

ORDINANCE NO. _____

AN ORDINANCE ANNEXING CERTAIN LANDS NORTH OF THE CITY OF GENTRY, ARKANSAS; SCHEDULING SERVICES TO BE PROVIDED TO THE ANNEXED AREA; CALLING A SPECIAL ELECTION TO SUBMIT THE QUESTION OF ANNEXATION TO VOTERS OF THE CITY OF GENTRY AND OTHER AFFECTED PERSONS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the annexation of certain contiguous lands located along State Highway 59 to the North of the City of Gentry, Arkansas more fully described herein is necessary for the orderly growth and development of the City;

WHEREAS, the lands to be annexed would benefit from the services offered and provided by the City, and would benefit the City by allowing for the necessary growth and development of the City;

WHEREAS, the lands to be annexed are within the City of Gentry's Water District and Fire District;

WHEREAS, the lands to be annexed meet one or more of the following criteria: they are platted and held for sale or use as municipal lots; they are held to be sold as suburban property; they represent the actual growth of the City of Gentry; they are needed for proper municipal purposes; or they are valuable by reason of their adaptability for prospective municipal purposes; and

WHEREAS, the owners of lands now used for agricultural purposes may continue to use the lands as such, and so long as they do, they shall continue to be taxed at the agricultural rate;

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

Section 1: Pursuant to Arkansas Code Annotated §§ 14-40-301 *et seq.*, there shall be submitted to the qualified electors of the City of Gentry and of the following described area, the question of the annexation of the following described lands to the City of Gentry:

All of the following described territory in Benton County, Arkansas not currently in the city limits of the City of Gentry, Arkansas:

All that portion of the NE1/4 of the SW1/4 of Section 35, Township 19 North, Range 33 West lying West of the West R-O-W of the Kansas City Southern Railway;

AND

All that portion of the SW1/4 of the NE1/4 of Section 35, Township 19 North, Range 33 West lying West of the West R-O-W of S.H. 59;

AND

Beginning at the intersection of the West R-O-W of S.H. 59 and the south line of the N1/2 of Section 35, Township 19 North, Range 33 West; thence East 500 feet; thence northerly along a line 500 feet east of and parallel to the West R-O-W of S.H. 59 to the South R-O-W of Peterson Road; thence easterly along the South R-O-W of Peterson Road to the east line of Section 36, Township 19 North, Range 33 West; thence N 02°34'59" E 300 feet; thence westerly along a line 300 feet north of and parallel to the South R-O-W of Peterson Road to a point 500 feet East of the West R-O-W of S.H. 59; thence northerly along a line 500 feet East of and parallel to the West Right-of-Way of S.H. 59 to a point 500 feet South of the North R-O-W of Y City Road; thence easterly along a line 500 feet South of and parallel to the North R-O-W of Y City Road to the east line of the W1/2 of the NW1/4 of Section 30, Township 19 North, Range 32 West; thence North to the North R-O-W of Y City Road; thence westerly along the North R-O-W of Y City Road to the West R-O-W of S.H. 59; thence southerly along the West R-O-W of S.H. 59 to the Point of Beginning.

The above-described lands to be annexed are generally depicted on the map attached as Exhibit "A" and incorporated herein.

Section 2: Upon the third reading of this ordinance, the City Clerk shall immediately notify the Benton County Election Commission and the Benton County Clerk by forwarding to each a certified copy of this ordinance and the map showing the area to be annexed.

Section 3: The question of annexation of the lands described in Section 1 shall be submitted to the electors qualified to vote on this issue at a special election to be held on Tuesday, April 14, 2020, at the time and polling places to be determined by the Benton County Election Commission in accordance with A.C.A. §§ 7-11-201 *et seq.* The City Clerk shall give notice of the election by publication by at least one insertion in some newspaper having a general circulation in Gentry.

Section 4: The ballot used at the election on the question of annexation shall be marked as follows:

[] FOR annexation of the territory described in Ordinance No. _____
(commonly referred to as "Certain Lands North of the City of Gentry").

[] AGAINST annexation of the territory described in Ordinance
No. _____ (commonly referred to as "Certain Lands North of the City of Gentry");

Or such other ballot arrangement as may be determined by the Benton County Board of Election Commissioners.

Section 5: If, at such election, a majority of the qualified electors voting in such election shall vote for such annexation, the annexation shall be effective and the territory

included within the corporate limits of the City of Gentry thirty [30] days following the County Clerk's certification of the election results and recording of the same, along with the description and a map of the annexed area, in the county records, and filing a certified copy thereof with the Secretary of State; or in the event an action is filed with the Circuit Court, on the date the judgment of said Court becomes final. If a majority of the qualified electors voting on the issue at the election vote against the annexation, this annexation ordinance shall be null and void.

