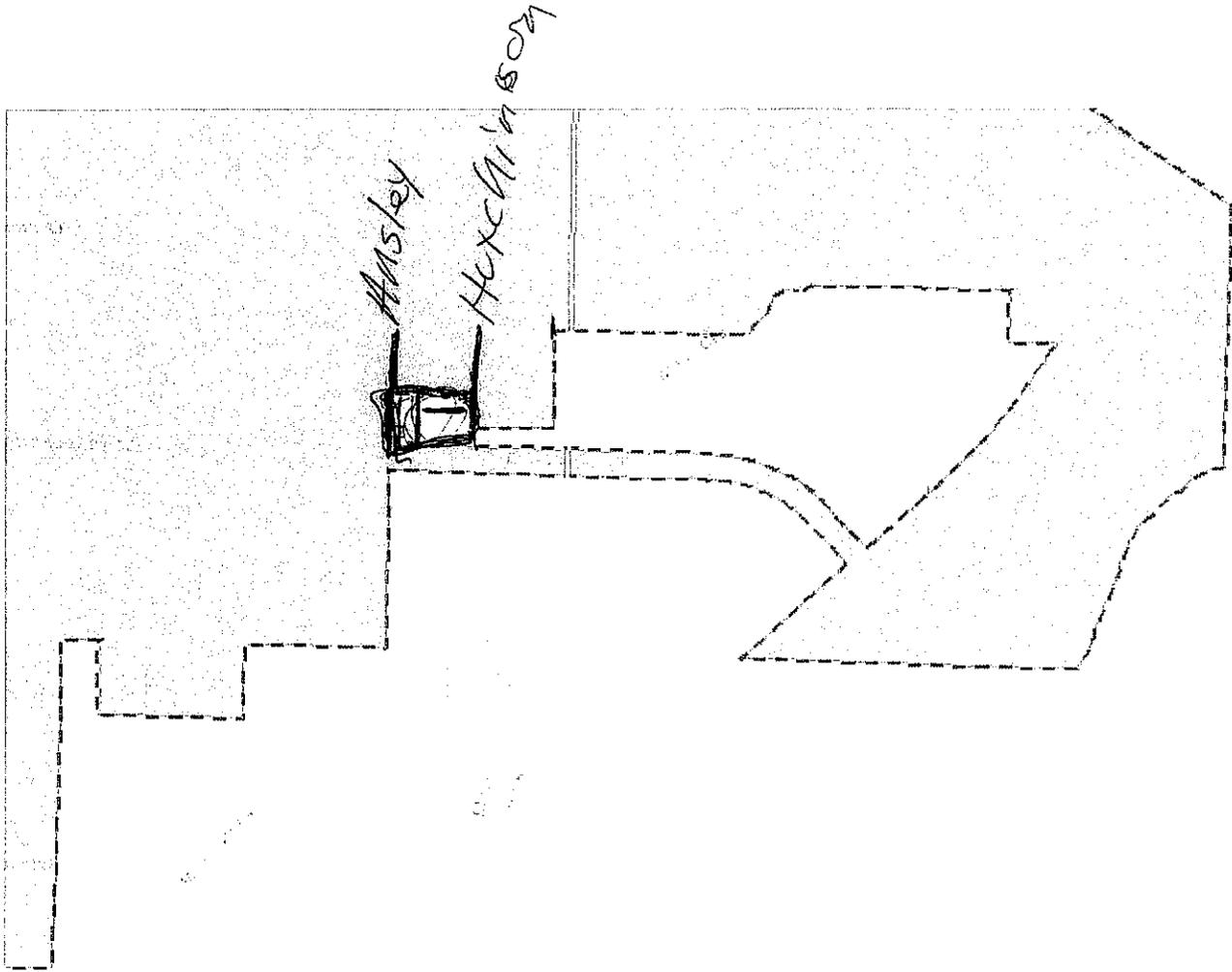
State of Arkansas
County of Howard

Subscribed and sworn to before me this 6 day of July, 2017.

