

### JOHN THURSTON

### ARKANSAS SECRETARY OF STATE

June 29, 2020

The Hon. Betsy Harrell Benton County Clerk 215 East Central, Suite 217 Bentonville, AR 72712-5373

Re: City of Bentonville Annexation Ordinance 2020-79

Dear Ms. Harrell,

This letter acknowledges receipt and filing of the following notice of municipal boundary change by the Office of the Arkansas Secretary of State:

Filing Type: Annexation pursuant to A.C.A \$14-40-609 (annexation by petition of all landowners)

Effective Date: 05/28/2020

County: Benton, City Ordinance: 2020-79

County Court Order: 2020-05

City: Bentonville

Dated: 4/28/2020 Date Filed: 5/5/2020

A file marked copy of the ordinance, court order and exhibits submitted to our Office are enclosed. By copy of this letter (and its enclosures), the Secretary of State hereby notifies the appropriate mapping authorities for Arkansas. Please retain these copies as official record of the filing of the municipal change by the Arkansas Secretary of State.

If you have any questions or concerns regarding this filing, please do not hesitate to contact our Office at 501-683-3717.

Sincerely,

Shantell McGraw **Elections Division** 

Arkansas Geographic Information Systems Office (w/encl) cc:

Arkansas Department of Transportation Mapping Department (w/encl)

Department of Finance and Administration (w/encl)

Arkansas Public Service Commission (w/encl)

Arkansas Economic Development Institute (w/encl)

The Hon. Stephanie Orman, Mayor of Bentonville (w/encl)



## Arkansas Secretary of State

John Thurston Arkansas Secretary of State, 500 Woodlane Ave, Little Rock, AR 72201-1094

### **Municipal Boundary Change Checklist**

Act 655 of 2017 and A.C.A. §14-40-103

County: Benton	_City/Town: Bentonville	
City Ordinance/Resolution No: 2020-79	_Date approved: 4/28/2020	
County Court Case No: CC 2020-05	_Date Order Filed: 03/16/2020 5/5/2020 Sem	
Type: Annexation by Petition of all Landowners	s A.C.A. 14-40-609	
(Required by Act 655 of 2017)	unicipal Ordinance © Emergency Clause © Court © Default  Outpeld© Overturned © Other (attach explanation	
Please indicate which ward(s) the territory will be assi	(See A.C.A § 14-40-203)	
Initiating party:	· · · · · · · · · · · · · · · · · · ·	
• All Landowners • Majority Landowners • Muni	cipal Governing Body OState OOther	
Supporting Documentation attached (check all that apply	η:	
File marked copy of City Ordinance/Resolution (requ	uired)	
File marked copy of County Court Order or certified	annexation election results (required except for A.C.A. §14-40-501)	
Copy of Arkansas GIS approved printed map and ce		
Proof of Publication for all Legal Notices (include Hea	aring, Election, and City Ordinance/Resolution notices)	
File marked copy of Petition Part (if applicable)		
File marked copy of Complaint and final Circuit Cou	rt Order (Court Challenge only)	
Municipal Contact:		
Name: Stephanie Orman	Title: Mayor	
Street Address: 117 W Central Ave		
City: Bentonville	St: AR Zip code: 72712	
within 45 days of the Effect	page to the supporting document set and submit to the County Clerk's Office tive Date as required by Act 655 of 2017	
County Official:	2 2	
Signature: JKW (Indow)	Title: Dearty Carry Clerk	
Date: 5 4 2020		
Pursuant to Act 655 of 2017, County Officials must submit a file-me to: Arkansas Secretary of State, Attn: Municipal Bound	arked copy of municipal boundary change documents within 30 days of receipt ary Filing, 500 Woodlane Ave Suite 256, Little Rock, AR 72201-1094	
Office of the Arkansas Secretary of State use only	FILED	
Received by:	MAY <b>2 9</b> 2020 Rev. 2/2019	
	Arkansas Secretary of State	

FILED

2020 MAY -5 PM 2: 26

BETSY HARRELL CO & PROBATE CLERK BENTON COUNTY, AS

IN THE MATTER OF ANNEXING TO THE CITY OF BENTONVILLE, ARKANSAS CERTAIN TERRITORY CONTIGUOUS TO SAID CITY OF BENTONVILLE, ARKANSAS

