

ORDINANCE NO. 1998-1

AN ORDINANCE SUBMITTING TO THE VOTERS OF THE TOWN OF CHEROKEE VILLAGE WEST, ARKANSAS AND OTHER AFFECTED PERSONS, THE QUESTION OF ANNEXATION TO THE TOWN OF CHEROKEE VILLAGE WEST, ARKANSAS, CERTAIN CONTIGUOUS TERRITORY IN AN ADJOINING COUNTY, IN ACCORDANCE WITH STATE LAW.

Whereas, State Law, codified as ACA 14-40-302 and ACA 14-40-303, as amended in 1993, and 14-40-301 et.seq, and 14-40-401 et.seq as amended in 1997, sets forth the conditions, requirements and procedures for the annexation process, the outcome of which will be determined by the electors in the manner prescribed by law; and,

Whereas, it appears to the Council of the Town of Cherokee Village West, Arkansas, that certain hereinafter described territory contiguous to said Town is necessary for the orderly growth of said Town; and,

Whereas, the lands are platted and held for sale or use as municipal lots or whether platted or not, the lands are held to be sold as suburban property; and,

Whereas, the lands furnish the abode for a densely settled community or represent the actual growth of the municipality beyond its present legal boundary; and,

Whereas, the lands are needed for proper municipal purposes; and,

Whereas, the lands are valuable by reason of their adaptability for prospective municipal uses:

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF CHEROKEE VILLAGE WEST, ARKANSAS:

Section 1. Annexation Submitted to Electors. The question of the annexation, of the area described in this Section, shall be submitted to the qualified electors of the Town of Cherokee Village West, Arkansas and the qualified electors of the area proposed to be annexed, which area is described as follows:

SEE ATTACHED EXHIBIT "A"

Section 2. Special Election Date. The question of annexation of the territory described above in Section 1 shall be submitted to the electors qualified to vote on this issue at a Special Election to be held on April 28, 1998. The Town Clerk-Recorder shall immediately certify four (4) copies of this annexation ordinance and a plat or map of that portion of land commonly known as Cherokee Village located in Sharp County and transmit one copy to the County Clerk and one copy to the County Election Commissioners of both Sharp County and Fulton County, at least sixty (60) days before the election.

Section 3. List of Residents and Electors. The Town Clerk-Recorder shall within forty-five (45) days prior to the election identify and list all persons and their addresses, who reside in that portion of land commonly known as Cherokee Village located in Sharp County. The Town Clerk-Recorder shall also, with assistance of the County Clerk, determine the names and addresses of all qualified electors residing in that portion of land commonly known as Cherokee Village located in Sharp County so that the County Clerk may prepare a list of qualified electors, by precinct and furnish same to the County Election Commission of both Sharp County and Fulton County.

Section 4. Publish Notice of Election. The Town Clerk-Recorder shall give notice of the election by publication of at least one (1) insertion in some newspaper having general circulation in the town. The Town Clerk-Recorder shall also furnish the list of residents and their addresses required by Section 3, above to the County clerk so that such residents may be notified by ordinary mail of the voter registration deadlines at least twenty (20) days before the election.

Section 5. When Annexation Effective. 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 lands annexed shall be included within the corporate limits of Cherokee Village West, Arkansas thirty (30) days following: (1) the certification of election results by the County Clerk, (2) the filing and recording of the description and map in County records and (3) filing a certified copy with the Secretary of State. If a majority of the qualified electors voting on the issue vote against the annexation, this annexation ordinance shall be null and void.

Section 6. Services to Be Provided To Annexed Area. If the annexation is approved and becomes final, at least the following services shall be extended to the

