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Rick Davis
Garland County Judge
501 Ouachita Ave.
Room 210
Hot Springs, AR 71901

SARAH SMITH
GARLAND CO. CLERK
BY *S. Smith*

RE: Annexation of Certain Lands by the Town of Fountain Lake

Dear Judge Davis:

As you know, the Town of Fountain Lake presented its petition for annexation of certain lands to the county court on August 2, 2012. At the close of that hearing you requested additional information. Mayor Jack Fields has provided that information to me and requested that I forward the following on to you. This is Mayor Fields' response on behalf of the Town of Fountain Lake.

The Town of Fountain Lake proposes to annex approximately 558 acres. The legal description, petition, amended petitions, proof of publication, and other documents have been filed of record with the county clerk and county judge's office. The evidence admitted, and which shall be considered, includes the record of the hearing on August 2, 2012; the exhibits as set forth on that date, all of which have been filed of record; and this letter in response to your questions.

Your specific questions and Mayor Fields' responses are:

1. Does the Town of Fountain Lake have a property tax?

The Town of Fountain Lake does not levy a property tax of its own. It has a millage rate of zero at the current time and has no plans to change that. The Town of Fountain Lake does receive state turnback funds based in part on population.

2. What services does the Town of Fountain Lake intend to supply and what is the time frame to implement the services?

The Town of Fountain Lake currently offers road maintenance and improvements to the roads within its boundaries. If the annexation is approved, these services would extend to the additional roads. Mayor Fields has provided an outline of the road maintenance and improvements from 2009-2012, which is attached hereto and incorporated herein. Additionally, the specifics of the roads to be annexed are attached hereto and incorporated herein. The total roads to be annexed include 1,584 surface feet, not including Arkansas Highway 5. This total is less than one third of a mile. The Town of Fountain Lake also provides mowing and drainage maintenance on its road rights of way, as well as some street lighting.

There were questions from the public regarding the lack of sewer, police and fire protection from the Town of Fountain Lake, as well as a statement that the county could provide better services. There was an additional question regarding the town's ability to provide road services for winter weather, particularly regarding the steep hill on Danville Road.

The town responds: Sewer service is not offered by the county or any other entity in the area. The town is not offering police services and has disbanded its marshal service. Police protection is provided by the Garland County Sheriff's Department, which will remain the case after annexation. Fire protection in the area is provided by the Fountain Lake Volunteer Fire Department, which will remain the case after annexation. Further, the town intends to contract with service providers, either the county or private providers, to handle inclement weather road issues if needed. This is common practice in areas that do not have their own salt, sand and plowing equipment.

There was a statement from the public that the town wants the annexation to tax business owners. The town responds that this is not the case. It currently has no tax on businesses and there are less than five known businesses in the area to be annexed.

The Town of Fountain Lake has also purchased land and intends to create a community building for governmental, public and civic use.

3. What is the purpose of the annexation?

The are multiple purposes for the annexation:

- To bring the town borders to the area of Fountain Lake school. Town officials regularly receive questions about why Fountain Lake school is not in the Town of Fountain Lake. The Fountain Lake community covers the entire area and the intent is to make the town correspond to the community.

- To limit the extra territorial jurisdiction of the City of Hot Springs. The Town of Fountain Lake takes the position that the growth of Hot Springs could affect the way of life of Fountain Lake. By expanding its area, the Town of Fountain Lake could limit the influence future Hot Springs expansion may have on such things as planning, zoning and development in the community.

- To maintain the rural lifestyle and sense of community enjoyed by Fountain Lake residents. The Town of Fountain Lake takes the position that the people in the community want to keep their lifestyle as is as much as possible. The quiet setting, responsive representative government at the most local of levels, and closeness to your neighbors, friends and relatives are not easily maintained in larger communities.

4. What is the growth within the Town of Fountain Lake?

Since organization the Town of Fountain Lake has grown to a current population of 503.

5. Does the Town of Fountain Lake have a planning department and a serious goal of responsible

land use?

The Town of Fountain Lake currently has no planning department or related regulations. In a town of its current size, such a department would have little to do. It is the town's goal to maintain the rural setting and community way of life as much as possible, but recognizes that it needs to plan in the future for orderly growth and responsible land use.