CC 2020-05

#### ORDER CONFIRMING ANNEXATION

Now on this day is presented to the Court the complete file for the annexation of certain land to the City of BENTONVILLE, Benton County, Arkansas, under this file number, including specifically a copy of the plat of the annexed property and a copy of the resolution or ordinance of the governing body of the city or town accepting the property for annexation, and having reviewed the file and all things considered, the Court finds that all the requirements of § 14-40-609 of the Arkansas Code have been complied with and further that the annexation is in all respects proper, including if applicable, that the annexing city or town has included in the legal description included with its resolution or ordinance accepting the property for annexation certain dedicated public roads and rights of way abutting or traversing the property to be annexed if required by the Court's previous order entered in this file.

IT IS THEREFORE CONSIDERED AND ORDERED that the annexation of the above described lands to the City of BENTONVILLE, Benton County, Arkansas, is hereby confirmed and that the same is and shall hence forth comprise a part of the City of BENTONVILLE, Benton County, Arkansas.

HON. BARRY MOEHRING, County Judge

5.5.2020

Date

Section of Section 1997

2020 APR 30 - AM 11: 4J

ORDINANCE NO. 2020 - 79 10 & PROBATE CLERK

AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF BENTONVILLE, ARKANSAS, AND MAKING SAME A PART OF THE CITY OF BENTONVILLE, AND ASSIGNING SAME TO WARDS.

WHEREAS, petition was filed with the County Clerk of Benton County, Arkansas by all of the owners of the hereinafter described territory, said owners being listed in Exhibit "A" to this ordinance, praying that said territory be annexed to, and made a part of the City of Bentonville, Arkansas, and

WHEREAS, on the 16th day of March, 2020, the County Court of Benton County, Arkansas, entered an order authorizing annexation pursuant to § 14-40-609 of the Arkansas Code, finding that the petition met the requirements for annexation under that provision and directed the Clerk to forward the order to the Mayor of the City of Bentonville; and

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENTONVILLE, ARKANSAS:

Section 1. That the land described on the attached Exhibit "B," which includes both the territory sought to be annexed by the petitioners and the dedicated public roads and rights of way abutting or traversing the property proposed to be annexed, is territory contiguous to and adjoining the City of Bentonville, Arkansas, and the petition to annex that property is hereby granted and the property described in Exhibit "B" is hereby accepted as part of and annexed to and made a part of the City of Bentonville.

Section 2. That the above described territory shall be annexed to and made a Ward 1 of the City of Bentonville, and the same shall henceforth be a part of said ward as fully as existing parts of said ward.

Section 3. That the above described territory shall be zoned A-1, to be used in accordance with City zoning laws and the laws of the State of Arkansas.

Section 4: That this ordinance shall become effective 30 days from its passage and approval.

PASSED AND APPROVED THIS 25th

ATTEST:

Act of the contract of the con

2020 APR-30 AM 11: 41

BETSY HAPRELL TO & PROBATE CLERK PERSON COUNTY AN

# COSTALDI ANNEXATION Exhibit "A"

COSTALDI TRUST, INGRID D\_\_\_\_\_\_\_\_18-07531-000

FILED

2020 APR 30 AM 11: 61

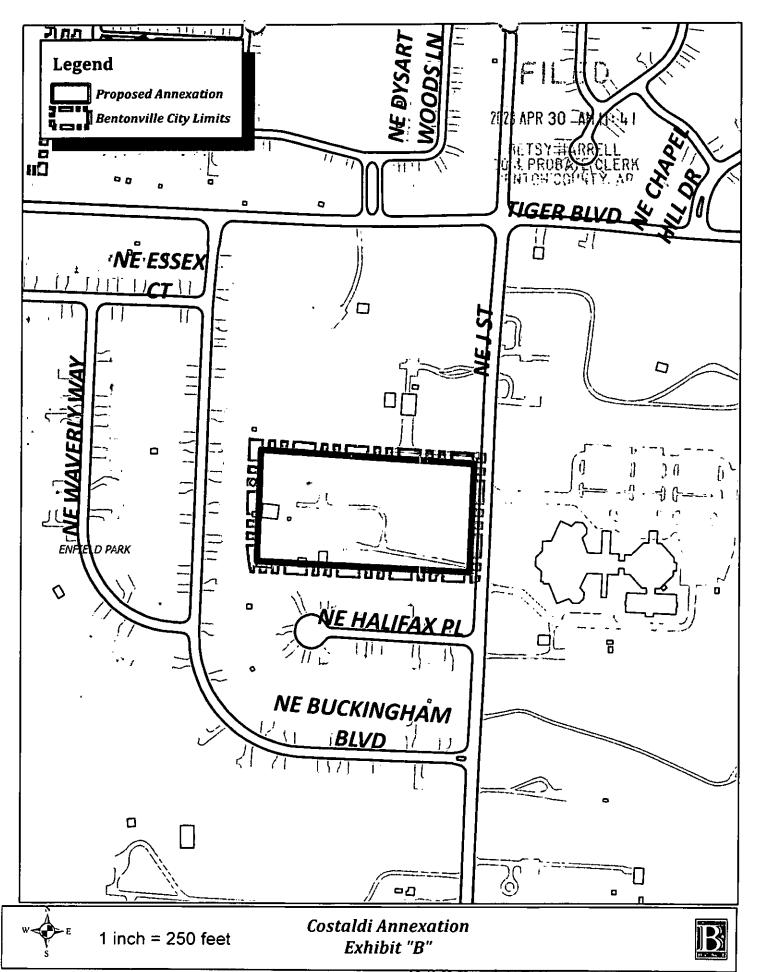
### Costaldi Annexation Exhibit "B"

BETSY HARRELL TO A PRODATE CLERK MINIOUS COUNTY AP

Part of the SE ¼ of the SW ¼ of Section 20, Township 20N, Range 30W, Benton County, Arkansas and more particularly described as follows:

Commencing at the SE Corner of said SE ¼ of the SW ¼.

Thence N 0° 9′ 43″ E, 330.13′ for the Point of Beginning; Thence N 88° 42′ 24″ W, 657.79′; Thence N 0° 4′ 17″ E, 334.10′; Thence S 88° 21′ 44″ E, 658.41′; Thence S 0° 9′ 43″ W, 330.13′ to the Point of Beginning.



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2070 MAR 16 AM 10: 38

GETSY HARROLL OF A PROPATE CLERY FRICA CONTYNIA

IN THE MATTER OF ANNEXING TO THE
CITY OF BENTONVILLE, ARKANSAS
CERTAIN TERRITORY CONTIGUOUS TO SAID
CITY OF BENTONVILLE, ARKANSAS

#### COUNTY COURT CASE NO. CC 2020-05

### ORDER AUTHORIZING ANNEXATION PURSUANT TO ACA § 14-40-609

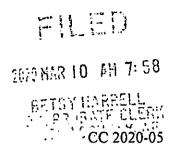
- I, Barry Moehring, County Judge of Benton County, having reviewed the attached petition for annexation and verification of petition, hereby find that the petition:
- 1) is in writing;
- 2) contains an attestation signed before a notary or notaries by the property owner or owners of the relevant property or properties confirming their desire to be annexed;
- 3) contains an accurate description of the relevant property or properties;
- 4) contains 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;
- 5) contains 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 additionally a copy of the letter from the State of Arkansas GIS office approving the legal description for the annexation was provided; and
- 6) includes 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.

The County Clerk is directed to forward a copy of this order and the related Petition to the Mayor of the City of BENTONVILLE.

HON. BARRY MOEHRING, County Judge

Date

IN THE MATTER OF ANNEXING TO THE
CITY OF BENTONVILLE, ARKANSAS
CERTAIN TERRITORY CONTIGUOUS TO SAID
CITY OF BENTONVILLE, ARKANSAS



#### VERIFICATION OF PETITION FOR ANNEXATION PURSUANT TO ACA § 14-40-609

We, Betsy Harrell, County Clerk of Benton County, and Roderick Grieve, County Assessor of Benton County, attest as follows:

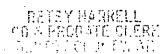
Our offices have received the attached petition seeking annexation. The petition has been reviewed and we hereby verify that the petition:

- (A) is in writing;
- (B) contains 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;
- (C) contains an accurate description of the relevant property or properties;
- (D) contains 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;
- (E) contains 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
- (F) 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.

