

RESOLUTION NO. 2024-04

**A RESOLUTION ACCEPTING AND GRANTING
THE ANNEXATION OF CERTAIN LANDS TO
THE CITY OF PLEASANT PLAINS, ARKANSAS**

Whereas, Darrell Caplener and Susan Caplener, husband and wife, filed a petition pursuant to Arkansas Code Annotated § 14-40-609, for the annexation of certain lands into the City of Pleasant Plains, Arkansas;

Whereas, the Independence County Assessor and the Independence County Clerk have verified the petition in accordance with that statute;

Whereas, the Independence County Judge has found and ordered that petition complies with Arkansas Code Annotated § 14-40-609, and made specific findings required by that statute; and

Whereas the City Council of the City of Pleasant Plains, Arkansas, desires to accept and grant that petition for annexation as it is not inconsistent with the laws of this State,

The City Council of the City of Pleasant Plains, Arkansas, therefore resolves the Petition for Annexation by One Hundred Percent by Darrell Caplener and Susan Caplener, husband and wife, is accepted and granted:

1. This resolution has been approved by a majority of the city council members elected to that position. ARK. CODE ANN. § 14-55-203. The City of Pleasant Plains, Arkansas, hereby grants and accepts the Petition for Annexation by One Hundred Percent by Darrell Caplener and Susan Caplener, filed in No. CO-2024-02 pending in the County Court of Independence County, Arkansas. That petition meets all of the requirements for annexation under Arkansas Code Annotated § 14-40-609. It has been properly verified by the County Assessor and County Clerk, and properly reviewed and approved by the County Judge.

2. The following contiguous lands to the City of Pleasant Plains, Independence County, Arkansas, are hereby annexed to and are now a part of the City of Pleasant Plains, Arkansas, as provided by law:


A part of the SE quarter of the NE quarter of Section 27, Township 11 North, Range 6 West described thus; Beginning at the Southwest Corner of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of aforesaid Section, Township and Range, thence North 20 Rods (330 feet), then East 80 rods (1320 feet), thence South 20 rods (330 feet); thence West 80 rods (1320 feet) to the place of beginning, Containing 10 acres, more or less.


3. The Clerk or Recorder of the City shall certify and send one copy of the plat of the annexed property and one copy of this resolution to

the County Clerk upon the effective date provided below. ARK. CODE ANN.
§ 14-40-609(d)(3).

4. This resolution shall be immediately effective today, on
May 14th, 2024. Thirty days after that effective date this
annexation shall be final and the above property shall be within the
corporate limits of the City of Pleasant Plains, Arkansas.

PASSED AND APPROVED THIS 14th DAY OF
MAY, 2024.


Kenneth Burns, Mayor


Clerk or Recorder

BLAIR & STROUD
ATTORNEYS AT LAW
500 EAST MAIN • SUITE 201
P.O. BOX 2135
BATESVILLE, ARKANSAS 72503

H. DAVID BLAIR, PLLC
ROBERT D. STROUD, PLLC
BARRETT S. MOORE, PLLC
KAITLIN G. BLAKELY

TELEPHONE
(870) 793-8350

TELECOPIER
(870) 793-3989

April 24, 2024

WRITER'S E-MAIL
bsm@blastlaw.com

Via Hand Delivery

Diane Tucker	Tracey Mitchell
Independence County Assessor	Independence County Clerk
110 Broad Street	192 E. Main Street
Batesville, Arkansas 72501	Batesville, Arkansas 72501

Re: *In the Matter of Annexation to the City of Pleasant Plains, Arkansas, Certain Territories Contiguous Thereto Independence County No. CO-2024-02*

Dear Ms. Tucker and Tracey:

A petition for annexation by one hundred percent landowners is enclosed for your verification. Ark. Code Ann. § 14-40-609(b)(3). The petition had been filed with the clerk. But it must also be filed with the assessor, so Ms. Tucker, I would appreciate you also filing it in your office.