Section 6: If the annexation is approved and becomes final, the City Council of the City of Gentry shall, by ordinance, as soon as practical after the annexation, attach and incorporate such annexed territory to and in one or more adjacent wards of the city and the territory so assigned and attached to a ward shall thereafter be considered and become a part thereof as fully as any other part of the city.

Section 7: If the annexation is approved and becomes final, at least the following services shall be extended to the area within three years (and shall be included in the annual written report required by A.C.A. § 14-40-2201):

- (a) Police Protection;
- (b) Fire Protection;
- (c) Code Enforcement
- (d) Street Maintenance;
- (e) Animal Control
- (f) Water Service
- (g) Sanitation/Waste Service.

Section 8: The lands to be annexed as described in Section 1 of this ordinance shall be annexed to and made a part of Ward 1 of the City of Gentry, and shall henceforth be a part of Ward 1 as fully as the existing parts of said Ward.

Section 9: If any part of this Ordinance is held to be invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed.

Section 10: This Ordinance shall be read and heard at three consecutive regular meetings of the Gentry City Council prior to passage, as required by A.C.A. § 14-40-303(a)(4).

Section 10: EMERGENCY CLAUSE. The City Council finds that this Ordinance, being necessary for the immediate protection of the public peace, health and safety of the citizens of Gentry, shall take effect immediately on its passage and approval.

PASSED AND APPROVED THIS 4th day of November 2019.

ATTEST:

Kevin D. Johnston, Mayor

Tonya Carney, Director of Finance

I, Jenny Trout, City Clerk of the City of Gentry, Arkansas, hereby certify that the attached is a true and correct copy of an ordinance, which was duly passed and approved by a two-thirds vote of the total number of members of the City Council of the Gentry, Arkansas on the 4th day of November 2019.

