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JOINT RESOLUTION
CITY OF ELM SPRINGS, WASHINGTON COUNTY, ARKANSAS
CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

1. **WHEREAS**, the City of Elm Springs has scheduled the annexation of a parcel of real property lying in Washington County, Arkansas, and contiguous to the cities of Elm Springs and Tontitown;
2. **AND WHEREAS**, the said lands are described as "Tract 3", herein, a copy of the plat is attached hereto and made a part hereof as if word for word as Exhibit "A";
3. **AND WHEREAS**, the cities of Elm Springs and Tontitown have determined that in the spirit of good will and mutual cooperation that the annexation of said lands is not in the best interests of either city at this time;
4. **AND WHEREAS**, the cities of Elm Springs and Tontitown agree to adopt this joint resolution to avoid confusion and disagreement over the annexation of said lands by either or both cities in the future;

THEREFORE, BE IT RESOLVED this 3rd day of December, 1996, the following:

- A. Prior to a city counsel initiated annexation of any part of the said Tract 3, as described below, the cities of Elm Springs and Tontitown agree to form a joint committee -- the members of which to be selected by the respective mayors -- the purpose of which is to try and resolve any disputes or differences regarding the proposed annexation.

- B. This agreement shall not effect any annexation initiated by landowners contiguous to either city.
- C. This agreement will be in full force and effect for the real property described as all that part of Tract 3 lying South of the South section boundary of Sections 26 and 25, Township 18 North, Range 31 West, and more particularly described as Sections 35 and 36, Township 18 North, Range 31 West of the 5th Principle Meridian, lying West of Arkansas Highway 112 and North of the current city limits of the City of Tontitown.
- D. It is understood and agreed that legal contract remedies will not provide adequate remedy for any beach of this agreement, and, therefore, the cities of Elm Springs and Tontitown agree that the remedy for any breach of this agreement shall be by injunction entered by a court of competent jurisdiction halting the proposed annexation. Provided, however, after one such meeting if no agreement is reached, either City may proceed with the annexation procedure pursuant to Arkansas law.
- E. It is further agreed that this resolution shall be binding on both the City of Elm Springs and the City of Tontitown only if passed, in substantially identical form, by both City Counsels and endorsed by the respective Mayors as attested by the respective City Clerks.



Tontitown Mayor, Freddie Taldo

ATTEST:



Frances Franco, City Clerk Tontitown

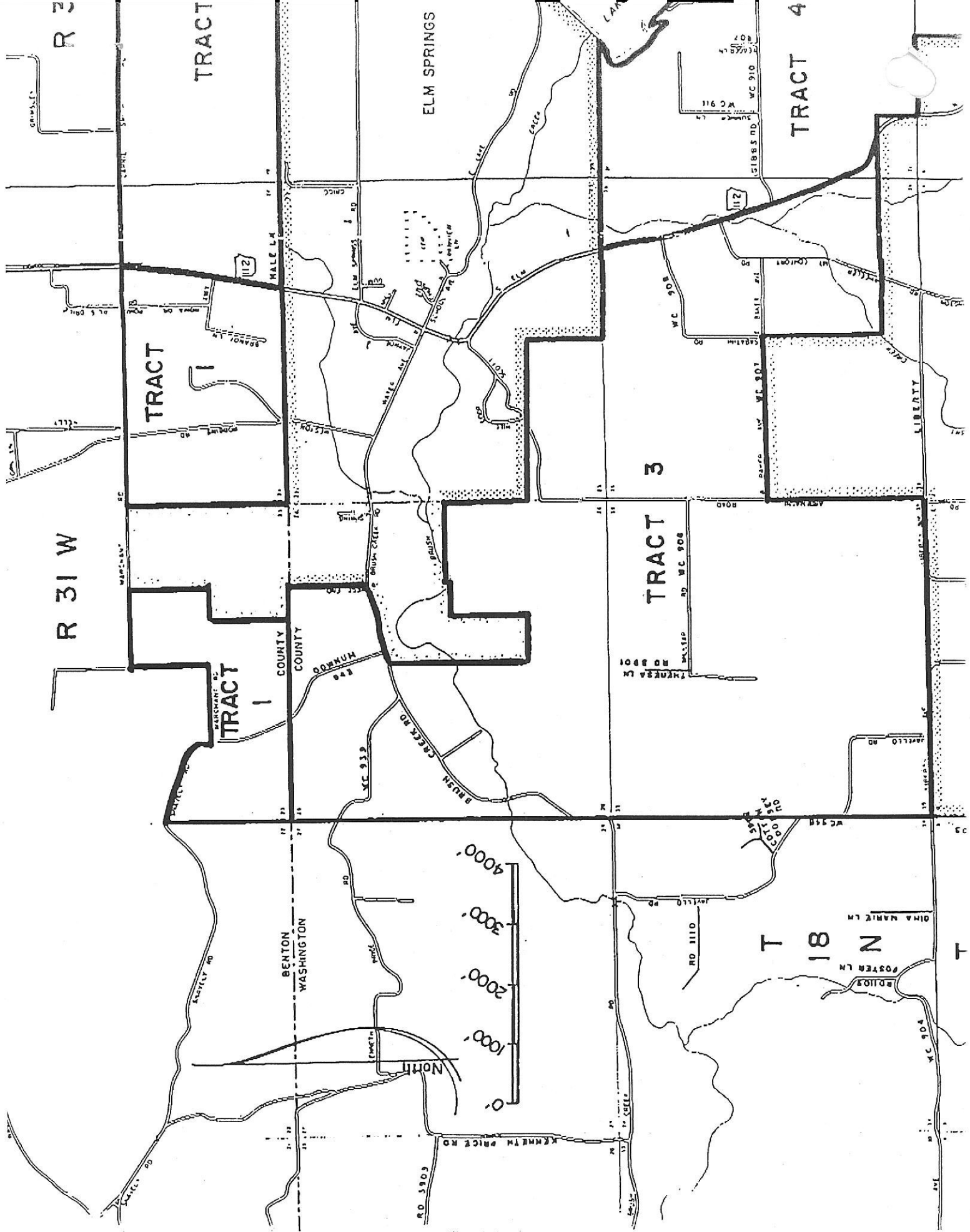


Exhibit "A"