

RESOLUTION OF THE TOWN COUNCIL OF
THE INCORPORATED TOWN OF TONTITOWN,
ARKANSAS, MADE ON THE 6 DAY OF
July 1971, AT A REGULAR MEETING
THEREOF, APPROVING THE ANNEXATION
OF CERTAIN TERRITORY TO SAID TOWN

ORDINANCE 50A

WHEREAS, there was filed in the County Court of Washington County, Arkansas on the 6th day of April, 1971, a petition by Earl S. Mussino and Beatrice Marie Mussino, husband and wife, asking that certain lands which they own adjacent to the Town of Tontitown, Arkansas, be annexed thereto and,

WHEREAS, the said County Court made an order setting the 10th day of May, 1971, at 10:00 o'clock A.M., in the Washington County Circuit Courtroom as the time and place for hearing on said petition, and notice was given in the manner and time provided by law for such meetings and,

WHEREAS, a hearing was had pursuant to said order on the 10th day of May, 1971, at 10:00 o'clock A.M., at the conclusion of which the following findings and orders of the Court were made:

1. The Court finds:

- (a) The allegations of the petition are sustained by the proof.
- (b) That the petition was brought by a majority of the total number of real estate owners in the area sought to be annexed and that said petitioners owned more than one-half of the acreage affected; in fact, that the petitioners are the sole and only owners of the property to be annexed.
- (c) A true and correct plat of said property has been filed with the Clerk of this Court.
- (d) The limits of the territory to be annexed have been accurately described on the petition and filed with the Clerk of the Court.
- (e) The property is contiguous to and adjoining the present corporate limits of the Town of Tontitown, Washington County, Arkansas.
- (f) That said property obtains its value by reason of its adaptability for prospective town uses; that the land is particularly suitable for urban purposes; that the area in question reflects the outgrowth and expansion of the Town of Tontitown, Arkansas and that it is right and proper that it should be annexed to said Town.

2. That by reason of all the matters and things set out above, the following described real property should be annexed to the Town of Tontitown, Washington County, Arkansas, to-wit:

Southeast Quarter (SE $\frac{1}{4}$) of North-east Quarter (NE $\frac{1}{4}$) in Section Three (3) Township Seventeen (17), North, Range Thirty-one (31) West, containing 40 acres.

IT IS, THEREFORE, CONSIDERED, ORDERED AND ADJUDGED that the real estate hereinabove described and situated in Washington County, Arkansas, be, and the same is, hereby annexed to the Town of Tontitown, Arkansas.

IT IS SO ORDERED:

/s/ Vol B. Lester, County Judge

WHEREAS, more than 30 days have passed since the rendition of said order by the County Court of Washington County, Arkansas, and no objections have been made or appeals taken from said order, and by reason thereof, said order is, in all respects, final.

NOW, THEREFORE, BE IT RESOLVED that the above described order of the County Court of Washington County, Arkansas, be, and the same is, hereby approved, and that the territory described therein be, and the same is, hereby annexed to and made a part of the Town of Tontitown, Arkansas, and the same is hereby accepted as a part of said Town.

BE IT FURTHER RESOLVED that the Mayor and Recorder attach hereto a map of the Town of Tontitown, Arkansas, showing and describing the area hereinabove annexed to said City, and that same be certified by the Town Recorder and furnished and filed to the necessary commissions and departments of the County of Washington and the State of Arkansas, as required by law.

I, Richard M. Ardemagnus, Recorder of the Town of Tontitown, Arkansas, do hereby certify that the above and foregoing Resolution was passed and adopted by the Council of said Town of Tontitown, Arkansas on the 6 day of July 1971, in regular session assembled, at which meeting a quorum, as required by law, was present and voting thereon.

Witness my hand and the seal of said Town this 6 day
of ~~June~~, 1971.
July

Richard M. Adomagui Sr.
Recorder

(Seal)

Law Offices
ESTES & STOREY
64 EAST MOUNTAIN STREET
FAYETTEVILLE, ARKANSAS 72701

PETER G. ESTES
WILLIAM A. STOREY

TELEPHONE 521-4444
AREA CODE 501

April 7, 1971

Mr. Harry Sabanotti, Mayor
Tontitown, Arkansas 72770

Re: Annexation

Dear Mr. Sabanotti:

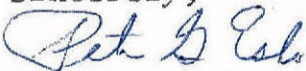
Mr. and Mrs. Earl Mussino have employed me to effect the annexation of their land to the Town of Tontitown of which you are Mayor, and for your information, I am enclosing herein copies of the Petition For Annexation, the Court Order setting the date for hearing as May 10, 1971, at 10:00 A.M., a plat and description of the land to be annexed, and a copy of the Notice which will appear in the Springdale News, Springdale, Arkansas.

