

ORDINANCE NO. _____

AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF BRYANT; APPROVING THE SCHEDULE OF SERVICES TO BE EXTENDED TO SAID AREA; AND ASSIGNING SUCH TO WARDS

WHEREAS, a petition was filed, pursuant to A.C.A. § 14-40-609, for the annexation of certain territory into the City of Bryant, Arkansas; and

WHEREAS, the Saline County Assessor and the Bryant City Clerk have (a) verified the identity of the petitioner(s); (b) that there are no property owners included in the petition that do not wish to have their property annexed; (c) verified that the property or properties are contiguous with the City; (d) verified that no enclaves will be created if the petition is accepted by the City; and presented the petition and their respective verifications to the Saline County Judge; and

WHEREAS, the County Judge has (a) reviewed the petition and verifications for completeness and accuracy; (b) determined that no enclaves will be created by the annexation; (c) confirmed that the petition contains a schedule of services; (d) found that the land to be annexed [specify criteria found by the judge, see Ark. Code Ann. § 14-40-302(b)]; and (e) issued an order articulating these findings and forwarded the petition and order to the contiguous City of Bryant for consideration; and

WHEREAS, it is the desire of the Bryant City Council that the territory be annexed.

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

Section 1. That the following described territory, contiguous to the City of Bryant, be and the same is hereby accepted as part of, and annexed to and made a part of the City of Bryant, Arkansas:

[See attached Exhibit A - Legal Description]

Section 2. That the following schedule of services shall be extended to the area by the City of Bryant within the statutorily required three (3) year period after the date the annexation becomes final, as follows: (a) constructing waterworks, sewers, recreational facilities and systems of gas pipelines, and (b) grading, draining, paving, curbing, and guttering street and laying sidewalks, together with facilities related to any of the foregoing within the area to be annexed, and for all other lawful purposes.

Section 3. That the above-described territory shall be annexed to and made a part of Ward 2 of the City of Bryant, and the same shall henceforth be a part of said Ward as fully as existing parts of said Ward.

Section 4. Thirty (30) days after passage and publication or posting of this Ordinance as authorized by law, the annexation shall be final and the property shall be within the corporate limits of the City, except as otherwise ordered by the Circuit Court pursuant to a cause of action filed within said thirty (30) day period.

Section 5. Notice. Within forty-five (45) days of the effective date of this Ordinance the City Clerk shall provide written notice, along with complete documentation, to the county clerk of each county in which the territory is affected.

PASSED AND APPROVED this ____ day of _____ 2022.

APPROVED:

Mayor

ATTEST:

City Clerk

EXHIBIT A

LEGAL DESCRIPTION OF ANNEXED PROPERTY

Cypress Valley Subdivision, Phase 2

PART OF THE SE/4 SW/4 OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 14 WEST, IN SALINE COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NW/4 SW/4 OF SECTION 10, A FOUND 1/2" REBAR; THENCE S88°21'12"E 25.00 TO THE SOUTHWEST CORNER OF PHASE 1, MAGNOLIA VILLAGE, A FOUND 1/2" REBAR; THENCE AT PLATTED BEARING OF S88°21'12"E ALONG THE SOUTH BOUNDARY OF MAGNOLIA VILLAGE SUBDIVISION 635.00 FEET; THENCE S87°00'06"E 111.53 FEET TO A FOUND 5/8" REBAR; THENCE N88°08'26"E 50.33 FEET TO A FOUND 5/8" REBAR; THENCE S88°14'50"E 119.44 FEET TO A FOUND 5/8" REBAR; THENCE S88°16'00"E 122.25 FEET TO THE **POINT OF BEGINNING**, A FOUND 5/8" REBAR; THENCE S88°21'12"E 388.01 FEET ALONG SOUTH LINE OF MAGNOLIA VILLAGE PHASE 1 TO A SET 1/2" REBAR AND CAP; THENCE LEAVING THE SOUTH LINE OF MAGNOLIA VILLAGE PHASE 1 S2°13'39"W 780.22 FEET TO A FOUND 5/8" REBAR WITH CAP #1211, THENCE N88°18'50"W 30.04 FEET TO A FOUND #5 REBAR WITH CAP #1211, THENCE S02°16'52"W 193.55 FEET TO A FOUND #5 REBAR WITH CAP #1702, THENCE N87°58'28"W 354.55 FEET TO THE EAST BOUNDARY OF CYPRESS VALLEY PHASE 1; THENCE N02°02'17"E 135.20 FEET ALONG THE EAST BOUNDARY OF CYPRESS VALLEY PHASE 1; CONTINUING ALONG SAID BOUNDARY N01°57'11"E 50.00 FEET; N02°04'09"E 270.00 FEET; N01°52'16"E 50.00 FEET; N02°04'09"E 270.00 FEET; N01°57'13"E 50.00 FEET; N02°02'17"E 146.17 FEET TO THE SOUTH LINE OF MAGNOLIA VILLAGE PHASE 1, A FOUND #4 REBAR WITH HOPE CAP #1702 AND THE POINT OF BEGINNING. CONTAINING AN AREA OF 8.5 ACRES.