HON. BETSY HARRELL, County Clerk

HON, RODERICK GRIEVE, County Assessor

2076 MAR 10 AM 7:58





Date: March 6, 2020

Subject: Proposed Annexation Checklist

CC 2020-05 Bentonville, AR

 $\angle$  (A) is in writing;

(B) contains 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;

 $\checkmark$  (C) contains an accurate description of the relevant property or properties;

(D) contains 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;

(E) contains 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

(F) 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.

[Additionally, we note that the legal description in (B) does not include in its description certain dedicated public roads and rights of way abutting or traversing the property to be annexed, the legal descriptions for which are included on the attached Exhibit "A"]

Please contact me if you have any questions.

Michael D. Million

Manager – GIS-Mapping Dept. Benton County Assessor's Office Phone: 479-271-1037, ext. 7004

Email: michael.million@bentoncountyar.gov

2020 MAR - 3 AM 8: 38

IN THE MATTER OF ANNEXING TO THE CITY OF BENTONVILLE, ARKANSAS CERTAIN TERRITORY CONTIGUOUS TO SAID CITY

NO. (C 2020-05

### PETITION FOR ANNEXATION - 100 % OF OWNERS PETITIONING

DATE: 2/19/2020

Come now the undersigned petitioners, and state as follows:

1. That we, owning 100% of the property in the following described area, do hereby petition, pursuant to A.C.A. §14-40-609, the City Council of Bentonville, Arkansas, to annex the following lands to the City of Bentonville, Arkansas.

Refer to Exhibit "A"

- 2. We further state that this petition is signed by one hundred percent (100%) of the real estate owners owning one hundred percent (100%) of the acreage in said area and that the area to be annexed does not contain property whose owners do not wish to have their property annexed.
- 3. That said property description herein is contiguous to and adjoining the present City of Bentonville city limits, as shown on the map attached hereto as Exhibit "B".
- 4. That no enclaves will be created if this petition is accepted and the territory annexed into the City of Bentonville.
- 5. That the following schedule of services shall be extended to the area by the City of Bentonville within three (3) years after the date the annexation becomes final:

All properties annexed into the City of Bentonville are provided with Police, Fire and EMS services.

Additional services such as water and sewer may be provided if readily available. Such services are provided in accordance with existing ordinances and terms of service, including but not limited to the payment of required fees, the necessary permits, inspections and approvals.

- 7. That a letter or verification from a certified surveyor or engineer verifying that the relevant property or properties are contiguous with the City of Bentonville and that no enclaves will be created if the property or properties are accepted by the City of Bentonville is attached hereto as Exhibit "D" and is made part of this petition as if set out word for word herein.
- 8 That each of the undersigned persons executing this petition has confirmed by their signature a desire that their property, which is included in the property described above, be annexed into the City of Bentonville.

2020 HAR -3 AM 8: 38

I confirm my desire that property owned by me, which is to be included in a petition to annex property, be annexed into the City of Bentonville.

If the property being annexed is owned jointly, I attest that all owners of the property are signing a copy of this confirmation.

If the property is owned by a trust, I attest either that I have the authority to sign this confirmation on behalf of the trust, or that all persons required to do so by the trust are signing a copy of this confirmation.

If the property is owned by a corporation, limited liability company or other entity I attest either that I have the authority to sign this confirmation on behalf of the entity, or that all persons required to do so by the entity's governing documents are signing a copy of this confirmation.

