

ORDINANCE NO.2009- 04

**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, a Petition was filed with the County Clerk of Franklin County, Arkansas by the only real estate owner(s) 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 13th day of January, 2009, 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; said property shall immediately upon annexation be rezoned from R-1 to A-1; 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:

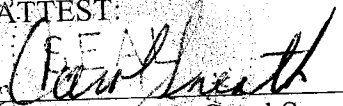
See attached legal description.

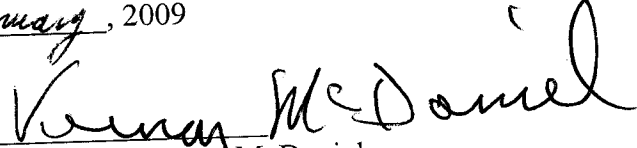
SECTION II: That the above described territory shall be annexed to and made a part of Ward _____ of the City of Ozark, and same shall henceforth be a part of said ward as fully existing of said ward.

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 and effect immediately upon its passage.

Passed and approved this 9th day of February, 2009

ATTEST:


CITY CLERK, Carol Sneath


MAYOR, Vernon McDaniel

Part of the Southeast Quarter of the Southwest Quarter, Section 33, Township 10 North, Range 27 West, Franklin County, Arkansas being more particularly described as follows: beginning at an existing iron pin at the SE Corner of the SE/4 of the SW/4 of said section thence North 89 degrees 16 minutes 11 seconds West 654.20 feet to an existing iron pin thence North 01 degrees 45 minutes 07 seconds West 326.83 feet to a found iron pin thence South 89 degrees 46 minutes 47 seconds East 660.00 feet to the East line of the SE/4 SW/4 thence South 00 degrees 41 minutes 50 seconds East 332.50 feet to the Point of Beginning. Physical address of 1125 South 37th Street Ozark, AR 72949.

66-1-5004

STATE OF ARKANSAS, COUNTY OF FRANKLIN
OZARK DISTRICT
FILED FOR RECORD THE 12th DAY OF February
2009 AT 1:25 O'CLOCK P. M. AND RECORDED
IN BOOK 100 PAGE 409
WILMA GRAGG - BRUSHWOOD
CIRCUIT CLERK AND RECORDER
BY Sharon Madison B.G.

**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, Dustin K. Jones and Michelle L. Jones, husband and wife, as the sole property owners of the following described area, does hereby petition 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 Dustin K. Jones and Michelle L. Jones, husband and wife.

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:

Dustin K. Jones
PETITIONER

Michelle L. Jones
PETITIONER

VERIFICATION

STATE OF ARKANSAS)
)ss.
COUNTY OF _____

Comes now the Petitioner herein, and being duly sworn and in 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.

Dustin K. Jones
Subscribed and sworn to me this _____ day of _____, 2007.

Michelle L. Jones

Notary Public

My Commission Expires:

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.

FILED
Franklin County, Arkansas

JAN 13 2009

SHARON NEEDHAM
COUNTY AND PROBATE CLERK

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 Dustin K. Jones and his wife Michelle L. Jones, 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, adjudge 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 Dustin K. Jones together with his wife, Michelle L. Jones are the sole Petitioners and property owners.

The Court doth find that Dustin K. Jones and his wife Michelle L. Jones 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.

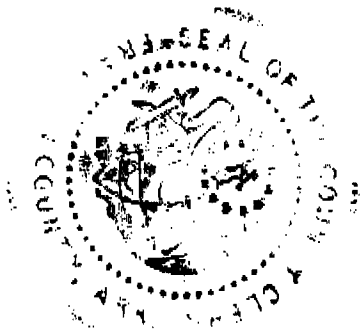
Therefore, the Court doth hereby ORDER, ADJUDGE AND DECREE that the following described territory be and the same is hereby annexed to and made a part of the City of Ozark, Arkansas, to-wit:

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.

1-13-09

Joe Powell
County Judge



Part of the Southeast Quarter of the Southwest Quarter, Section 33, Township 10 North, Range 27 West, Franklin County, Arkansas being more particularly described as follows: beginning at an existing iron pin at the SE Corner of the SE/4 of the SW/4 of said section thence North 89 degrees 16 minutes 11 seconds West 654.20 feet to an existing iron pin thence North 01 degrees 45 minutes 07 seconds West 326.83 feet to a found iron pin thence South 89 degrees 46 minutes 47 seconds East 660.00 feet to the East line of the SE/4 SW/4 thence South 00 degrees 41 minutes 50 seconds East 332.50 feet to the Point of Beginning. Physical address of 1125 South 37th Street Ozark, AR 72949.

660.00

East line of the SE/4 SW/4 thence South 00 degrees 41 minutes 50 seconds East 332.50 feet to the point of beginning. *Physical address of 1125 S 39th*

Legal in paper Dec 17

213-0311

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

To have and to hold the same unto the said GRANTEE, and unto his heirs and assigns forever, with all appurtenances thereunto belonging.

And we, Roger D. Gattis and Teresa A. Gattis, husband and wife, hereby covenant with said GRANTEE, that we will forever warrant and defend the title to the said lands against all claims

And we, Roger D. Gattis and Teresa A. Gattis, husband and wife, for an in consideration of the said sum of money, do hereby release and relinquish unto the said Dustin K. Jones, a married person, all our rights of dower, homestead or curtesy in and to said lands.

WITNESS our hands and seals this 22nd day of March, 2005.

Roger D. Gattis

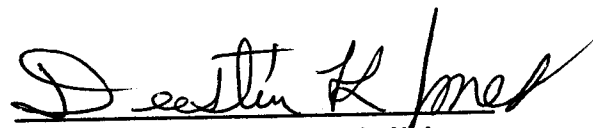
Teresa A. Gattis

PETITION FOR ANNEXATION

Comes now, Dustin K. Jones, 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 are is Dustin K. Jones.

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

See attached legal description.

A handwritten signature in black ink that reads "Dustin K. Jones". The signature is written in a cursive style and is positioned above a horizontal line.

Dustin K. Jones
1125 S 37th St
Ozark, AR 72949

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That Roger D. Gattis and Teresa A. Gattis, husband and wife, GRANTORS, for and in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATION (\$10.00) in hand paid by Dustin K. Jones, a married person, GRANTEE, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto Dustin K. Jones, a married person, GRANTEE, and unto his heirs and assigns forever the following lands lying in Franklin County, Arkansas, to-wit:

Part of the Southeast Quarter of the Southwest Quarter, Section 33, Township 10 North, Range 27 West, Franklin County, Arkansas being more particularly described as follows: beginning at an existing iron pin at the SE Corner of the SE/4 of the SW/4 of said section thence North 89 degrees 16 minutes 11 seconds West 654.20 feet to an existing iron pin thence North 01 degrees 45 minutes 07 seconds West 326.83 feet to a found iron pin thence South 89 degrees 46 minutes 47 seconds East 660.00 feet to the

I HEREBY CERTIFY, UNDER PENALTY OF FALSE SWEARING, THAT AT LEAST THE CORRECT AMOUNT OF REVENUE STAMPS ARE AFFIXED TO THIS STATEMENT.

GRANTEE OR GRANTEE AGENT

GRANTEE'S ADDRESS