6. A few parcels of land in the area to be annexed do not include the entire parcel. Why is that?

The Town of Fountain Lake consulted with property owners and engineers to determine the annexation area. For convenience the description generally follows section lines, rather than the specific boundaries of properties. This may have resulted in a few instances where a landowner's parcel is not entirely included, as part of the land may have crossed a section line. This was not an attempt at gerrymandering and the town will be glad to amend the description to take in those entire parcels.

7. How much of the land is agricultural and horticultural?

Currently the town is around 1,585 acres, with about 475 acres (30 percent) being used for cattle or some type of farming. These are not necessarily large commercial operations but small family farms. The majority of the remaining area in the town (about 1,110 acres, 70 percent) is used primarily as residential property. The town does not have specific statistics related to the area to be annexed. The general community of the area to be annexed is consistent with that already in the town. It is rural, with mostly single family homes, and residents may be keeping livestock but not necessarily describing themselves as farmers. There is one relatively large farm, approximately 198 acres, in the area to be annexed.

8. How many residents are being annexed?

The actual number of residents is unknown. There are 54 property owners in the proposed area, of which 33 signed the petition to annex. That does not account for all the actual residents as there will be numerous family members who are not considered owners and will not appear on the public records. Currently the town has 503 residents.

With this information and the exhibits identified and entered at the hearing, as well as the record from the hearing, the Town of Fountain Lake considers the record closed and awaits the ruling on its petition.

Feel free to contact me or Mayor Fields if you have questions or need additional information.

Sincerely,


John Howard

Attorney at Law, P.A.

Road work May, 2009- 2012 Town Of Fountain Lake Arkansas

There are a little over 5-3/4 miles of streets within the Town of Fountain Lake.

1. Bud McKinley road 1,393 tons of asphalt
2. Needham Place 530 tons of asphalt
3. Needham Circle 120 tons of asphalt
4. JMC road 170 tons of asphalt.

All four of these roads have 2 " layer of asphalt on them. 2,213 tons of asphalt
These four roads make up 2-1/4 mile of the Town of Fountain Lake.

May, 2009 to 2012 Chip and Seal Work

5. Hillvale Garden Trail
6. Old Stage Coach road
7. Shady Brook
8. Mungle Trail
9. Don Nobles Trail
10. Qualls Lane
11. Morrow Trail
12. Zander road

All eight of streets in the town have been resealed with a new layer of oil and gravel. The roads have also been shimmed and level with 400 tons of asphalt. These eight roads that have been chipped and sealed make up 2-1/4 mile of the streets in Fountain Lake.

4-1/2 miles of streets within the town have been paved with asphalt or have a new layer of chip and seal work done to them.

Streets left needing repaired in the Future:

13. La June Trail
14. Goose Pond road
15. Pops Place road

Some these roads will be put in the 2013 budget to be chipped and sealed and some asphalt work also. Goose pond will have some asphalt work done at the intersection of Hwy 5.

So, 2-1/4 miles of Fountain Lake streets have been paved with 2" of asphalt that is 2,213 tons of asphalt and 2-1/4 miles have a new layer of chip and seal with 400 tons of asphalt to shim and level the roads also. That is 4-1/2 miles of streets that have been repaired from May, 2009 to present date. We have also added and replace 4 culverts to help with flooding. The town contracted to a contractor to have a concrete wall put in on three culverts on Hillvale Trail to keep them from washing out.

Town of Fountain Lake

Roads being taken in annexation to Danville road:

1. Danville Road- 528 feet
2. Zander Road- 306 Feet
3. Old Stage Coach Road- 750 Feet

Total: 1,584 Feet of road taken in.