CC 2022-10

FILED
SALINE COUNTY
CORRECTOR & COUNTY CLERK

**IN THE SALINE COUNTY COURT IN THE MATTER OF ANNEXING TO
THE CITY OF BRYANT, ARKANSAS, CERTAIN TERRITORY
CONTIGUOUS TO THE SAID CITY OF BRYANT, ARKANSAS**

2022 JUL 7 AM 11:51
BY nk

PETITION

As property owner of the following described area, it does hereby petition the County Court of Saline County, Arkansas, to authorize the annexation of the following lands to the City of Bryant, Arkansas. We further state that the petition is signed by the sole real estate owner, and does further by its petition appoint Gary Kennedy to act on behalf of the petitioners in presenting this matter to the Court.

Description of the area to be annexed to the City of Bryant, Arkansas:

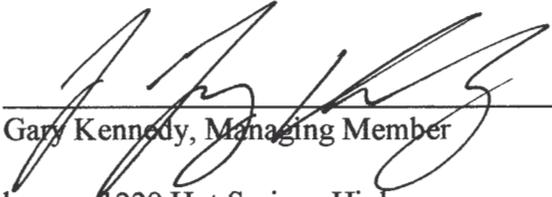
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The following services shall be extended to the annexed area within three (3) years after the date the annexation becomes final: (a) constructing waterworks, sewers, recreational facilities and systems of gas pipelines, and (b) grading, draining, paving, curbing, and guttering street and

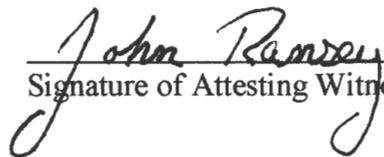
laying sidewalks, together with facilities related to any of the foregoing within the area to be annexed, and for all other lawful purposes.

KENNEDY DEVELOPMENT, LLC:

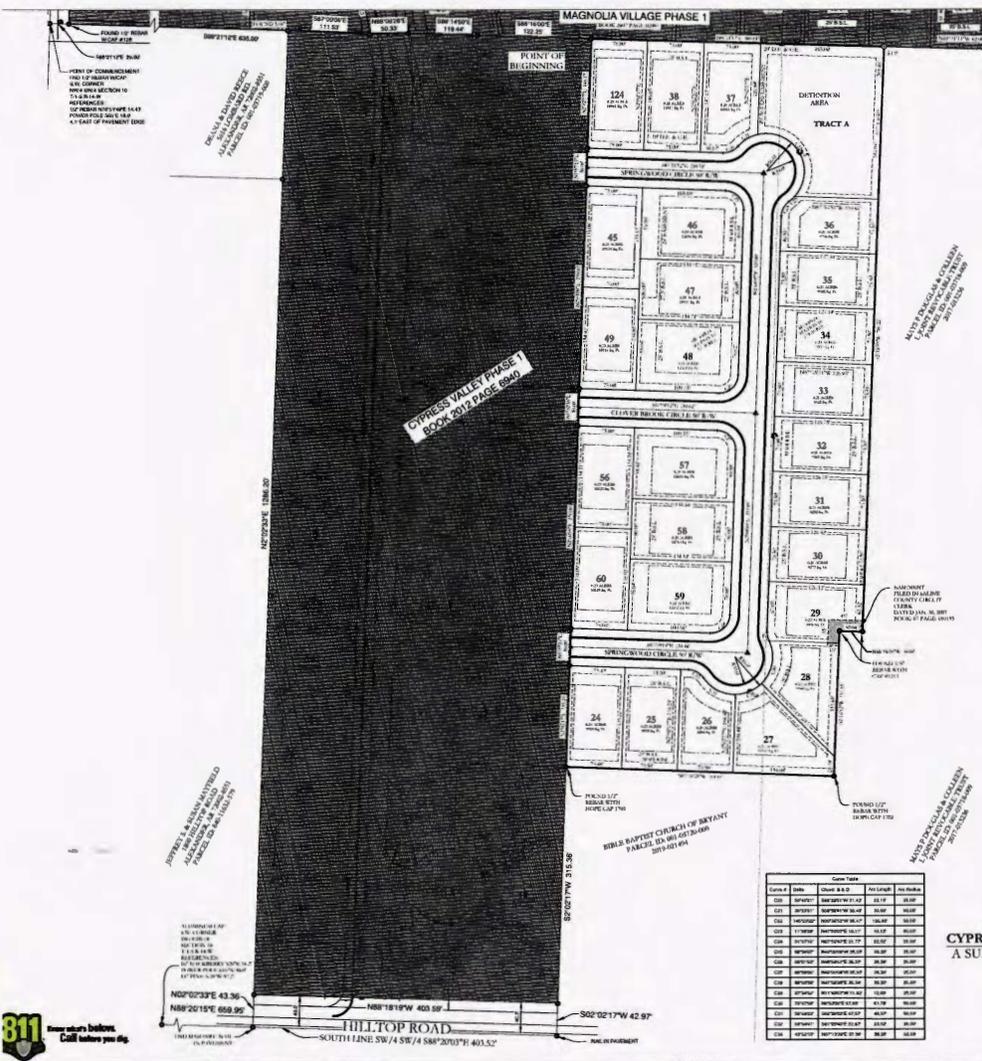
By: 

Gary Kennedy, Managing Member

Address: 1229 Hot Springs Highway
Benton, AR 72019



Signature of Attesting Witness



CC2022-10

FILED
SALINE COUNTY
PROBATE & COUNTY CLERK

ABSTRACTOR'S CERTIFICATE OF PROPERTY OWNERSHIP 2022 JUL 17 AM 11:51

BY 

The undersigned hereby certifies that the last deed of real estate records in the office of the Circuit Clerk and Ex-Officio Recorder of Saline County, Arkansas, reflect that Kennedy Development, LLC is the record title owner of all the real property and territory contiguous and adjoining the City of Bryant, Arkansas, described in Exhibit "A" to the Petition to Annex to Bryant Municipal Property Owners' Multipurpose Improvement District No. 62 (Cypress Valley, Phase 2), a copy of which Exhibit "A" is attached hereto and made a part hereof.

DATED this 22 day of June 2022.

FIRST NATIONAL TITLE COMPANY

By:

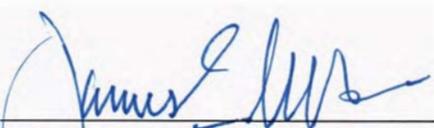

JAMES E. VILLINES

EXHIBIT A

Cypress Valley Subdivision, Phase 2 Legal Description

PART OF THE SE/4 SW/4 OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 14 WEST, IN SALINE COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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Department of Transformation and Shared Services
Governor Asa Hutchinson
Secretary Mitch Rouse
Director Shelby Johnson

July 7, 2022

Mr. Gary Kennedy
Kennedy Development, LLC.
1229 Hot Springs Highway
Benton, AR 72019

RE: City of Bryant Annexation Coordination Requirement

Mr. Kennedy,

Thank you for coordinating with our office as you seek to annex property into the City of Bryant, AR located in Section 10, Township 1 South, Range 14 West. This letter represents confirmation that you have 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 additional steps necessary for the proposed boundary change, which normally comes from the Arkansas Secretary of State Elections Division after the appropriate filing by your County Clerk.