Please verify within fifteen days of today's letter that the petition meets the requirements of Arkansas Code Annotated § 14-40-609(b)(2). More specifically, the petition shall:

1. Be in writing;
2. Contain an attestation signed before a notary or notaries by the property owner or owners of the relevant property or properties confirming the desire to be annexed;
3. Contain an accurate description of the relevant property or properties;
4. Contain a letter or title opinion from a certified abstractor or title company verifying that the petitioners are all owners of record of the relevant property or properties;

BLAIR & STROUD
ATTORNEYS AT LAW
P.O. BOX 2135
BATESVILLE, ARKANSAS 72503

Diane Tucker & Tracey Mitchell
April 24, 2024
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5. Contain a letter or verification from a certified surveyor or engineer verifying that the relevant property or properties are contiguous with the annexing city or town and that no enclaves will be created if the property or properties are accepted by the city or town; and

6. Include a schedule of services of the annexing city or town that will be extended to the area within three (3) years after the date the annexation becomes final.

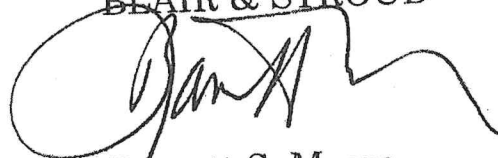
ARK. CODE ANN. § 14-40-609(b)(2).

Upon your verification of these requirements, please notify me so I can share your verifications with the County Judge for his consideration under the statute. If you require anything further, please do not hesitate to contact me.

With best regards, I am

Very truly yours,

BLAIR & STROUD



Barrett S. Moore

BSM/dr

Enclosures

CC via email: Judge Kevin B. Jeffery, Daniel Haney, and Mayor
Kenneth Burns

FILED

FEB 21 2024

2:25 P.M.
TRACEY MITCHELL
COUNTY & PROBATE CLERK
C.C.

IN THE COUNTY COURT OF INDEPENDENCE COUNTY,
ARKANSAS

IN THE MATTER OF ANNEXATION)

TO)

Case No CO-2024-02

THE CITY OF PLEASANT PLAINS,)

ARKANSAS, CERTAIN TERRITORY)

CONTIGUOUS THERETO)

PETITION FOR ANNEXATION BY ONE HUNDRED PERCENT

Darrell Caplener and Susan Caplener, husband and wife, petition the governing body of the city of Pleasant Plains, Arkansas, to annex property contiguous to that city, Arkansas Code Annotated § 14-40-609:

1. Darrell Caplener and Susan Caplener, husband and wife, own one hundred percent (100%) of the land subject to this annexation petition. Capleners are residents and citizens of Heber Springs, Cleburne County, Arkansas. Venue and jurisdiction are proper in this Court.

2. Capleners own the following real property situated in Independence County, Arkansas, which is contiguous to the current City of Pleasant Plains, in fee simple absolute:

A part of the SE quarter of the NE quarter of Section 27, Township 11 North, Range 6 West described thus; Beginning at the Southwest Corner of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of aforesaid Section, Township and Range, thence North 20 Rods (330 feet), then East 80 rods (1320 feet), thence South 20 rods (330 feet); thence West 80 rods (1320 feet) to the place of beginning, Containing 10 acres, more or less.

3. A letter from the Arkansas GIS Office, as required by Arkansas Code Annotated § 14-40-101, *et sequitur*, and an accurate map of the territory proposed to be annexed and its relationship to the present city limits are attached as Exhibit A and incorporated by reference.

4. The City of Pleasant Plains shall extend fire protection, refuse services, and sewer service to this property within three years of the date this annexation becomes final.

5. A letter from Independence County Abstract, a certified title company, verifying that the petitioners are all owners of record of the relevant property is attached as Exhibit B and incorporated by reference. A letter from a certified surveyor or engineer verifying that the relevant property is contiguous with the annexing city and that no enclaves will be created if the property is accepted by the city or town is attached as

"Exhibit C" and incorporated by reference. ARK. CODE ANN. § 14-40-609(b)(2)(D)&(E).

6. Respondent City of Pleasant Plains, Arkansas, joins in this Petition and states it is unopposed.

WHEREFORE, Petitioners Darrell Caplener and Susan Caplener, husband and wife prays that the real property described above be annexed to the City of Pleasant Plains, Arkansas, and for all other just and proper relief.

