

# JOHN THURSTON

## ARKANSAS SECRETARY OF STATE

August 7, 2019

FILED

AUG 0 7 2019

Arkansas Secretary of State

The Hon. Tammy Sisson Franklin County Clerk 211 West Commercial Ozark, AR 72949

Re: City of Ozark Annexation Ordinance 2006-12

Dear Ms. Sisson,

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

Filing Type: Annexation pursuant to A.C.A \$14-40-609(annexation by 100% of the landowners)

Effective Date: 08/14/06

County: Franklin
City Ordinance: 2006-12
County Court Order: Unknown

City: Ozark
Dated: 08/14/06
Date Filed: 06/06/06

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 501-682-3478.

Sincerely

Brad Bowman 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 Honorable Roxie Hall, Mayor of Ozark (w/encl)

The Honorable Rickey Bowman, County Judge of Franklin County (w/encl)

Mr. Cecil Zolliecoffer, Manager of Ozark Water Department (w/encl)



X

# Arkansas Secretary of State

John Thurston Arkansas Secretary of State, 500 Woodlane Ave, Little Rock, AR 72201-1094

# Municipal Boundary Change Checklist $f F \ I \ L \ E \ D$

Act 655 of 2017 and A.C.A. §14-40-103

AUG 0 7 2019

Rev. 2/2019

County: Franklin	City/Town:		)zork		Arkansas
City Ordinance/Resolution No: 2006 - 12			0 4	See:	<del>retary of S</del> tate
			, ,	2004	<u></u>
County Court Case No: UNK	Date Orde	r Filed:	<u>le·</u> (	0.700	6
Type: A.C. A. § 14-40-609 (Choose from the list of Arkans:	as Code Sections	s located	on the back)		
Date Change Effective: 8-14-06 Set by: (Required by Act 655 of 2017)	lunicipal Ordii	nance (	Emergeno	cy Clause 🔘	Court ODefault
For Circuit Court Challenge: Date Order Filed: N	<u> </u>	Upheld	Overturn	ned 🔿 Other	(attach explanation
Please indicate which ward(s) the territory will be ass	signed to:	War	٠, ١,		
	<u>.</u>		(See A.C.A	§ 14-40-203)	
Initiating party:					,
GAll Landowners O Majority Landowners O Mun	iicipal Govern	ing Bod	ly <b>O</b> State	Other	
Supporting Documentation attached (check all that appl	ly):				
File marked copy of City Ordinance/Resolution (req	quired)				•
File marked copy of County Court Order or certified	-	election	n results ( <i>rec</i>	<b>quired</b> except f	for A.C.A. §14-40-501)
Copy of Arkansas GIS approved printed map and c				, ,	
Proof of Publication for all Legal Notices (include He				Resolution not	tices)
File marked copy of Petition Part (if applicable)		,	,,		
File marked copy of Complaint and final Circuit Cou	urt Order ( <i>Cou</i>	ırt Challe	enge only)		•
Municipal Contact:	•		.,		
	<del></del> 1				
Name: Roxie Hall		Ma	rager	·	
Street Address: 2910 W. Comme	rcial				
City: Ozark	St: <b>A</b>	R_	_Zip code:	72949	· ·
Complete one form per ordinance/resolution, attach it as a cove within 45 days of the Effec					ne County Clerk's Office
County Official:				. ^	· ·
Signature: Lafa kon	Title	é: <u> </u>	rauklin	65	Tudge
Date: [124] [2]		·			
Pursuant to Act 655 of 2017, County Officials must submit a file-r. to: Arkansas Secretary of State, Attn: Municipal Boun					
Office of the Arkansas Secretary of State use only	,				
Descrived by					
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

## FILED Franklin County, Arkansas

AUG 2 8 2006

# ORDINANCE NO.2006-12

AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF OZARK, ARKANSAS, AND MAKING SAME PART OF THE CITY OF OZARK, ASSIGNING SAME TO WARDS, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES

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

WHEREAS, on the 2nd day of \_\_\_\_\_\_, 2006, the County Clerk of Franklin County, found that the Petition was signed by the only real estate owners in said territory; that said territory was contiguous and adjoining the present corporate limits of the City of Ozark, Arkansas; that an accurate plat or map of said territory had been filed with and made 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 land and territory should be annexed to and made part of the City of Ozark, Arkansas, subject to the acceptance of same by the City Council of said City at the proper time, as provided by law; and