Sincerely,

A handwritten signature in blue ink, appearing to be 'JW'.

Jennifer Wheeler, Sr. GIS Analyst

Attachments:
GIS Office Map of Proposed Annexation
Legal Description
Secretary of State Municipal Change Checklist

FILED
SALINE COUNTY
PROBATE & COUNTY CLERK
2022 JUL 7 PM 2:59
BY _____

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Arkansas Geographic Information Systems
501 Woodlane Street, Suite G-04 * Little Rock, AR 72201 * 501.682.2767
TRANSFORM.AR.GOV

EXHIBIT A

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CC 2022-10

FILED
SALINE COUNTY
PROBATE & COUNTY CLERK

2022 AUG -3 AM 11:11

SURVEYOR'S CERTIFICATE

BY 

The undersigned, a surveyor licensed in the State of Arkansas, hereby certifies that all of the real property described in Exhibit "A" to the Amended Petition to Annex to Bryant Municipal Property Owners' Multipurpose Improvement District No. 62 (Cypress Valley, Phase 2), a copy of which Exhibit "A" is attached hereto and made a part hereof, is territory contiguous and adjoining the City of Bryant, Arkansas, and that no enclaves will be created if the property is accepted by the City of Bryant.

DATED this 21 day of July 2022.

HOPE CONSULTING

By:

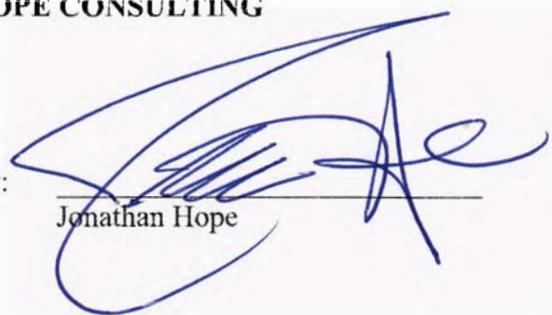
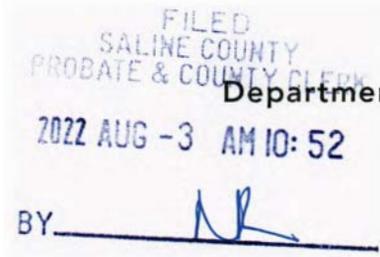

Jonathan Hope

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Department of Transformation and Shared Services

Governor Asa Hutchinson
Secretary Mitch Rouse
Director Shelby Johnson

July 7, 2022

Mr. Gary Kennedy
Kennedy Development, LLC.
1229 Hot Springs Highway
Benton, AR 72019

RE: City of Bryant Annexation Coordination Requirement

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Jennifer Wheeler, Sr. GIS Analyst

Attachments:
GIS Office Map of Proposed Annexation
Legal Description
Secretary of State Municipal Change Checklist

H:\City_Annexations\Cities\Bryant\20220707\Doc\20220707_Bryant_Annexation_Coordination_Letter.docx

