



ARKANSAS SECRETARY OF STATE

MARK MARTIN

July 6, 2018

The Honorable Tena O'Brien
Benton County Clerk
215 East Central ST, Suite 217
Bentonville, AR 72712-5373

Re: City of Bentonville Annexation Ordinance 2018-45 with Detachment from the City of Cave Springs

Dear Ms. O'Brien,

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

Filing Type: Annexation pursuant to A.C.A § 14-40-2101 (annexation with detachment from adjoining city)
Effective Date: 06/07/2018 (municipal ordinance)
County: Benton City: Bentonville
City Ordinance: 2018-45 Dated: 03/13/2018
County Court Order: N/A

A file marked copy of the ordinance 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 boundary change by the Arkansas Secretary of State.

If you have any questions or concerns regarding this pending filing, please contact our office at 501-682-3401.

Sincerely,

Handwritten signature of Cynthia Fisher in cursive.

Cynthia Fisher
Arkansas Secretary of State Legal Division
500 Woodlane St, Room 256
Little Rock, AR 72201
501-682-3401

cc: Arkansas Geographic Information Systems Office (w/ encl)
Arkansas Highway and Transportation Department Mapping Department (w/ encl)
Department of Finance and Administration (w/encl)
Arkansas Public Service Commission (w.encl)
UALR Institution for Economic Advancement (w/encl)
Tom-Tom (w/encl)
Honorable Bob McCaslin, Mayor of Bentonville (w/encl)



Arkansas Secretary of State

Mark Martin Arkansas Secretary of State, 500 Woodlane Ave, Little Rock, AR 72201-1094

Municipal Boundary Change Checklist

County: Benton City/Town: Bentonville

City Ordinance/Resolution No: 2018-45 Date approved: 03/13/2018

County Court Case No: _____ Date Order Filed: _____

Type: Annexation with Detachment from adjoining city at city request A.C.A §14-40-2101

Date Change Effective: 06/07/2018 Set by: Municipal Ordinance Emergency Clause Default
(Required by Act 653 of 2017)

For Circuit Court Challenge: Date Order Filed: _____ Upheld Overturned Other *(attach explanation)*

Initiating party:

All Landowners Majority Landowners Municipal Governing Body State Other _____

Supporting Documentation attached *(check all that apply):*

- File marked copy of City Ordinance/Resolution *(required)*
- File marked copy of County Court Order or certified annexation election results *(required except for island annexation)*
- Copy of Arkansas GIS Office approved printed map and certification letter *(required)*
- Proof of Publication for all Legal Notices *(include Hearing, Election, and City Ordinance/Resolution notices)*
- File marked copy of Petition Part *(if applicable)*
- File marked copy of Complaint and final Circuit Court Order *(Court Challenge only)*

Municipal Contact:

Name: Bob McCaslin Title: Mayor

Street Address: 117 W Central Ave

City: Bentonville St: AR Zip code: 72712

Complete one form per ordinance/resolution, attach it as a cover page to the supporting document set and submit to the County Clerk's Office within 45 days of the Effective Date as required by Act 655 of 2017

County Official:

Signature: *Tiffany Underwood* Title: Deputy County Clerk

Date: 06/28/2018

Pursuant to Act 655 of 2017, County Officials must submit a file-marked copy of municipal boundary change documentation within 30 days of receipt to: Arkansas Secretary of State, Attn: Municipal Boundary Filing, 500 Woodlane Ave Suite 256, Little Rock, AR 72201-1094

Office of the Arkansas Secretary of State use only

Received by: *Cynthia Fisher*

FILED

JUL 16 2018

**Arkansas
Secretary of State**

BENTON COUNTY

STATE OF ARKANSAS

TENA O'BRIEN

COUNTY CLERK & VOTER REGISTRAR

215 EAST CENTRAL, SUITE 217
BENTONVILLE, AR 72712-5373

June 28, 2018

PROBATE COURT CLERK

COURTHOUSE, 102 N.E. "A" STREET
BENTONVILLE, AR 72712-5350

Honorable Mark Martin
Secretary of State
Room 256 State Capitol
Little Rock, AR 72201-1094

RECEIVED

JUL 03 2018

**Arkansas
Secretary of State**

RE: City of Bentonville Ordinance #2018-45
Detach Certain Land from the City of Cave Springs

Dear Secretary Martin:

Enclosed please find a certified copy of the City of Bentonville Ordinance No. 2018-45 detaching certain real property from the City of Cave Springs.