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

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

SECTION I: That the following described land and territory contiguous and adjoining the City of Ozark, Arkansas, be and the same is hereby accepted as passed and is hereby annexed to and made part of the City of Ozark, to wit:

## See attached legal description

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

SECTION III: This Ordinance being necessary for the preservation of public health, safety, and welfare, an emergency is therefore declared, and shall be in full force Passed and approved this 14th day of August, 2006 and effect immediately upon its passage.

ATTEST:

CITY CLERK Carol Spooth

70

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

## PETITION FOR ANNEXATION

Comes now, Jaunnita Montgomery and Janette Mooney, as the sole property owner of the following described area, and hereby petitions the County Court of Franklin County, Arkansas, to annex the following lands to the City of Ozark, Arkansas. The only real estate owner owning acreage in the said area is Jaunita Montgomery and Janette Mooney, fee simple title holder.

The description of the area to be annexed to the City of Ozark, Arkansas is more particularly described as follows:

See attached legal descriptions.

BY: Quarita Montgomery.

Jamita Montgomery

BY. Janette Mooney

"ICERTIFY, UNDER PENALTY OF FALSE SWEARING, THAT AT LEAST THE LEGALLY CORRECT AMOUNT OF DOCUMENTARY STAMPS HAVE BEEN PLACED ON THIS

#### WARRANTY DEED

## KNOW ALL MEN BY THESE PRESENTS:

That I, Jaunita Montgomery, as surviving spouse of dick montgomery and; ROY JOHNSON AND MARY ALICE JOHNSON, HUSBAND AND WIFE, GRANTORS, FOR AND IN CONSIDERATION OF THE SUM OF TEN DOLLARS AND OTHER VALUABLE CONSIDERATION (\$10.00) IN HAND PAID BY JAUNITA MONT GOMERY AND JANETTE MOONEY, GRANTEES, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, DO HEREBY GRANT, BARGAIN, SELL AND CONVEY UNTO JAUNITA MONTGOMERY AND JANETTE MOONEY, GRANTEES, AND UNTO THEIR HEIRS AND ASSIGNS FOREVER THE FOLLOWING LANDS LYING IN FRANKLIN COUNTY, ARKANSAS, TO-WIT:

PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 10 NORTH, RANGE 27 WEST MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION, TOWNSHIP AND RANGE, AND RUNNING THENCE NORTH 80 YARDS, THENCE EAST 60 YARDS, THENCE SOUTH 80 YARDS, THENCE WEST 60 YARDS TO THE PLACE OF BEGINNING, AND CONTAINING 1 ACRE MORE OR LESS.

LEGAL DESCRIPTION PROVIDED BY GRANTORS.

SUBJECT HOWEVER TO ALL PRIOR EASEMENTS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

TO HAVE AND TO HOLD THE SAME UNTO THE SAID JAUNITA MONTGOMERY AND JANETTE MOONEY AND UNTO THEIR HEIRS AND ASSIGNS FOREVER, WITH ALL APPURTENANCES THEREUNTO BELONGING.

AND I, HEREBY COVENANT WITH SAID GRANTEES, THAT I WILL FOREVER WARRANT AND DEFEND THE TITLE TO THE SAID LANDS AGAINST ALL CLAIMS WHATSOEVER.

WITNESS MY HANDS AND SEALS THIS 13TH DAY OF AUGUST, 2003.

DO NOT

ICE JOHNSON

Page 1 of 2

#### **ACKNOWLEDGMENT**

STATE OF ARKANSAS COUNTY OF ARKEN

BEIT REMEMBERED, THAT ON THIS DAY CAME BEFOREME, THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR THE COUNTY AFORESAID, DULY COMMISSIONED AND ACTING, JAUNITA MONTGOMERY, AS SURVIVING SPOUSE OF DICK MONTGOMERY AND; ROY JOHNSON AND MARY ALICE JOHNSON, HUSBAND AND WIFE, TO ME WELL KNOWN AS THE GRANTOR IN THE FOREGOING DEEDS WHOSE NAMES APPEAR UPON THE WITHIN AND FOREGOING DEED AND STATED THAT SHE HAD EXECUTED THE SAME FOR THE CONSIDERATION AND PURPOSES THEREIN MENTIONED AND SET FORTH.

