

FILED FOR RECORD  
At ~~3:42~~ O'clock ~~P~~<sup>M</sup>

SEP 12 1990

SUE HODGES  
Clerk and Recorder  
BENTON COUNTY, ARK.

ORDINANCE NO. 42

AN ORDINANCE SUBMITTING TO THE VOTERS OF THE TOWN OF BETHEL HEIGHTS, ARKANSAS, AND OTHER AFFECTED PERSONS, THE QUESTIONS OF ANNEXATION TO SAID TOWN OF BETHEL HEIGHTS CERTAIN CONTIGUOUS TERRITORY; AND FOR DECLARING AN EMERGENCY

WHEREAS, it appears to the Council of the Town of Bethel Heights, Arkansas, that certain hereinafter described territory contiguous to said Town of Bethel Heights 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 are needed for proper municipal purposes; and

WHEREAS, the lands are valuable by reason of their adaptability for prospective municipal uses.

THEREFORE, BE IT ORDAINED by the Town Council of the Town of Bethel Heights, Arkansas:

SECTION 1: That there shall be submitted to the qualified electors of the Town of Bethel Heights, Arkansas, and of the following described area:

Tract 1

Part of the E1/4 of Section 13, Township 18 North, Range 30 West beginning at the NE corner of Section 13; thence West to the NW corner of the NE1/4 of the NE1/4 of Section 13; thence South to the NW corner of the W1/2 of the NE1/4 of the SE1/4 of Section 13; thence East to the NE corner of the W1/2 of the NE1/4 of the SE1/4 of Section 13; thence South to the North line of the SE1/4 of the SE1/4 of Section 13; thence East to the East line of Section 13; thence North to the point of beginning, 100 acres, more or less.

Tract 2

All that land in the W1/2 of Section 18, Township 18 North, Range 29 West lying West of the centerline of Old Wire Road and North of the Centerline of Honeysuckle Lane EXCEPT the E1/2 of the NW1/4 of the SW1/4 of Section 18; ALSO EXCEPT Beginning at the SW corner of the NE1/4 of the SW1/4 of Section 18; thence North 57 rods; thence East 367' or to the middle of Old Wire Road; thence South bearing East along the

middle of Old Wire Road to where the same intersects the South line of the 40-acre tract; thence West 533' or to the place of beginning, all in Section 18, 101 acres, more or less.

Tract 3

Part of the E1/2 of the NE1/4 of Section 14, Township 18 North, Range 30 West, being 466' square in the SE corner; EXCEPT beginning at the SE corner of the NE1/4 of Section 14; thence North 166'; thence West 466'; thence South 166'; thence East 466' to the point of beginning, 3 acres, more or less.

Tract 4

Part of the E1/2 of the SW1/4 of Section 14, Township 18 North, Range 30 West, being more particularly described as: the E1/2 of the NE1/4 of the SW1/4 and the SE1/4 of the SW1/4; EXCEPT the West 495' of the SE1/4 of the SW1/4 which is the City of Springdale; ALSO EXCEPT the East 165' of the SE1/4 of the SW1/4 which is in the Town of Bethel Heights, 40 acres more or less.

Tract 5

Part of the N1/2 of the NE1/4 of Section 23, Township 18 North, Range 30 West, described as follows: All of the S1/2 of the NW1/4 of the NE1/4 of Section 23; EXCEPT the South 150' presently in the City of Springdale and the SW1/4 of the NE1/4 of the NE1/4 of Section 23; EXCEPT the South 250' presently in the City of Springdale, 21 acres more or less.

Tract 6

All of the E1/2 of the SE1/4 of the NE1/4 of Section 23, Township 18 North, Range 30 West, NOT presently in the City of Springdale, 17 acres more or less.

Tract 7

Part of the SE1/4 of the SW1/4 of Section 24, Township 18 North, Range 30 West, being all that land in the East 330' of the above-described tract; EXCEPT the North 385' presently in the Town of Bethel Heights; ALSO EXCEPT beginning at a point 330' West of the SE corner of the above-described tract; thence North 155'; thence East 255'; thence South 155'; thence West 255' to the point of beginning, 6 acres more or less.

the question of the annexation of the above-described territory to the Town of Bethel Heights, Arkansas.

SECTION 2: 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 general election to be held on November 6, 1990. The Town Recorder shall immediately notify the County Election Commission by forwarding a certified copy of this Ordinance.

SECTION 3: If at such election a majority of the qualified electors voting in such election shall vote for such annexation the municipality shall proceed to file a description and a map of the annexed area with the County Clerk of the County wherein the land lies and with the Secretary of State. The annexation shall be included within the corporate limits of the annexing town thirty (30) days following the filing of the description and map with the County Clerk, or in the event an action is filed with the Circuit Court, on the date the judgement of said Court becomes final. If a majority of the qualified electors voting on the issue at the election vote against the annexation, the annexation ordinance shall be null and void.

SECTION 4: If the annexation is approved and becomes final, the following services shall be extended to the area within three (3) years:

- A. Police protection shall be provided immediately upon annexation.
- B. Fire protection shall be provided on a personal contract basis through the Lowell Fire Department.
- C. Ambulance service shall be provided through the Springdale Fire Department.
- D. Streets shall be maintained to existing standards immediately upon annexation.
- E. Water shall be made available where lines exist.

SECTION 5: The ballots used at said election on the question of annexation shall be marked as follows:

\_\_\_\_ FOR Annexation of the territory described in  
Ordinance No. 42  
\_\_\_\_ AGAINST Annexation of the territory described in  
Ordinance No. 42

SECTION 6: If any section, sentence, clause, or phrase of this Ordinance if for any reason held invalid or unconstitutional by a decision of any court, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed. This action is necessary for the preservation of the peace, health, and safety of the Town

of Bethel Heights, Arkansas, and the inhabitants thereof. An emergency is declared to exist, and this Ordinance shall take effect and be in full force from and after the date of its passage and publication.

PASSED AND APPROVED this 10 day of September, 1990.

TOWN OF BETHEL HEIGHTS, ARKANSAS

BY John Kendrick Mayor  
JOHN KENDRICK, MAYOR

ATTEST:

Christall Bower Rec/Sec.  
TOWN CLERK/RECORDER

CERTIFICATION

I, Christall Bower, Town Recorder of the Town of Bethel Heights, Arkansas, hereby certify that this Ordinance was duly passed and approved by a two-thirds vote of the total number of the governing body of the Town of Bethel Heights, Arkansas, this 10 day of September, 1990.

Christall Bower Rec/Sec  
TOWN RECORDER/TREASURER  
TOWN OF BETHEL HEIGHTS