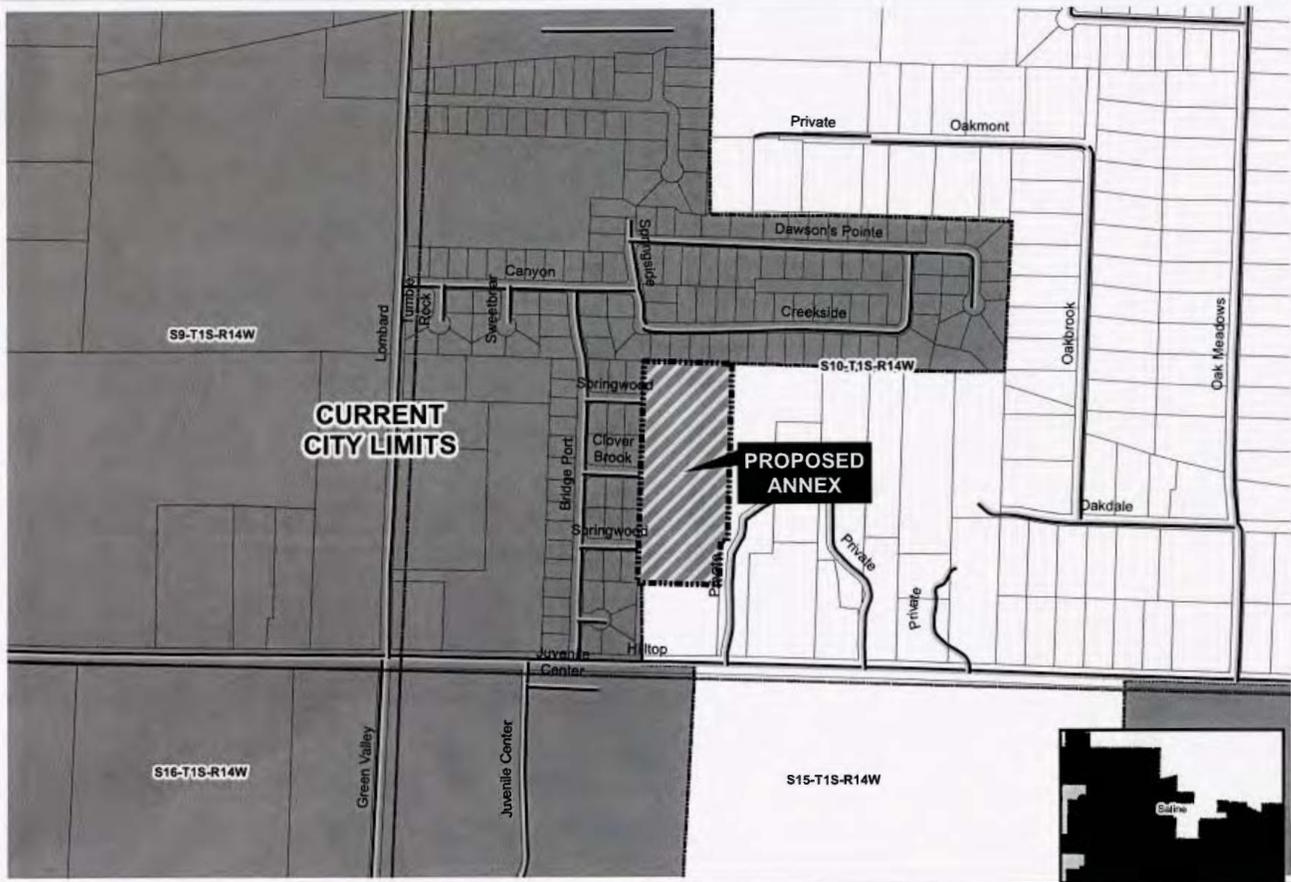
Proposed Annex: City of Bryant
July 2022

City: Bryant
Mayor: Allen Scott

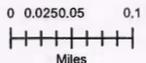
Arkansas Code 14-40-101.

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
-  Sections
-  Parcels
-  Minor Road
-  Existing City



ARKANSAS GIS OFFICE

CC 2022-10

FILED
SALINE COUNTY
CLERK & COUNTY CLERK

**IN THE SALINE COUNTY COURT IN THE MATTER OF ANNEXING TO
THE CITY OF BRYANT, ARKANSAS, CERTAIN TERRITORY
CONTIGUOUS TO THE SAID CITY OF BRYANT, ARKANSAS**

2022 JUN 7 AM 11:51
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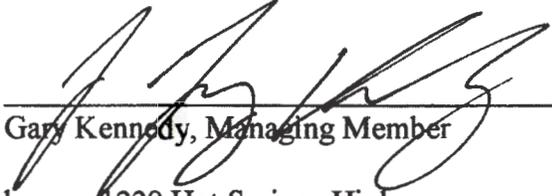
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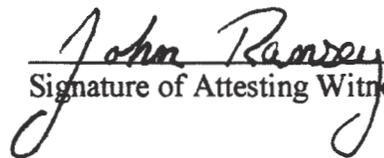
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KENNEDY DEVELOPMENT, LLC:

By: 

Gary Kennedy, Managing Member

Address: 1229 Hot Springs Highway
Benton, AR 72019



Signature of Attesting Witness



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: _____ City/Town: _____

City Ordinance/Resolution No: _____ Date approved: _____

County Court Case No: _____ Date Order Filed: _____

Type: _____
(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)