WITNESS MY HAND AND SEAL AS SUCH NOTARY PUBLIC THIS 13TH DAY OF AUGUST, 2003

SUE DUNCAN Frankfin County My Commission Expires September 5, 2010

MY COMMISSION EXPIRES

9-5-10

NOTARY PUBLIC

STATE OF ARKANSAS, COUNTY OF FRANKLIN
OZARK DISTRICT
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IN BOOK 7 PAGE 2 OO
WILMA GRAGG - BRUSHWOOD
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BY AND RECORDER

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

## PETITION FOR ANNEXATION

Comes now, Opal Montgomery, as the sole property owner of the following described area, and hereby petitions the County Court of Franklin County, Arkansas, to annex the following lands to the City of Ozark, Arkansas. The only real estate owner owning acreage in the said area is Opal Montgomery, fee simple title holder.

The description of the area to be annexed to the City of Ozark, Arkansas is more particularly described as follows:

See attached legal descriptions.

BY: Opal Montgomery
Opal Montgomery

Subject to

NE		NW			SE			SW			Franklin County,			, Ark.				
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### NOTICE

JUN 02 2006

Notice is hereby given that there has been filed in the County Court of Franking Needham County, Arkansas, the Petition of Opal Montgomery, Roy Johnson, Mary Alice Johnson,

David Robison, Rhonda Robison, Jaunita Montgomery, Janette Mooney, and Norman

Powell asking for the annexation to the City of Ozark, Arkansas, the following described lands situated in Franklin County, Arkansas, contiguous to said City, to-wit:

See attached legal description(s).

A plat of said land proposed for annexation is on file with said Petition in the office of the Clerk of said Court. The Court has fixed the day of day of 2006 at 1/2 o'clock as the date for the 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 \_\_\_\_\_ day of \_\_\_

, 2006.

County Clerk

WITT LAW FIRM, P.C. 800 N. 3<sup>RD</sup>, P.O. BOX 286 OZARK, ARKANSAS 72949 (479) 667-4721 FAX (479) 667-4173

Ernie Witt Neva B. Witt Attorneys at Law

May 9; 2006

Mayor C.L. "Bat" Coley 2910 W. Commercial Ozark, AR 72949

RE: Annexation

Dear Bat:

Enclosed herein please find a Petition, Decree, and Ordinance, which I have prepared for the purpose of annexing the subject property.

You will need to have the appropriate officers of the properties sign the Petition, and then file it with the County Clerk in Ozark, Arkansas. The clerk will then set a date for a hearing on the Petition. The hearing date must be at least 30 days from the date of the filing of the Petition. The Notice, which is also being provided to you, should contain the date set for the hearing. Then, the Notice must be published in the Ozark newspaper one time each week for three consecutive weeks. Each document must be accompanied by a legal description.

Next, the Petitioners' representative will need to be present at the hearing set by the County Court and obtain a signature of the County Judge. After 30 days have passed from the date the Order was signed by the County Judge, then the Ordinance may be presented to the City Council for approval. The City should then publish the Ordinance and a copy should be delivered to the County Clerk's office.

At any point during this proceeding, if you have any questions, please do not hesitate to contact my office.

Thank you for your cooperation and assistance to this matter.

Yours yery truly,

Neva B. Witt

Enc\_

NBW/hk

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

## **DECREE OF ANNEXATION**

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

The Court finds the Petition was filed more than thirty (30) days prior to this date and that in said Petition, the said David and Rhonda Robison was selected by said parties to present the Petition.

The Court doth find that Opal Montgomery, Roy Johnson, Mary Alice Johnson, David Robison, Rhonda Robison, Jaunita Montgomery, Janette Mooney, Norman Powell, and Latane Powell are the only property owners owning real estate in the area affected by this Petition.