Total Acres in Fountain Lake Annexation 558.68

Total Owners: 54

RPID	Section	Twn	Rng	Name	Address	City	State	Zip	Total Acres	Acres in Area	# Of Owners
583	28	01S	18W	MARTIN, PHILLIP & FRANCES N/C/O MARTIN, FRAN	283 OLD STAGECOACH TRL	HOT SPRINGS	AR	71901	200.00	80.00	2
577	28	01S	18W	MARTIN, PHILLIP & FRANCES N/C/O MARTIN, FRAN	283 STAGECOACH TRL	HOT SPRINGS	AR	71901	433.00	118.00	2
793	32	01S	18W	MATLOCK, MARLIN % PIKE, CHARLES E & TONYA S	135 REINDEER CT	HOT SPRINGS	AR	71909	22.30	22.30	1
778	32	01S	18W	MILLER, JOYCE M PENNY	3205 HEATHERBROOK DR	PLANO	TX	75074	0.96	0.96	1
87,025	32	01S	18W	PRUITT, CHARLES M & WENDY L	136 ZEIGLER RD	HOT SPRINGS	AR	71901	4.00	4.00	2
794	32	01S	18W	RIGSBY, DARRELL D & JEANNIE G	1308 DEER PARK RD	HOT SPRINGS	AR	71901	2.97	2.97	2
800	32	01S	18W	RUDMAN, M B 50% INT & SATER FAMILY PTNSHP LP	1700 PACIFIC AVE, STE 4700	DALLAS	TX	75201	141.80	32.80	2
830	33	01S	18W	RUDMAN, M B 50% INT & SATER FAMILY PTNSHP LP	1700 PACIFIC AVE, STE 4700	DALLAS	TX	75201	133.31	50.81	2
840	33	01S	18W	RUDMAN, M B 50% INT & SATER FAMILY PTNSHP LP	1700 PACIFIC AVE, STE 4700	DALLAS	TX	75201	105.14	45.14	2
802	32	01S	18W	RYNDERS, DAVID & BRIAN LEWIS	3 RIO PLAGE	HOT SPRINGS	AR	71909	1.00	1.00	2
843	33	01S	18W	STEWART, JAMES & CHARLINE	8505 PARK AVE	HOT SPRINGS	AR	71901	0.80	0.80	2
85,940	32	01S	18W	TILLERY, GILBERT	6018 PARK AVE	HOT SPRINGS	AR	71901	14.87	6.20	1
85,941	32	01S	18W	TILLERY, KENNETH G & MARLENE	6227 PARK AVE	HOT SPRINGS	AR	71901	1.53	0.14	2
805	32	01S	18W	TILLERY, KENNETH G & MARLENE	6227 PARK AVE	HOT SPRINGS	AR	71901	0.50	0.32	2
786	32	01S	18W	VAUGHN, RONNIE J & ONIA SUE	139 DANVILLE RD	HOT SPRINGS	AR	71901	1.50	0.60	2
103,148	32	01S	18W	VAUGHN, SUE	139 DANVILLE RD	HOT SPRINGS	AR	71901	5.75	5.75	1
783	32	01S	18W	VINES, JERRY A	6115 PARK AVE	HOT SPRINGS	AR	71901	1260.16	558.68	54
Total acres in FTN Lake Annexation									1260.16	558.68	54

Total Acreage That Owners signed for the Annexation 327.21 Number of people that Signed Petition 33