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

Very truly yours,



Tena O'Brien *By Tena O'Brien*

TO/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

COUNTY CLERK
(479) 271-1013
FAX (479) 271-1019

VOTER REGISTRAR

BENTONVILLE
(479) 271-1013
FAX (479) 271-1019

SILOAM SPRINGS
FAX (479) 524-8534

PROBATE COURT CLERK
(479) 271-5727
FAX (479) 271-1712

ROGERS
(479) 636-3727
FAX (479) 636-4922
ARCHIVIST (479) 636-1037
FAX (479) 636-1053

FILED

2018 MAY 25 AM 10:39

RECORDED
CLERK OF THE CLERK
STATE OF ARKANSAS

ORDINANCE NO. 2018-45

AN ORDINANCE PROPOSING THE SIMUTANEOUS DETACHMENT AND ANNEXATION INTO THE CITY OF BENTONVILLE OF TERRITORY CURRENTLY WITHIN THE CITY LIMITS OF THE CITY OF CAVE SPRINGS, AND MAKING THAT TERRITORY A PART OF THE CITY OF BENTONVILLE AND ASSIGNING IT TO A WARD IN THE EVENT IT IS RELEASED BY THE CITY OF CAVE SPRINGS

WHEREAS, Sewell Development, LLC and the City of Bentonville are the owners of certain territory in the City of Cave Springs, Benton County, Arkansas, described as follows:

Part of the SE ¼ of the SE ¼ of Section 13, Township 19N, Range 31W, and more particularly described as follows.

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

Thence N 2° 43' 50" E, 825.69';
Thence S 87° 15' 34" E, 1314.27';
Thence S 2° 49' 42" W, 834.18';
Thence N 86° 53' 20" W, 1312.87' to the point of beginning.

AND

Part of the SE ¼ of the SE ¼ of Section 13, Township 19N, Range 31W, and more particularly described as follows.

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

Thence N 2° 42' 49" E, 92.42';
Thence N 54° 28' 37" E, 26.49';
Thence S 33° 38' 09" E, 90.05';
Thence S 54° 28' 37" W, 53.89';
Thence S 55° 08' 58" W, 5.17';
Thence N 86° 51' 48" W, 27.76' to the point of beginning.

FILED

JUL 06 2018

Arkansas
Secretary of State

2018 MAY 25 AM 10:39

TERA TORREN
NOTARY PUBLIC
SEVENTH DISTRICT, ARK.

WHEREAS, a map of the described territory is on file with the City Clerk and

WHEREAS, Sewell Development, LLC desires to initiate plans to develop the portion of the described property owned by it and desires sewer service to the property, and

WHEREAS, the City of Cave Springs is unable to provide sewer service to the portion of the described property owned by Sewell Development, LLC currently and has no fixed plans to provide such service to that property at any time in the near future, and

WHEREAS, the City of Bentonville would be able to provide sewer services to the portion of the described property owned by Sewell Development, LLC, as it currently has sewer service on immediately adjacent property, and

WHEREAS, the portion of the property described above owned by the City of Bentonville is a small portion of the property, all of which is right-of-way for Highway 112 and is included in this proposed detachment and annexation in order to avoid creating an enclave,

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

Section 1. That the City Council of the City of Bentonville calls for simultaneous detachment of the property described above from the City of Cave Springs to be annexed to the City of Bentonville.

Section 2. That a copy of this ordinance and the map showing the property shall be sent to the City Council of the City of Cave Springs requesting it hold a public hearing on the issue of simultaneous detachment and annexation of the described property within sixty days of the adoption of this ordinance by the City of Bentonville, that it coordinate with the City of Bentonville to have the City of Bentonville publish a required notice of that public hearing at least fifteen days before it is conducted, and that at the next regular meeting after the public hearing that it vote on the proposal, all as provided for in § 14-40-2101 of the Arkansas Code.

Section 3. That in the event the detachment and annexation is approved by the City of Cave Springs, the described territory shall be zoned A-1, to be used in accordance with City zoning laws and the laws of the State of Arkansas and shall become part of Ward 4.

Section 4: That the annexation contemplated by this ordinance shall become effective thirty days after the City of Cave Springs adopting an ordinance concurring in the detachment and annexation of the described property.

PASSED AND APPROVED THIS 13th DAY OF March, 2018.