Signature of Property Owner or Legal Representative of Property Owner Petitioner	Title, if applicable (i.e. Trustee, (Managing Member, President, Secretary)
18-07531-000	
Parcel number of property to be annexed  ACKNOWLI	ALISON K WORLEY MY COMMISSION # 12703510 EXPIRES: February 17, 2028 Benton County
State of Arkansas ) ) ss. County of Benton )	
On this the 19 day of 12 undersigned officer, personally appeared 1ngr satisfactorily proven) to be the person whose has attested that it was executed for the purposes therei	id (05/100 d), known to me (or me is subscribed above and acknowledged and
My Commission Expires:	eison Kunley ARY PUBLIC

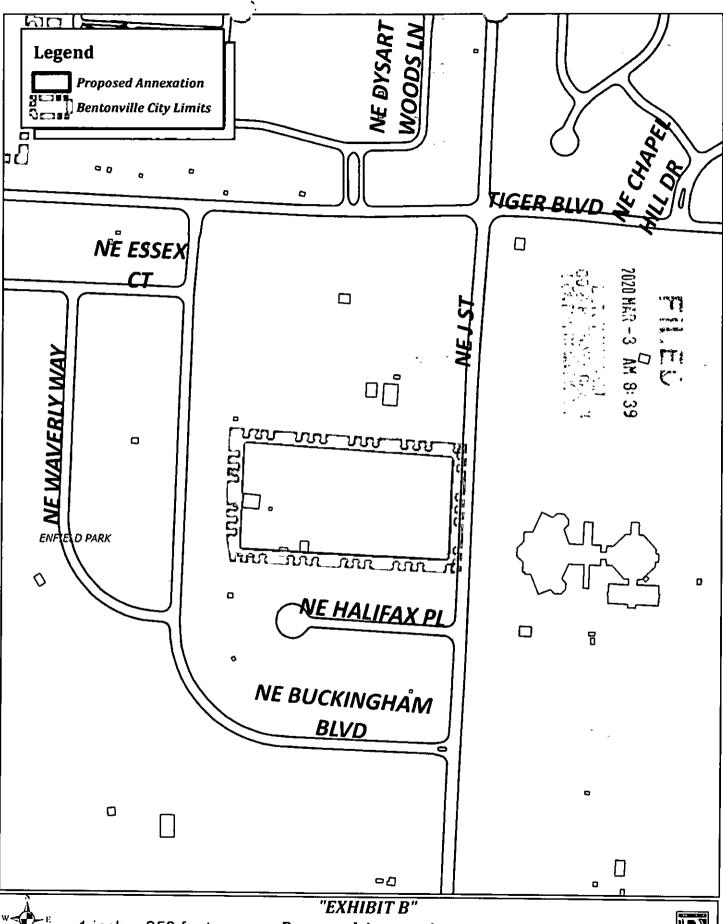
# EXHIBIT "A" Costaldi Annexation

Part of the SE ¼ of the SW ¼ of Section 20, Township 20N, Range 30W, Benton County, Arkansas and more particularly described as follows:

Commencing at the SE Corner of said SE ¼ of the SW ¼.

Thence N 0° 9′ 43″ E, 330.13′ for the Point of Beginning; Thence N 88° 42′ 24″ W, 657.79′; Thence N 0° 4′ 17″ E, 334.10′; Thence S 88° 21′ 44″ E, 658.41′; Thence S 0° 9′ 43″ W, 330.13′ to the Point of Beginning.

2020 HAR -3 AM 8: 39



1 inch = 250 feet

**Proposed Annexation** Costaldi



Benton 216 W Sevier Street Benton, AR 72015

Bentonville 300 SW 28th Street Bentonville, AR 72712

Eureka Springs 70 S. Main Street, Suite 2 Eureka Springs, AR 72632 Fayetteville 1420 Augustine Lane, Suite 1 Fayetteville, AR 72703

> Sheridan 206 N Rose Street Sheridan, AR 72150



Faulkner County Title Company A Division of First National Title Company

A Division of irst National Title Company Conway 711 Locust Street Conway, AR 72034 Little Rock Title Company A Division of First National Title Company Little Rock 1001 W. Markham Street #100 Little Rock, AR 72201

First National
Title Company

Headquarters First National Title Company Little Rock 415 N McKinley Street Suite 1200 Little Rock, AR 72205 Greenbrier 8 Wilson Farm Road, Suite A Greenbrier, AR 72058

January 28, 2020

Greetings,

This letter is given in connection with what is understood to be an effort to voluntarily annex certain real property into the City of Bentonville. Based on our review, we verify that the persons listed in Exhibit C-1 to this letter are all the owners of record of the real property described in Exhibit C-2 to this letter.