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: _____ Title: _____

Street Address: _____

City: _____ St: _____ Zip code: _____

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: _____ Title: _____

Date: _____

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

Doug Curtis
Saline County Clerk

FILED
SALINE COUNTY
PROBATE & COUNTY CLERK

2022 AUG -4 AM 8:30

BY

August 3, 2022

Re: In the Matter of Annexation of Certain Territory
Contiguous to the Town of Bryant, Arkansas
Saline County Court No. CC- 2022 - 10

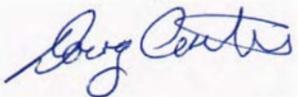
Judge Arey,

In accordance with Arkansas Code Annotated § 14-40-609 (b)(3), I have verified that the Petition for Annexation in the above referenced manner:

- A) Is in writing;
- B) Contains an attestation signed before a notary by the property owner of the relevant property confirming the desire to be annexed;
- C) Contains an accurate description of the relevant property;
- D) Contains a letter or title opinion from a certified abstractor or title company verifying that the petitioners are all owners of record of the relevant property;
- E) Contains a letter or verification from a certified surveyor or engineer verifying that the relevant property is contiguous with the annexing city or town and that no enclaves will be created if the property is accepted by the city or town; and
- F) Includes a schedule of services of the annexing city or town that will be extended to the area within three (3) years after the date the annexation becomes final.

If you have any questions, or need anything further, please do not hesitate to contact me.

Sincerely,



BOB RAMSEY

FILED
SALINE COUNTY
PROBATE & COUNTY CLERK

2022 AUG -4 AM 9:47

Saline County Assessor

BY 

August 3, 2022

Re: In the Matter of Annexation of Certain Territory
Contiguous to the Town of Bryant, Arkansas
Saline County Court No. CG- 2022 - 10

Judge Arey,

In accordance with Arkansas Code Annotated § 14-40-609 (b)(3), I have verified that the Petition for Annexation in the above referenced manner:

- A) Is in writing;
- B) Contains an attestation signed before a notary by the property owner of the relevant property confirming the desire to be annexed;
- C) Contains an accurate description of the relevant property;
- D) Contains a letter or title opinion from a certified abstractor or title company verifying that the petitioners are all owners of record of the relevant property;
- E) Contains a letter or verification from a certified surveyor or engineer verifying that the relevant property is contiguous with the annexing city or town and that no enclaves will be created if the property is accepted by the city or town; and
- F) Includes a schedule of services of the annexing city or town that will be extended to the area within three (3) years after the date the annexation becomes final.

If you have any questions, or need anything further, please do not hesitate to contact me.

Sincerely,



IN THE COUNTY COURT OF SALINE COUNTY, ARKANSAS
NO. CC 2022-10

FILED
SALINE COUNTY
CLERK & COUNTY CLERK
2022 AUG 16 PM 2:07
BY 

IN THE MATTER OF ANNEXING OF CERTAIN TERRITORY
CONTIGUOUS TO THE CITY OF BRYANT, ARKANSAS

ORDER CONCERNING ANNEXATION

On this regular day of a regular term of the County Court of Saline County, Arkansas, there is presented to the Court by Gary Kennedy, agent of the petitioner, Kennedy Development, LLC, desiring the annexation of territory to the City of Bryant, Arkansas, more particularly described herein.

1. Petitioner is the one hundred percent (100%) property owner of the property to be annexed.
See Survey and Legal Description attached as Exhibits "A" & "B".
2. The Court has received verification of the County Assessor and County Clerk required by A.C.A. § 14-40-609.
3. This Court being fully advised of the facts and the law, does hereby find as follows:
 - a. The petition and verifications are complete and accurate;
 - b. No enclaves will be created by the annexation;
 - c. The petition contains a schedule of services;
 - d. The territory consists of lands that are platted and held for sale or use of municipal lots;
and,
 - e. The annexing city shall annex any dedicated public roads and rights of way abutting or traversing the property to be annexed, if any.

Therefore, the Court hereby ORDERS that the petition and this Order be delivered to the City of Bryant, Arkansas, this 15 day of August 2022.



County Judge