Respectfully submitted,

THE CITY OF PLEASANT PLAINS
ARKANSAS

Respondent

BY: BLAIR & STROUD
Attorneys at Law
P.O. Box 2135
Batesville, Arkansas 72503
870-793-8350
870-793-3989 (facsimile)
bsm@blastlaw.com



Barrett S. Moore Bar No. 2009118



DARRELL CAPLENER
Petitioner



SUSAN CAPLENER
Petitioner

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)ss.
COUNTY OF INDEPENDENCE)

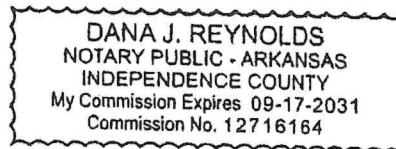
On this date there personally appeared before the undersigned, a Notary Public in and for the county and state aforesaid, duly commissioned and acting, **Darrell Caplener**, to me well known, and stated that he had signed, attested, and acknowledged the above instrument for the purposes therein mentioned and set forth.

WITNESS my hand and seal on this 21st day of February, 2024.

Dana J. Reynolds
Notary Public

My Commission Expires:

09-17-2031



ACKNOWLEDGMENT

STATE OF ARKANSAS)
)ss.
COUNTY OF INDEPENDENCE)

On this date there personally appeared before the undersigned, a Notary Public in and for the county and state aforesaid, duly commissioned and acting, **Susan Caplener**, to me well known, and stated that she had signed, attested, and acknowledged the above instrument for the purposes therein mentioned and set forth.

WITNESS my hand and seal on this 21st day of February, 2024.

Dana J. Reynolds
Notary Public

My Commission Expires:

09-17-2031

DANA J. REYNOLDS
NOTARY PUBLIC - ARKANSAS
INDEPENDENCE COUNTY
My Commission Expires 09-17-2031
Commission No. 12716164



Department of Transformation and Shared Services

Governor Sarah Huckabee Sanders

Secretary Joseph Wood

Director Shelby Johnson

August 15, 2023

Honorable Mayor Kenneth Burns
City of Pleasant Plains
PO Box 269
Pleasant Plains, AR 72568

RE: City of Pleasant Plains Annexation Coordination Requirement

Mayor Burns,

Thank you for coordinating with our office as you seek to annex property into the City of Pleasant Plains, AR located in Section 27, Township 11 North, Range 6 West. This letter represents confirmation that you have coordinated with our office (Arkansas GIS Office) as specified in § 14-40-101 (Act 914 of 2015) of the 90th General Assembly.

Our office will wait for the completion of additional steps necessary for the proposed boundary change, which normally comes from the Arkansas Secretary of State Elections Division after the appropriate filing by your County Clerk.

Sincerely,

Jennifer Wheeler, Sr. GIS Analyst

Attachments:
GIS Office Map of Proposed Annexation
Legal Description
Secretary of State Municipal Change Checklist

H:\City_Annexations\Cities\Pleasant_Plains\20230815\Doc\20230815_Pleasant Plains_Annexation_Coordination_Le

