

MAR 15 2006

SHARON NEEDHAM
COUNTY AND PROBATE CLERK

ORDINANCE NO.2005- 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 5th day of July, 2005, 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

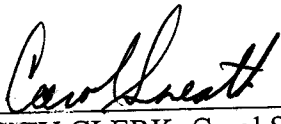
SECTION II: That the above described territory shall be annexed to and made a part of Ward 3 of the City of Ozark, and same shall henceforth be a part of said ward as fully existing of said ward.

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 and effect immediately upon its passage.

Passed and approved this 11th day of July, 2005

C. L. Coley
MAYOR, C.L. "Bud", Coley

ATTEST:



CITY CLERK, Carol Sneath

FILED

Franklin County, Arkansas

JUL 05 2005

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.

SHARON NEEDHAM
CLERK AND PROBATE CLERK
BY Lu

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 John P. Collums, a Petition for Annexation of certain territory, hereinafter more particularly described, to the City of Ozark, Arkansas, and the Court being fully advised of the facts and the law, doth hereby find, judge and decree as follows:

The Court finds the Petition was filed more than thirty (30) days prior to this date and that in said Petition, the said John P. Collums was selected by John Paul Collums and Beverly Gayle Collums, Husband and Wife, to present the Petition.

The Court doth find that John Paul Collums and Beverly Gayle Collums, Husband and Wife, 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.

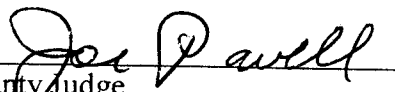
The Court further finds that attached to and made a part of said Petition is an accurate map of the territory sought to be annexed to the City of Ozark, Arkansas.

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:

Lot 66 OF PHASE 2 OF OZARK COUNTRY ESTATES, FRANKLIN COUNTY, ARKANSAS AS RECORDED IN PLAT BOOK "B" AT PAGE 19 OF THE RECORDS OF FRANKLIN COUNTY, ARKANSAS.

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.


County Judge

WITT LAW FIRM, P.C.

800 N. 3rd, P.O. Box 286
OZARK, ARKANSAS 72949
(479) 667-4721
FAX: (479) 667-4173

Ernie Witt
Neva Witt
ATTORNEYS AT LAW

April 19, 2005

Mayor C.L. "Bat" Coley
P.O. Box 253
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.

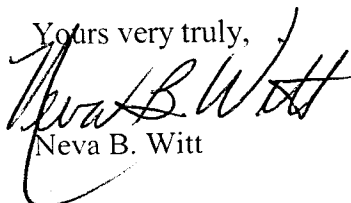
You will need to have the appropriate John and Beverly Collums sign the Petition and then file it with the County Clerk in Ozark, Arkansas. The clerk will then set a date for a hearing on the Petition. The hearing date must be at least 30 days from the date of the filing of the Petition. The Notice, 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.

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 very truly,



Neva B. Witt

Enc.

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

PETITION FOR ANNEXATION

We, as the property owners of the following described area, do hereby petition the County Court of Franklin County, Arkansas, to annex the following lands to the City of Ozark, Arkansas. The only real estate owners owning acreage in the said area are John Paul Collums and Beverly Gayle Collums, Husband and Wife, and therefore, by this Petition appoint _____, to act on behalf of said property owners in presenting this matter to the court.

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

Lot 66 OF PHASE 2 OF OZARK COUNTRY ESTATES, FRANKLIN COUNTY, ARKANSAS AS RECORDED IN PLAT BOOK "B" AT PAGE 19 OF THE RECORDS OF FRANKLIN COUNTY, ARKANSAS.

VERIFICATION

STATE OF ARKANSAS)
COUNTY OF _____)

Comes the Petitioner herein, and being duly sworn and on oath, state: That they have read the above and foregoing Petition and that the statements made therein are the truth to the best of their knowledge, information and belief.

John Paul Collums

Beverly Gayle Collums

Subscribed and sworn to before me this _____ day of _____, 2005.

Notary Public

My Commission Expires:

NOTICE

Notice is hereby given that there has been filed in the County Court of Franklin County, Arkansas the Petition of John Paul Collums and Beverly Gayle Collums, Husband and Wife, 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:

Lot 66 OF PHASE 2 OF OZARK COUNTRY ESTATES, FRANKLIN COUNTY, ARKANSAS AS RECORDED IN PLAT BOOK "B" AT PAGE 19 OF THE RECORDS OF FRANKLIN COUNTY, ARKANSAS.

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 _____, 2005 at _____ 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 _____, 2005.

County Clerk

**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 _____, 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 _____ was selected by John Paul Collums and Beverly Gayle Collums, Husband and Wife, to present the Petition.

The Court doth find that John Paul Collums and Beverly Gayle Collums, Husband and Wife, 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:

Lot 66 OF PHASE 2 OF OZARK COUNTRY ESTATES, FRANKLIN COUNTY, ARKANSAS AS RECORDED IN PLAT BOOK "B" AT PAGE 19 OF THE RECORDS OF FRANKLIN COUNTY, ARKANSAS.

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.

County Judge

ORDINANCE NO. 2005- 12

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

WHEREAS, Petition was filed with the County Clerk of Franklin County, Arkansas by the 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 _____ day of _____, 2005, the County Clerk of Franklin County, Arkansas, 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 a part of the City of Ozark, Arkansas, subject to the acceptance of same by the City Council of said City at the proper time, as provided by law; and

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

Lot 66 OF PHASE 2 OF OZARK COUNTRY ESTATES, FRANKLIN COUNTY, ARKANSAS AS RECORDED IN PLAT BOOK "B" AT PAGE 19 OF THE RECORDS OF FRANKLIN COUNTY, ARKANSAS.

SECTION 2: 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.

Passed and approved this _____ day of _____, 2005.

Mayor, C.L. "Bat" Coley

ATTEST:

City Clerk, Carol Sneath

**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

We, as the property owners of the following described area, do hereby petition the County Court of Franklin County, Arkansas, to annex the following lands to the City of Ozark, Arkansas. The only real estate owners owning acreage in the said area are John Paul and Beverly Gayle Collums, and therefore, by this petition do hereby present this matter to the Court.

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

See attached legal description.

Respectfully submitted,
John Paul Collums
Beverly Gayle Collums
John Paul and Beverly Gayle Collums