Sincerely

Steve Pangle

**Benton County Manager** 

First National Title

# COSTALDI ANNEXATION EXHIBIT "C-1"

COSTALDI TRUST, INGRID D\_

18-07531-000

2020 MAR -3 AM 8: 39

### Costaldi Annexation Exhibit "C-2"

Part of the SE ¼ of the SW ¼ of Section 20, Township 20N, Range 30W, Benton County, Arkansas and more particularly described as follows:

Commencing at the SE Corner of said SE ¼ of the SW ¼.

Thence N 0° 9′ 43″ E, 330.13′ for the Point of Beginning; Thence N 88° 42′ 24″ W, 657.79′; Thence N 0° 4′ 17″ E, 334.10′; Thence S 88° 21′ 44″ E, 658.41′; Thence S 0° 9′ 43″ W, 330.13′ to the Point of Beginning.

### Greetings:

This letter is given in connection with what is understood to be an effort to voluntarily annex certain real property (Costaldi Annexation) into the City of Bentonville. I am a licensed Professional Engineer in the State of Arkansas. Based on my review, I verify that the real property described in Exhibit D-1 to this letter is contiguous with the City of Bentonville and that no enclaves will be created if the described property is accepted by the City of Bentonville.

Sincerely,

PEGISTALIAN INO. 11416 2/20/20

Travis Matlock, P.E.

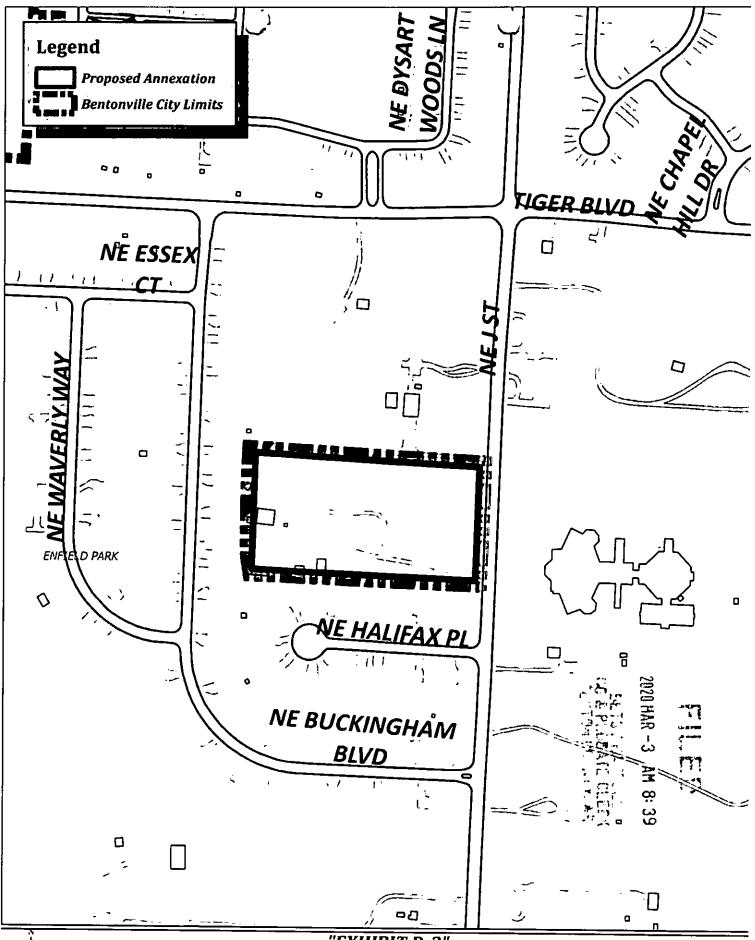
### COSTALDI ANNEXATION EXHIBIT "D-1"

Part of the SE ¼ of the SW ¼ of Section 20, Township 20N, Range 30W, Benton County, Arkansas and more particularly described as follows:

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2020 HAR -3 AM 8: 20





1 inch = 250 feet

"EXHIBIT D-2" Proposed Annexation Costaldi





### Department of Transformation and Shared Services

Governor Asa Hutchinson Secretary Amy Fecher Director Shelby Johnson

February 19, 2020

Mr. Jim Wheeless GIS Coordinator – City of Bentonville 305 SW A Street Bentonville, AR 72712