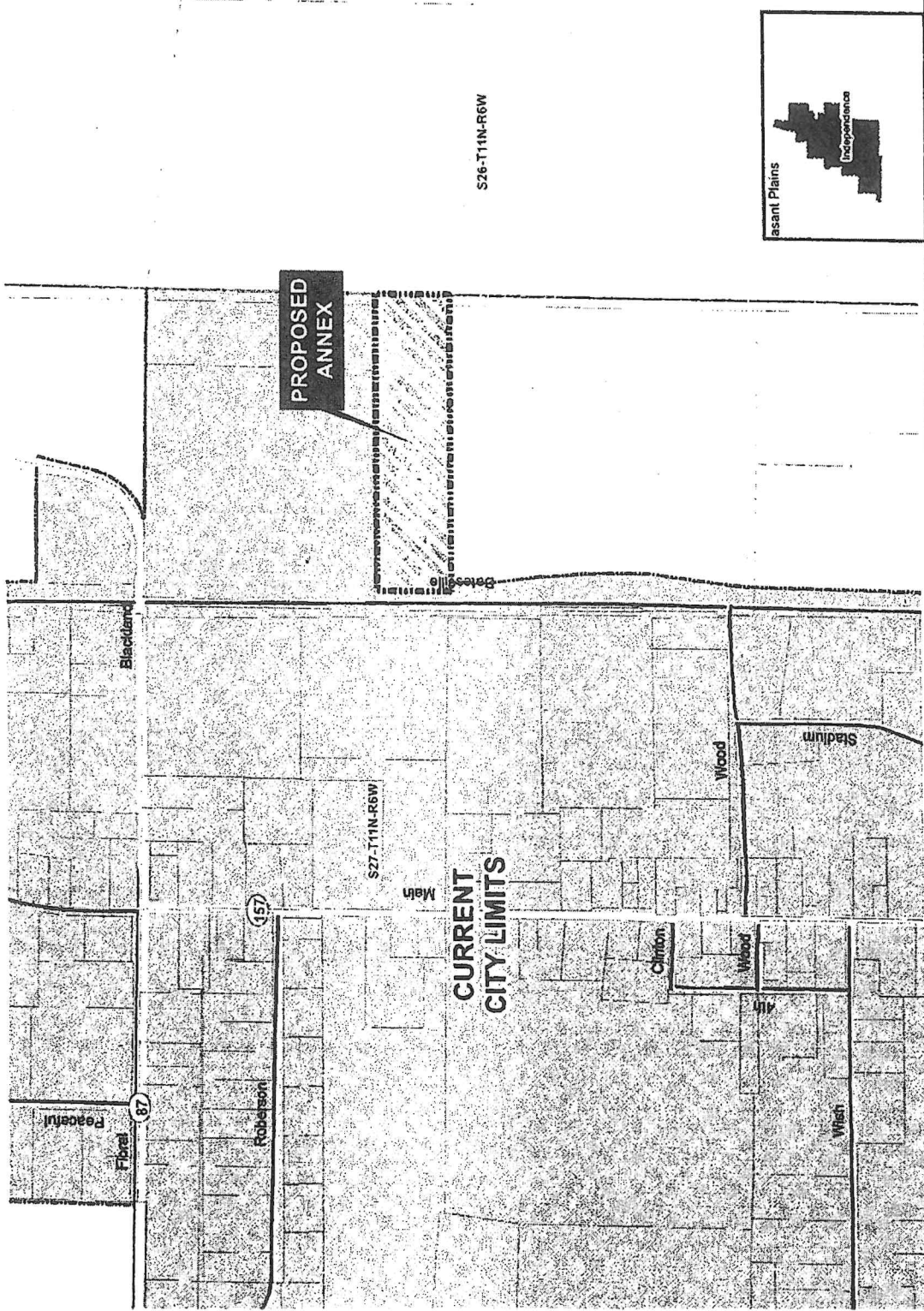


Proposed Annex: City of Pleasant Plains
August 2023

City: Pleasant Plains
Mayor: Kenneth Burns

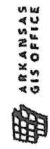
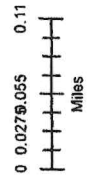
Arkansas Code 14-40-101.
Before an entity undertakes an annexation, consolidation, or detachment proceeding under this chapter, the entity shall coordinate with the Arkansas Geographic Information Systems Office for preparation of legal descriptions and digital mapping for the relevant annexation, consolidation, and detachment areas.

The map contained herein, is evidence, if the entity has met requirements of Act 914 of 2015



Legend:

- Proposed Annex
- Section
- Parcel
- Major Road
- Existing City



Legal Description

A part of the SE quarter of the NE quarter of Section 27, Township 11 North, Range 6 West described thus; Beginning at the Southwest Corner of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of aforesaid Section, Township and Range, thence North 20 rods (330 feet), then East 80 rods (1320 feet); thence South 20 rods (330 feet); thence West 80 rods (1320 feet) to the place of beginning, containing 10 acres, more or less.



INDEPENDENCE COUNTY ABSTRACT COMPANY, INC.
150 SOUTH BROAD STREET – POST OFFICE BOX 2015
BATESVILLE, AR 72501
TELEPHONE – (870)793-3333
FAX – (870)-793-3343

LIMITED TITLE CERTIFICATE

February 2, 2024

File No.240075

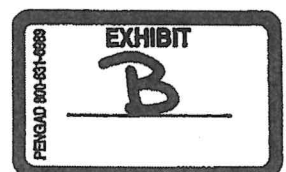
BARRETT S. MOORE
500 EAST MAIN, SUITE 201
BATESVILLE, AR 72501

ATTENTION: MR. MOORE

We hereby certify that we have checked the Real Estate Deed records of Independence County, Arkansas, for the following lands and find current title vested in Darrell Caplener and Susan Caplener, husband and wife, as shown in Deed record book 2020 at pages 4403-4404:

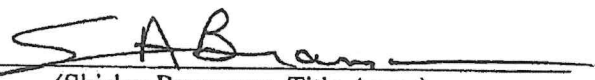
Parcel #01-06616-000 in the name of Darrell Caplener and Susan Caplener

A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 11 NORTH, RANGE 6 WEST, DESCRIBED THUS: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF AFORESAID SECTION, TOWNSHIP AND RANGE, THENCE NORTH 20 RODS; THENCE EAST 80 RODS; THENCE SOUTH 20 RODS; THENCE WEST 80 RODS TO THE PLACE OF BEGINNING, CONTAINING 10 ACRES, MORE OR LESS.