Pam McAnelly
Notary Public

My commission expires 4-1-2025
Publication cost _____

PAM MCANELLY
Notary Public - Arkansas
Sevier County
Commission #12403418
My Commission Exp. 4/01/2025



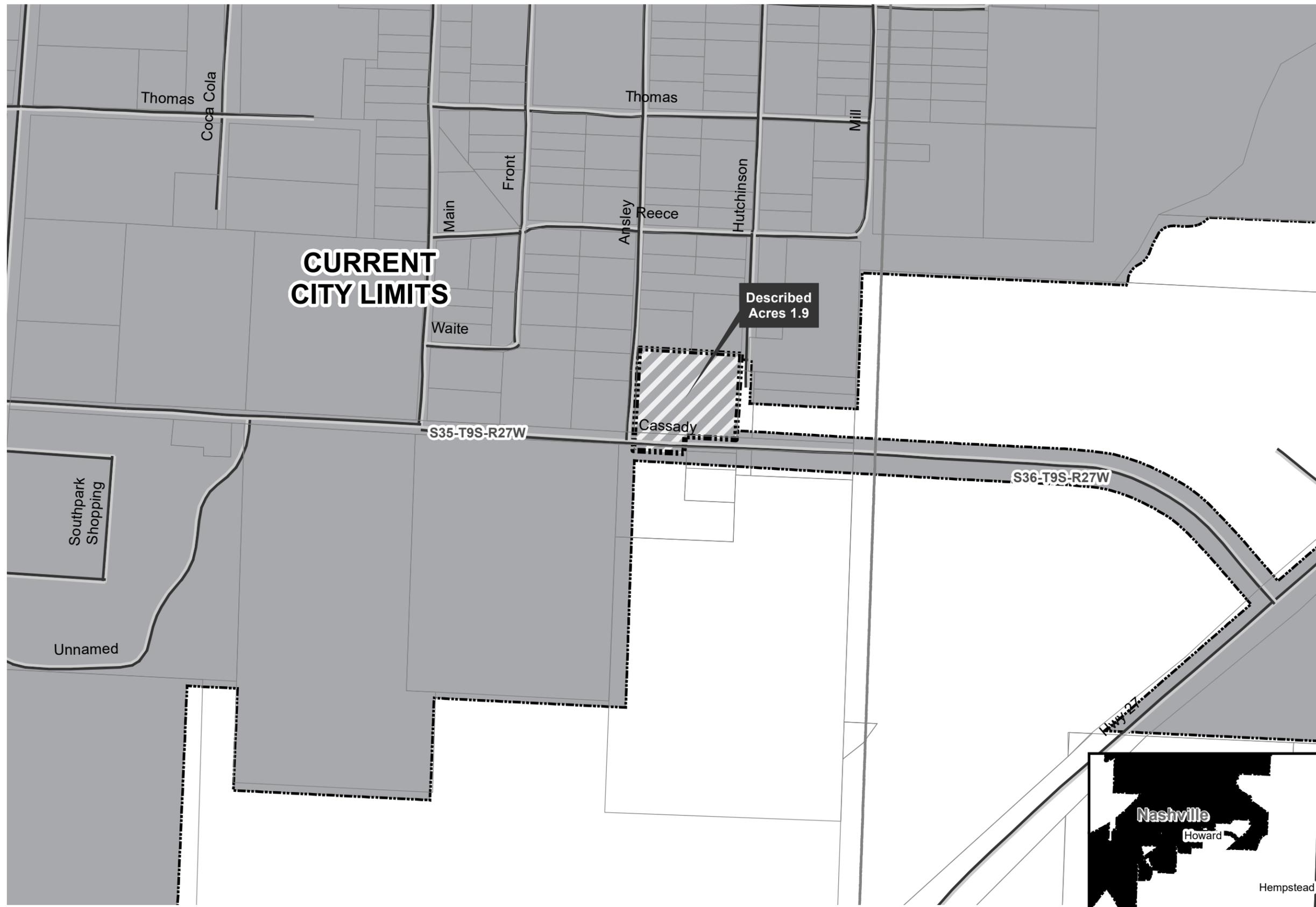
Proposed Annex: City of Nashville Amended Ordinance 942, CC 2017-1
May 2019

City: Nashville
Mayor: Billy Ray Jones

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



- Sections
- Parcels
- Minor Road
- Proposed Annex
- Existing City