RE: City of Bentonville Coordination Requirement

Mr. Wheeless,

Thank you for coordinating with our office as you seek to annex property into the City of Bentonville, AR described as the "Costaldi Annexation" and located in Section 20, Township 20 North, Range 30 West. This letter represents confirmation that you have properly coordinated with our office (Arkansas GIS Office) as specified in § 14-40-101 (Act 914 of 2015) of the 90<sup>th</sup> General Assembly.

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

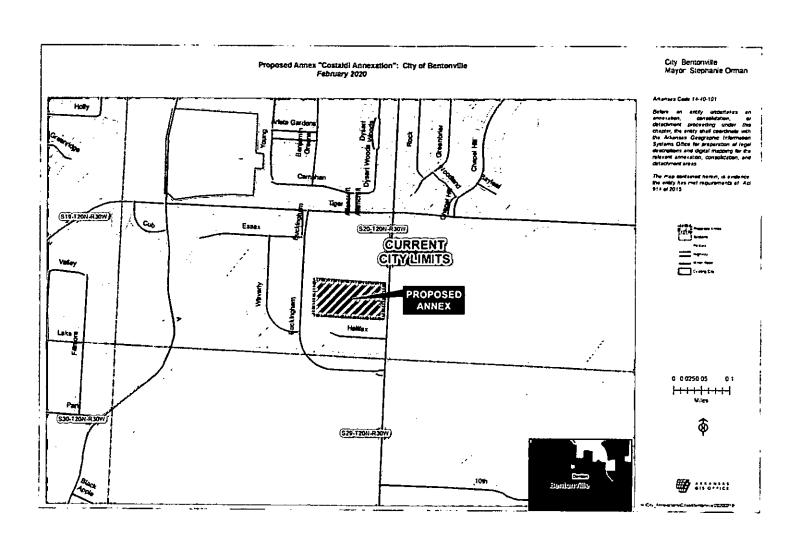
Thank you,

Jennifer Wheeler, GIS Analyst

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

H:\City\_Annexations\Cities\Pea\_Ridge\20191008\Doc\20191008\_Pea Ridge\_Annexation\_Coordination\_Letter.docx





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# EXHIBIT "A" Costaldi Annexation

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2020 MAR -3 AM 8: LO

# BENTON COUNTY

STATE OF ARKANSAS ##########

### **BETSY HARRELL**

### COUNTY CLERK & VOTER REGISTRAR

215 EAST CENTRAL, SUITE 217 BENTONVILLE, AR 72712-5373 479-271-1013

Fax: 479-271-1019

May 6, 2020

PROBATE COURT CLERK COURTHOUSE, IO2 N.E. "A" STREET BENTONVILLE, AR 72712-5350 479-271-5727

Fax: 479-271-1712

Honorable John Thurston Secretary of State Room 256 State Capitol Little Rock, AR 72201-1094

RE: The City of Bentonville
Costaldi Trust, Ingrid D Annexation
Benton County Court Case No. CC# 2020-05

### Dear Secretary Thurston:

In accordance with the law, I am enclosing a certified copy of each of the following:

1. Map (survey and vicinity map) of the affected area

2. Order Authorizing Annexation entered on March 16, 2020

3. Ordinance 2020-79 adopted on April 28, 2020, by the City of Bentonville.

If you have any questions regarding this matter, please do not hesitate to call my office.

Sincerely,

Betsy Harrell By T. Underwood

BH/tku Enclosures

cc:

Roderick Grieve

Benton County Assessor

NW Arkansas Regional Planning Commission

1311 Clayton Street Springdale, AR 72765

Benton County 9-1-1 Administration

ROGERS OFFICE 2111 W. WALNUT (479) 636-3727 FAX (479) 636-4922 ROGERS ARCHIVES 2111 W. WALNUT (479) 636-1037 FAX (479) 636-1053

SILOAM SPRINGS OFFICE 707 S. LINCOLN 479-271-1013 FAX (479) 524-8534 1