Jenny Trout, City Clerk, Gentry, Arkansas

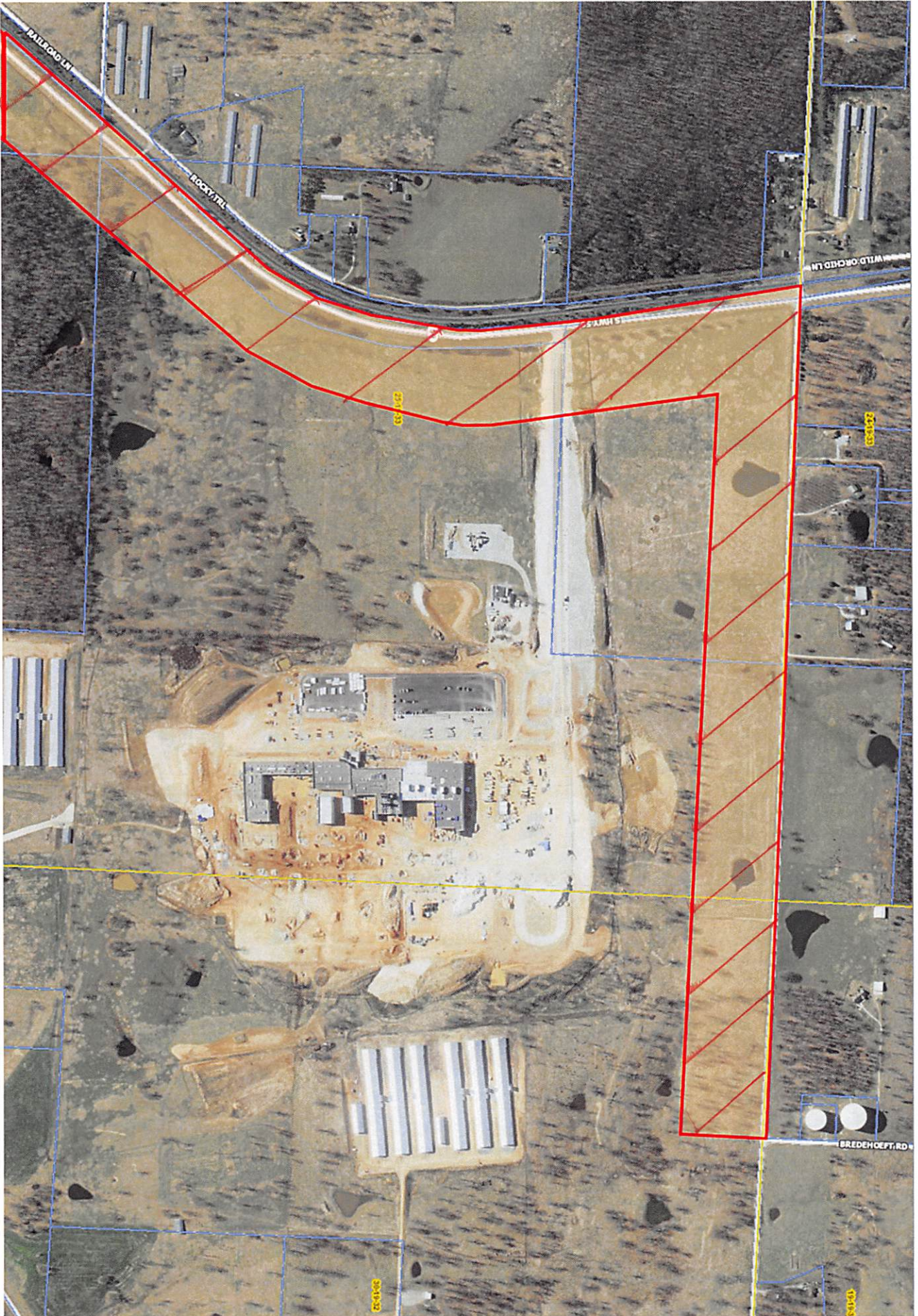


Exhibit "A" - North Portion

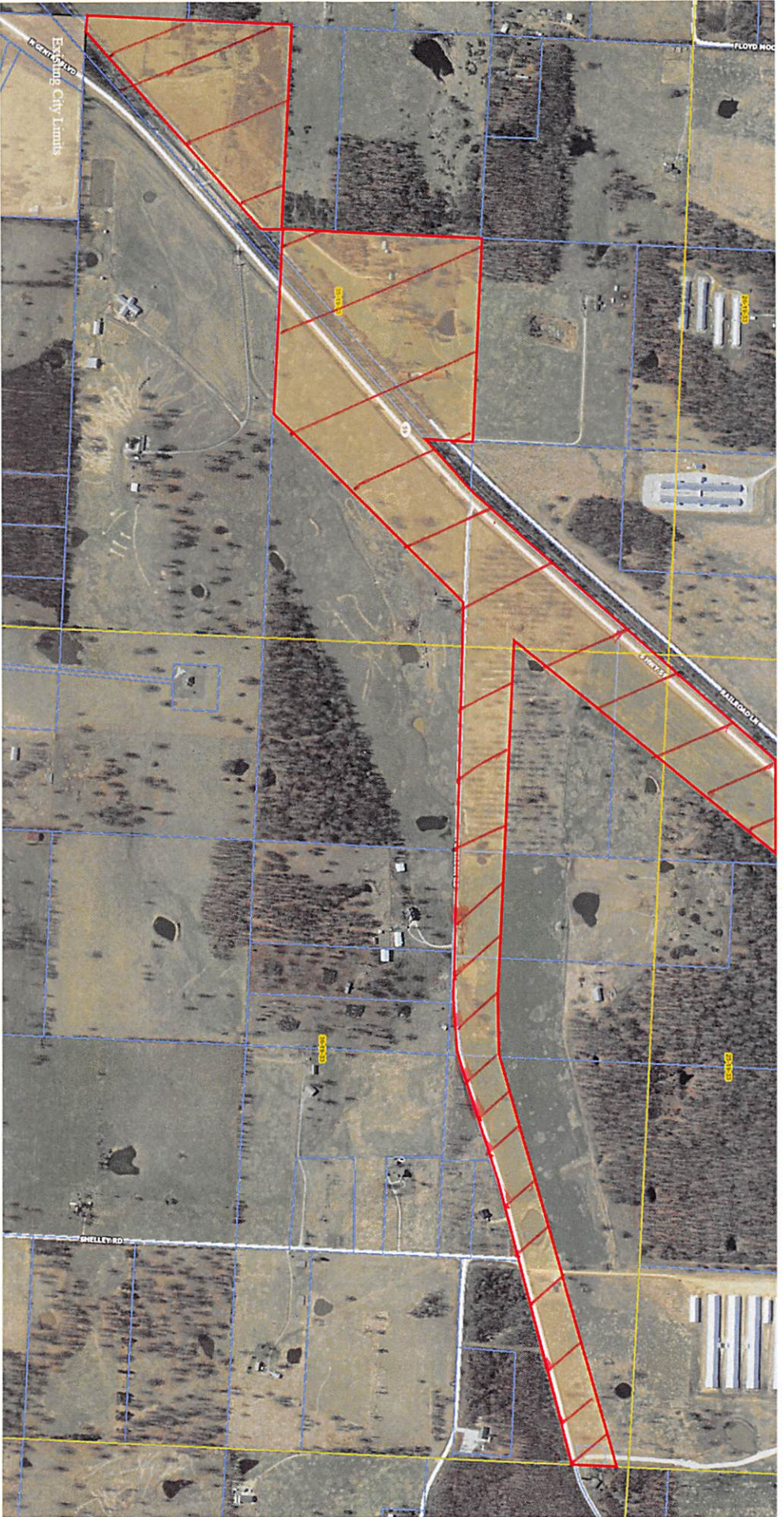


Exhibit "A" – South Portion