RPID	Section	Twp	Range	Name	Address1	City	State	Zip	Total Acres	Acres In Signed	# OF PEOPLE SIGNED
795	32	01S	18W	BRESHIARS, JACKIE	6446 PARK AVE	HOT SPRINGS AR	71801	2.00	2.00	JACKIE BRESHIARS	1
92,068	32	01S	18W	BRIAN LLC	3 RIO PL	HOT SPRINGS AR	71809	4.35	4.35	DAVID RYNDERS SIGNED	1
846	33	01S	18W	BRIAN LLC	3 RIO PL	HOT SPRINGS AR	71809	1.95	1.95		1
804	32	01S	18W	CLIFT, RICHARD & MENDY	6457 PARK AVE	HOT SPRINGS AR	71901	1.50	1.50	RICHARD&MENDY	
87,635	33	01S	18W	%RACH, JOHN & AMY COCO, PETER MARTIN REV TRUST	100 BUDWEISER LN	HOT SPRINGS AR	71801	14.60	14.60	PETER	2
809	32	01S	18W	COWMAN, JUDY G	6152 PARK AVE	HOT SPRINGS AR	71801	4.00	4.00	JUDY	1
797	32	01S	18W	CUMMININGS, MARK & GLENDA	6430 PARK AVE	HOT SPRINGS AR	71801	1.00	1.00	MARK&GLENDA	1
811	32	01S	18W	CURTIS, MURL C & WILLIE MAE	108 CURTIS LN	HOT SPRINGS AR	71901	1.63	1.63	MURL & WILLIE MAE	2
845	33	01S	18W	FLOIRINI, ALLYN	6635 PARK AVE	HOT SPRINGS AR	71901	2.95	2.95	ALLYN	2
108,028	33	01S	18W	FORD, JOSHUA A & RANDY (JTTROS)	6747 PARK AVE	HOT SPRINGS AR	71801	3.30	3.30	RANDY & JOSH	1
934	33	01S	18W	FORD, RANDY	6747 PARK AVE	HOT SPRINGS AR	71801	1.54	1.54	RANDY	2
808	32	01S	18W	HAMPO, ALEX	6247 PARK AVE	HOT SPRINGS AR	71801	4.30	4.30	ALEX	
578	28	01S	18W	HARWOOD, ARRON DAVID	242 OLD STAGECOACH TRL	HOT SPRINGS AR	71801	2	2	ARRON	1
108,913	28	01S	18W	HARWOOD, JUSTIN T & LYNDSEY M	239 OLD STAGECOACH TRL	HOT SPRINGS AR	71801	25.00	25	LYNDSEY&JUSTIN	1
782	32	01S	18W	HOWARD, JANET	6217 PARK AVE	HOT SPRINGS AR	71801	5.75	5.75	JANET	2
807	32	01S	18W	HOWARD, JANET	6217 PARK AVE	HOT SPRINGS AR	71801	2.20	2.20	JANET	1

Total Acreage That Owners signed for the Annexation 327.21 Number of people that Signed Petition 33

RPID	Section	Town	Range	Name	Address1	City	State	Zip	Total Acres	Acres in Area	Signed	# OF PEOPLE SIGNED
108,998	33	01S	18W	HUGHES, CARL E & JENNIFER	6654 PARK AVE	HOT SPRINGS AR	71901	1.00	1.00	1.00	CARL & JENNIFER	2
798	32	01S	18W	KATZ, CHARLES C & MARGARET G	6415 PARK AVE	HOT SPRINGS AR	71901	1.30	1.30	1.30	CHARLES & MARGARET	2
87,024	32	01S	18W	KATZ, CHARLES C & MARGARET G	6417 PARK AVE	HOT SPRINGS AR	71901	34.00	34.00	34.00	CHARLES & MARGARET	2
577	28	01S	18W	MARTIN, PHILLIP & FRANCES N	283 OLD STAGECOACH TRL	HOT SPRINGS AR	71901	433.00	118	118	PHILLIP & FRAN	2
583	28	01S	18W	MARTIN, PHILLIP & FRANCES N	283 OLD STAGECOACH TRL	HOT SPRINGS AR	71901	200.00	80	80	PHILLIP & FRAN	2
87,025	32	01S	18W	PRUITT, CHARLES M & WENDY L	136 ZEIGLER RD	HOT SPRINGS AR	71901	4.00	4.00	4.00	CHARLES & WENDY	2
794	32	01S	18W	RIGSBY, DARRELL D & JEANNIE G	1308 DEER PARK RD	HOT SPRINGS AR	71901	2.97	2.97	2.97	DARRELL & JEANNIE	2
902	32	01S	18W	RYNDERS, DAVID & BRIAN LEWIS	3 RIO PLACE	HOT SPRINGS AR	71909	1.00	1.00	1.00	DAVID	2
843	33	01S	18W	STEWART, JAMES & CHARLINE	6505 PARK AVE	HOT SPRINGS AR	71901	0.80	0.80	0.80	CHARLINE & JAMES	1
786	32	01S	18W	VAUGHN, RONNIE J & ONIA SUE	139 DAVILLE RD	HOT SPRINGS AR	71901	0.50	0.32	0.32	ONIA	2
783	32	01S	18W	VINES, JERRY A	8115 PARK AVE	HOT SPRINGS AR	71901	5.75	5.75	5.75	JERRY	1
TOTAL ACRES FOR ANNEXATION INTO TOWN OF FOUNTAIN LAKE, OWNERS THAT SIGNED FOR ANNEXATION											327.21	33.00
Number of People That Signed Petition											33.00	