This Limited Title Certificate is being made for the benefit of the City of Pleasant Plains, Arkansas, and is accepted with the understanding that this Company is not expressing or attempting to express an opinion as to the validity of the title to the said real property or the validity of any instruments shown above, and this Company assumes no liability in connection therewith. This is not Title Insurance and should not be mistaken as an insurance policy for real estate transactions.

INDEPENDENCE COUNTY ABSTRACT COMPANY, INC.

Countersigned: 
(Shirley Branscum, Title Agent)



L202004861
 INDEPENDENCE CO, AR FEE \$20.00
 PRESENTED 08-05-2020 03:36 35 PM
 RECORDED 08-05-2020 03:36:35 PM
 GREG WALLIS
 CIRCUIT CLERK
 BY LAKE NEAL
 DEPUTY CLERK

BK: DEED 2020
 PG: 4403-4404

The form of this instrument was prepared by
 J.T. Skinner, Attorney at Law, P.O. Box 2595,
 Batesville, AR 72503.

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT I, Darrell Caplener, for and in consideration of the sum of TEN DOLLARS (\$10.00) AND OTHER VALUABLE CONSIDERATIONS, to us in hand paid by Darrell Caplener and Susan Caplener, husband and wife, GRANTEE(S), the receipt of which is hereby acknowledged, do(es) hereby grant sell, convey and forever Quitclaim unto Darrell Caplener and Susan Caplener, husband and wife, and unto their heirs and assigns forever, all (my/our) right, title, interest and claim in and to the following lands lying in Independence County, Arkansas:

The Northeast Quarter of the Southeast Quarter of Section 27, Township 11 North, Range 6 West, containing 40 acres more or less.

Also:

A part of the Southeast Quarter of the Northeast Quarter of Section 27, Township 11 North, Range 6 West, described thus: Beginning at the Southwest Corner of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of aforesaid Section, Township and Range, thence North 20 rods; thence East 80 rods; thence South 20 rods; thence West 80 rods to the place of beginning, containing 10 acres, more or less.

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument.

Grantee's Address:

3018 N. Gully Rd
Fay, AR 72703

DARRELL CAPLENER
 Grantee or Grantee's Agent

To have and to hold the same unto the said GRANTEE(S), and unto its successors and assigns forever, with all appurtenances thereunto belonging.

WITNESS my hands and seals on this 17th day of July, 2020.


Darrell Caplener

ACKNOWLEDGMENT

STATE OF ARKANSAS }
 }ss.
COUNTY OF INDEPENDENCE }

BE IT REMEMBERED, That on this day came before me, the undersigned, a commissioned and acting Notary Public within and for the County aforesaid, duly commissioned and acting, **Darrell Caplener**, to me well known as the person(s) whose name(s) subscribed to the within instruments and acknowledged to me that they executed the same for the consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public on this 17th day of July 2020.



Notary Public

My commission expires: 10/08/2020



Damon Johnson, P.E.
245 N 7 Street
Batesville, AR 72501
870 612 3514
Damon@stclair.com

February 2, 2021

Blair & Stroud, Attorneys at Law
P.O. Box 2135
Batesville, AR 72503

Attention: Barrett Moore
RE: City of Pleasant Plains annexation
Darrell Caplener and Susan Caplener

Dear Mr. Moore,

After review of the information provided for the parcels in question. It is my opinion, based on the property description provided for the 10 acre tract owned by Darrell and Susan Caplener, the parcel is contiguous to current Pleasant Plains municipal boundary. And furthermore, annexation into the city of Pleasant Plains will not create any unwanted enclaves.

This determination was solely based upon the land descriptions provided for the parcel in question as compared to the municipal boundaries of Pleasant Plains as shown by the Arkansas GIS office.

Sincerely,



Damon Johnson, P.E.