I will appear in the County Court on May 10, and as I do not anticipate any opposition, there will be no witnesses needed to testify at that time, and I will obtain the necessary order for the annexation.

After waiting thirty days from the assigning of the Order of Annexation by the County Judge, the City Council of Tontitown can then, by resolution, accept said territory into the city and I will then send copies to all the necessary state and local agencies notifying them of the annexation.

We appreciate your cooperation.

Sincerely,



Peter G. Estes

PGE/lkb

Enclosures

FILED

APR 6 '71

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

JOHN ROBERTS
CLERK
WASHINGTON CO. ARK

IN THE MATTER OF THE
ANNEXATION OF CERTAIN
TERRITORY TO THE TOWN
OF TONTITOWN, ARKANSAS, A
Municipal Corporation

PETITION FOR ANNEXATION

Comes now the undersigned parties, together with the attorney authorized to act on their behalf, and for their petition for the annexation of certain lands to the Town of Tontitown, Arkansas, state and allege:

1. That the Town of Tontitown is a municipal corporation organized and operating under the laws of the State of Arkansas.

2. Petitioners further state that they constitute a majority of the total number of landowners owning more than one-half of the total acreage of the hereinafter described area sought to be annexed by them to the Town of Tontitown; that, in fact, they are the sole owners of the hereinafter described land, said area being described as follows, to-wit:

Southeast Quarter (SE $\frac{1}{4}$) of North-
east Quarter (NE $\frac{1}{4}$) in Section
Three (3) Township Seventeen (17)
North, Range Thirty-one (31) West,
containing 40 acres.

3. Petitioners further state that the above described territory is located in Washington County, Arkansas and is contiguous to and adjoining the present town boundaries of the Town of Tontitown.

4. Petitioners further state that a true and correct plat of the territory sought to be annexed is attached hereto and marked as petitioners' "Exhibit A" and is made a part of this petition as if set out herein word for word.

PETITION FOR ANNEXATION: Page 2

5. Petitioners further state that Peter G. Estes and William A. Storey, attorneys at law, practicing under the firm name of Estes and Storey, are authorized to act on behalf of these petitioners.

WHEREFORE, petitioners pray that the above described real property be annexed to and become a part of the Town of Tontitown, Arkansas; that this Court make proper order setting a date for a public hearing hereon not less than thirty days from the filing herein, and for all other and further relief to which petitioners may be entitled.

EARL S. MUSSINO and BEATRICE
MARIE MUSSINO,
AUTHORIZED AGENTS

BY _____
ESTES & STOREY,
64 East Mountain Street
Fayetteville, Arkansas 72701

N O T I C E

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

IN THE MATTER OF THE
ANNEXATION OF CERTAIN
TERRITORY TO THE TOWN
OF TONTITOWN, ARKANSAS, A
Municipal Corporation

Notice is hereby given that a petition has been filed in the office of the County Clerk of Washington County, Arkansas on the 6th day of April, 1971, requesting the County Court to annex to the Town of Tontitown, Arkansas, the following described real estate contiguous to and adjoining the Town of Tontitown, Arkansas, described as follows, to-wit:

Southeast Quarter (SE $\frac{1}{4}$) of North-
east Quarter (NE $\frac{1}{4}$) in Section
Three (3) Township Seventeen (17)
North, Range Thirty-one (31) West,
containing 40 acres.

Said petition states that it is signed by a majority of the total number of real estate owners in the area affected owning more than one-half of the total acreage affected in said area; that pursuant to an order of the County Court of Washington County, Arkansas, dated on the 7th day of April, 1971, said petition has been set for public hearing by said Court on the 10th day of May, 1971, at 10:00 A.M. in the Circuit Courtroom of the Washington County Court House in the City of Fayetteville, Arkansas, and all interested parties are hereby notified of the time and place of said hearing.

This notice first published on the _____ day of April,
1971.

ESTES & STOREY
Attorneys at Law
64 East Mountain Street
Fayetteville, Arkansas 72701
AUTHORIZED AGENTS FOR PETITIONERS

FILED

APR 17 '71

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

RUTH E. ROBERTS
CO. AND PROBATE CLERK
WASHINGTON CO. ARK.