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

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

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

Therefore, the Court doth hereby ORDER, ADJUDGE AND DECREE that the following described territory be and the same is hereby annexed to and made a part of the City of Ozark, Arkansas, to-wit:

# See attached legal description(s).

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

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County	Juage		

"ICERTIFY, UNDER PENALTY OF FALSE SWEARING, THAT AT LEAST THE LEGALLY CORRECT AMOUNT OF DOCUMENTARY STAMPS HAVE BEEN PLACED ON THIS INSTRUMENT."

MANA Clic. BRANTEFOR GRANTEE AGENT

- D. ROX 335 Dank C. 1944

#### WARRANTY DEED

#### KNOW ALL MEN BY THESE PRESENTS:

THAT WE, JUANITA MONTGOMERY, A SINGLE PERSON AND SURVIVING SPOUSE OF ARVEL MONTGOMERY, GRANTOR, FOR AND IN CONSIDERATION OF THE SUM OF TEN DOLLARS AND OTHER VALUABLE CONSIDERATION (\$10.00) IN HAND PAID BY JUANITA MONTGOMERY AND; MARY ALICE JOHNSON AND ROY JOHNSON, GRANTEES, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, DO HEREBY GRANT, BARGAIN, SELL AND CONVEY UNTO JUANITA MONTGOMERY, A SINGLE PERSON AND; MARY ALICE JOHNSON AND ROY JOHNSON, HUSBAND AND WIFE, GRANTEES, AND UNTO THEIR HEIRS AND ASSIGNS FOREVER THE FOLLOWING LANDS LYING IN FRANKLIN COUNTY, ARKANSAS, TO-WIT:

WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 10 NORTH, RANGE 27 WEST, MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT 550 FEET NORTH OF THE SOUTHWEST CORNER OF THE

WITNESS OUR HANDS AND SEALS THIS 10TH DAY OF APRIL, 2002.

Janita Montgomery
JUANITA MONTGOMERY

#### **ACKNOWLEDGMENT**

STATE OF ARKANSAS COUNTY OF FRANKLIN

BE IT REMEMBERED, THAT ON THIS DAY CAME BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR THE COUNTY AFORESAID, DULY COMMISSIONED AND ACTING, JUANITA MONTGOMERY, A SINGLE PERSON, TO ME WELL KNOWN AS THE GRANTOR IN THE FOREGOING DEEDS WHOSE NAMES APPEAR UPON THE WITHIN AND FOREGOING DEED AND STATED THAT THEY HAD EXECUTED THE SAME FOR THE CONSIDERATION AND PURPOSES THEREIN MENTIONED AND SET FORTH.

WITNESS MY HAND AND SEAL AS SUCH NOTARY PUBLIC T

nis 101H DAY OF APRIL, 2002

NOTARY PUBLIC

SUE DUNCAN
Franklin County
My Commission Expires
September 5, 2010

MY COMMISSION EXPIRES

## Youth With A Mission

Dolly Ward 2220 S 37th Joe & Judy Black 814 Manitou Mountain Rd. Joe & Judy Black 820 Manitou Mountain Rd. Michael & Laura Nunez 2001 S 37th Guy Overman 838 Manitou Mountain Rd. Guy Overman 2302 S 37th Juanita Montgomery 900 S 37<sup>th</sup> Opal Montgomery 600 S 37<sup>th</sup> Alice & Roy Johnson 925 S 37th Norman Powell 1223 S 37th David & Rhonda Robison 1003 S 37th



June 6, 2019

Mr. Cecil Zolliecoffer Manager – Ozark Water Department 2910 West Commercial Ozark, AR 72949

RE: City of Ozark Annexation Coordination Requirement

Mr. Zolliecoffer,

Thank you for coordinating with our office as we seek to file Ozark's missing annexation ordinance 2006-12. This letter represents confirmation that you have properly coordinated with our office (Arkansas GIS Office) as specified in § 14-40-101 (Act 914 of 2015) of the 90<sup>th</sup> General Assembly.

Our office will wait completion of any additional steps necessary for the proposed boundary change, which normally comes from the Arkansas Secretary of State Elections Division after any appropriate filing by your County Clerk.

Thank you,

Jennifer Wheeler, GIS Analyst /jw

Attachments: GIS Office Map of Proposed Annexation Ordinance 2006-12 County Order Municipal Boundary Checklist

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