FILED Franklin County, Arkansas

AUG 2 8 2006

ORDINANCE NO.2006-12

SHARON NEEDHAM COUNTY AND PROBATE CLERK

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 2 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

Ch Coley

"Bat", Coley and effect immediately upon its passage.

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

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: Jamita Montgomery

BY: Jamette Mooney

Jamette Mooney

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

ALLEAST THE LEGALLY CORRECT AMOUNT OF DOCUMENTARY STAMPS HAVE BEEN PLACED ON THIS INSTRUMENT."

ALLEAST THE LEGALLY CORRECT AMOUNT OF THE LEGALLY OF THE LEGALLY

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 MONTGOMERY 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

MARY ALICE JOHNSON

Page 1 of 2

ACKNOWLEDGMENT

STATE OF ARKANSAS COUNTY OF Tranklin

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, 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
Franklin County
My Commission Expires
September 5, 2010

MY COMMISSION EXPIRES

9-5-10

NOTARY PUBLIC

STATE OF ARKANSAS, COUNTY OF FRANKLIN
OZARK DISTRICT
FILED FOR RECORD THE B DAY OF MODERNIA
20 HAT 2:30 O'CLOCK M. AND RECORDED
IN BOOK 7 PAGE 200
WILMA GRAGG - BRUSHWOOD
CREUIT CLERK AND RECORDER
BY AROL DO DE

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

INST. RECORD PAGE 98-99 ww 91 11 Con. 1,0042 Date 1967 Reg. _ Dow. in D. N. P. Lien Ack, Dow. in A. J. P. Def. Int.Con.All.Pt. Filed 6 967 All Ack. H'ms't'd D. -Cl'k. Co. Seal Time Of. Seal H'ms't'd A. Wife Ex. und Grant, Bargain, Sell and Convey and Confirm; Release and Forever Quit Claim. Subject to

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FILED FOR RECORD OCLOCK /

NOTICE

JUN 02 2006

Notice is hereby given that there has been filed in the County Court of Frankharon NE COUNTY BY COUNTY BY

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 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.

June

Given this

day of

, 2006.

County Clerk

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 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

Veva 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.

County Judge	

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

| Many Class | Densor |
| GRANTEFOR GRANTEE AGENT |
| O. 10 = X 335 | Dank (47)449
| GRANTEE'S ADDRESS

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

Jainta 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 THIS 10TH DAY OF APRIL, 2002

NOTARY PUBLIC

MY COMMISSION EXPIRES

SUE DUNCAN
Franklin County
My Commission Expires
September 5, 2010

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, Jaunita 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 Jaunita 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 description.

BY: Jaunita Montgomery

970-1711

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, Roy and Mary Alice Johnson, 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 Roy and Mary Alice Johnson, 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:

Roy Johnson

WARRANTY DEED

WITH RELINQUISHMENT OF DOWER

KNOW ALL MEN BY THESE PRESENTS:

THAT We, Arvel Montgomery	
and Juanita Montgemery, husband and wife , h	i XXVII e
to us in hand paid by Roy A. W. Johnson and Mary Alice Johnson, husbar	d & wife
do hereby grant, bargain, sell and convey unto the said Roy. A.W. Johnson & Mary Al	ice Johnson
husband & wife and unto their heirs and assigns forever, the following	lands
lying in the County of Franklin and State of 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 beginning at a point 550 feet North of the Southwest Corner of the Southwest Quarter of the Southeast Quarter, at which point a certain branch crosses the quarter section line, running in a Southeasterly direction with the meanderings of the branch, a distance of 210 feet, thence North 210 feet, thence West 210 feet, to the place of beginning, containing 1 acres, more or less.

FILED
Franklin County, Arkansas

IN THE FRANKLIN COUNTY COURT IN THE MATTER OF ANNEXING TO 3 2005
THE CITY OF OZARK, ARKANSAS, CERTAIN TERRITORY CONTIGUOUS
TO THE SAID CITY OF OZARK, ARKANSAS.

SHARON NEEDHAM
COUNTY AND PROBATE CLERK

PETITION FOR ANNEXATION

Comes now, Norman Powell and Latane Powell, as the sole property owners 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 Norman Powell and Latane Powell, 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:

NORMAN POWEL

LATANE POWELL

40

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, DAVID & RHONDA ROBISON ,

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 DAVID & RHONDA ROBISONfee 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:

DAVID ROBISON

BY;

RHONDA ROBISON

Deed 143 Page 470

The sand but hard Irma Raye Rutherford ... his wife for end in consideration of the sum of TEN_DOLLARS_AND_OVC DOLLARS. tous in hand paid by <u>David Robison</u> and Rhonda Robison. H&W, as remarks by the entirety with right of survivorship and not as tenants in common do hereby grant, bargain, sell and convey unlo the seld David Robison and Rhonda Robison. husband and wife and unto the ir heirs and essigns furever, the following lands lying in the County of Franklin and State of Arkansas, to-wit: The Southeast Quarter of the Southwest Quarter of Section 33, Township 10 North, Range 27 West less and except following: Part of the Southeast Quarter of the Southwest Quarter, Section 33, Township 10 North, Range 27 West, more particularly described as beginning at the Southeast corner of said Southeast Quarter of the Southwest Quarter of said Section, Township and Range, running thence North along State Highway #219 a distance of 580 feet, thence West 1320 feet, thence South 580 feet, thence East 1320 feet to point of beginning, containing 17 acres more or less. SUBJECT to all prior reservations of record. To have and jo hold the same unto the said David husband and Wife and unio CheIP heirs and assigns jorever, with all appurtenances thereto belonging. And hereby covenant that WBV: will forever warrant and defend the title to the said lands against all lawful claims whatever. & Rhonda Rob And Irma Raye Rutherford wile of the said C. L. Rutherford for and in consideration of the said sum of money, do hereby release and relinquish unto the David Robison and Rhonda Robison. in and to the said lands. L. Rutherford husband of the Irma Raye Rutherford consideration of the said sum of money, do hereby release and relinquish unto the said. David Robison and Rhonds Robison, Haw

all my right or curtery

Youth With A Mission

Dolly Ward

Joe & Judy Black

Joe & Judy Black

Michael & Laura Nunez

Guy Overman

Guy Overman

Guy Overman

2220 S 37th

814 Manitou Mountain Rd.

820 Manitou Mountain Rd.

2001 S 37th

838 Manitou Mountain Rd.

2302 S 37th

Juanita Montgomery
Opal Montgomery
Alice & Roy Johnson
Norman Powell
David & Rhonda Robison

2302 S 37th
900 S 37th
600 S 37th
1223 S 37th
1223 S 37th
1003 S 37th