IN THE MATTER OF THE
ANNEXATION OF CERTAIN
TERRITORY TO THE TOWN
OF TONTITOWN, ARKANSAS, A
Municipal Corporation

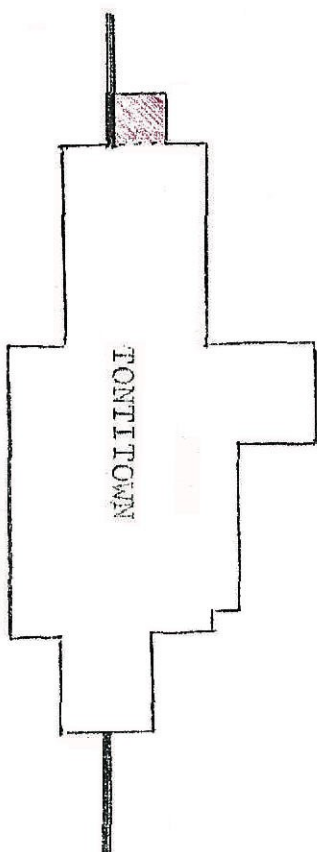
ORDER

Now on this 7 day of April, 1971 is filed the above styled cause, asking the Court that a date be set for public hearing on said petition, and the Court being well and sufficiently advised in the premises, finds:

1. That the petition filed herein by Peter G. Estes of the law firm of Estes & Storey, who was authorized to act for the petitioners, is for the annexation of certain lands to the Town of Tontitown, Arkansas, and by reason thereof, this Court should hold a public hearing thereon at a time more than thirty days after the filing date.

IT IS, THEREFORE, CONSIDERED, ORDERED AND ADJUDGED that the said public hearing on the above entitled cause will be held on the 10th day of May, 1971, at 10:00 A.M. in the Circuit Courtroom of the Washington County Court House.


County Judge



ANNEXED LAND

Southeast Quarter (SE $\frac{1}{4}$) of
 Northeast Quarter (NE $\frac{1}{4}$) in
 Section Three (3) Township
 Seventeen (17) North, Range
 Thirty-one (31) West, con-
 taining 40 acres.

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

IN THE MATTER OF THE
ANNEXATION OF CERTAIN
TERRITORY TO THE TOWN
OF TONTITOWN, ARKANSAS, A
MUNICIPAL CORPORATION

O R D E R

Now on this 10th day of May, 1971, the above styled cause comes on to be heard on the petition of Estes & Storey who are authorized to act on the part of the interested parties to annex certain territory to the Town of Tontitown, Arkansas, and the petitioners appearing by their duly authorized agents, announced ready for trial, whereupon the Court, from the statements of counsel, the pleadings, the plats and legal descriptions introduced in open court, and after careful consideration, finds:

1. That the petitioners filed their petition for annexation to the Town of Tontitown, Arkansas, on the 6th day of April, 1971; that on said date order was made by the County Judge setting the 10th day of May, 1971, at 10:00 A.M. in the Washington County Circuit Courtroom as the time and place for hearing on said petition; that due notice of the time, place and date fixed for the hearing upon said petition was duly published in the Springdale News, a newspaper having a bona fide circulation in Washington County, Arkansas, in the form and manner and for the time required by law.

2. The Court further finds:

- (a) The allegations of the petition are sustained by the proof.
- (b) That the petition was brought by a majority of the total number of real estate owners in the area sought to be annexed and that said petitioners owned more than one half of the acreage affected; in fact, that the petitioners are the sole and only owners of the property to be annexed.
- (c) A true and correct plat of said property has been filed with the Clerk of this Court.
- (d) The limits of the territory to be annexed have been accurately described on the petition and filed with the Clerk of the Court.
- (e) The property is contiguous to and adjoining the present corporate limits of the Town of Tontitown, Washington County, Arkansas.
- (f) That said property obtains its value by reason of its adaptability for prospective town uses; that the land is particularly suitable for urban purposes; that the area in question reflects the outgrowth and expansion of the Town of Tontitown, Arkansas and that it is right and proper that it should be annexed to said Town.

3. That by reason of all the matters and things set out above, the following described real property should be annexed to the Town of Tontitown, Washington County, Arkansas, to-wit:

Southeast Quarter (SE $\frac{1}{4}$) of North-
east Quarter (NE $\frac{1}{4}$) in Section
Three (3) Township Seventeen (17)
North, Range Thirty-one (31) West,
containing 40 acres.

IT IS, THEREFORE, CONSIDERED, ORDERED AND ADJUDGED that
the real estate hereinabove described and situated in Washing--
ton County, Arkansas, be, and the same is hereby annexed to
the Town of Tontitown, Arkansas.

IT IS SO ORDERED:

County Judge