APPROVED: Bob McCaslin
HON. BOB McCASLIN, Mayor

ATTEST: Linda Spence
HON. LINDA SPENCE, City Clerk

JENNA O'BRIEN
2018 MAY 25 AM 10:39
SENITOR CLERK
CITY OF CAVE SPRINGS

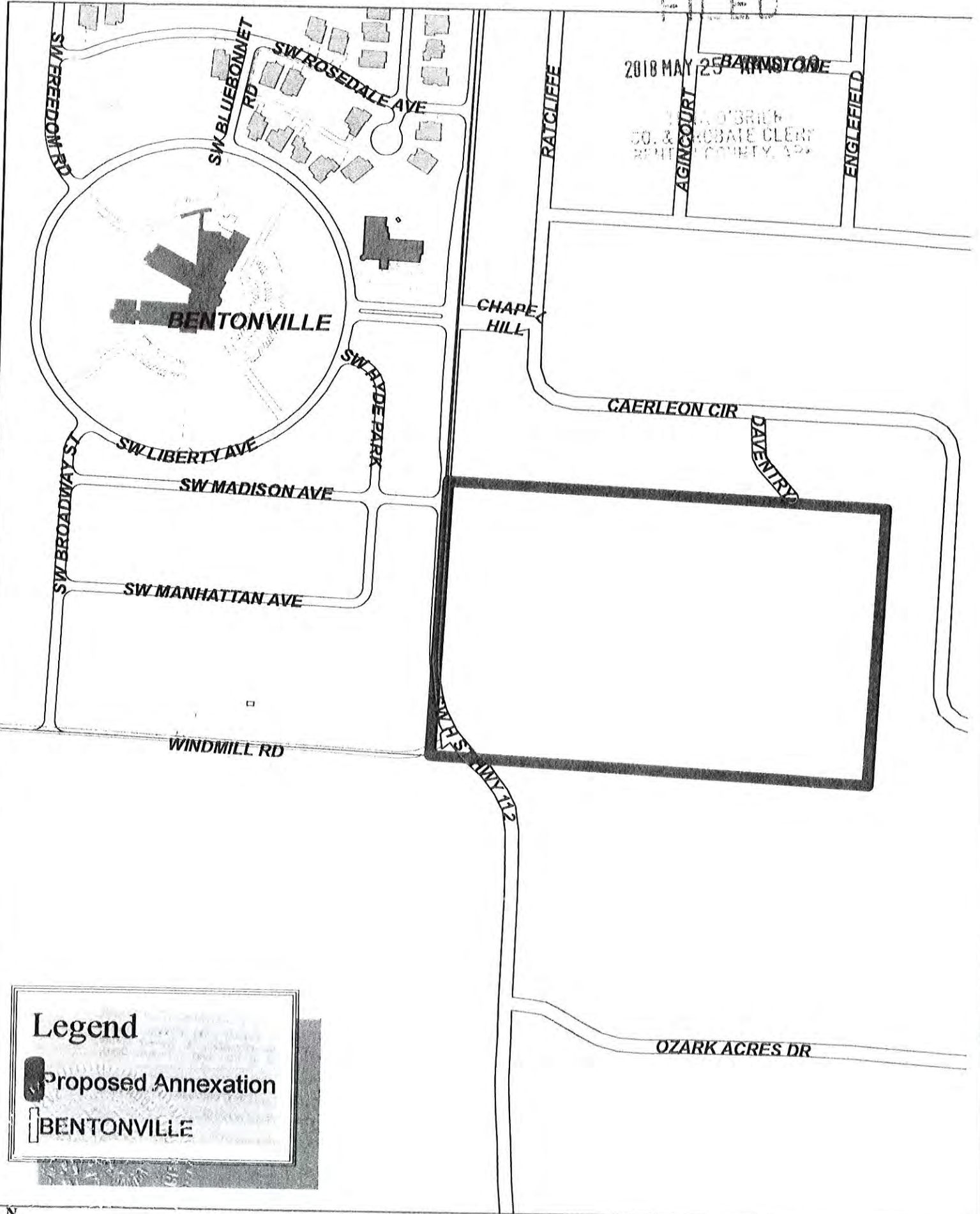
2018 MAY 25 AM 10:39

116-5517



FILED

2018 MAY 25

CLERK OF COURT
BENTON COUNTY, AR



Legend

-  Proposed Annexation
-  BENTONVILLE



2018 1685
Sewell Annexation

1 inch = 368 feet



FILED

2018 JUN 28 AM 8: 58



L201825640 5/21/2018 10:16:01 AM

Recorded - Benton County, AR
Brenda DeShields, Circuit Clerk

RECORDS & CLERK
BENTON COUNTY, AR

ORDINANCE NO. 2018- 10

CITY OF CAVE SPRINGS, BENTON COUNTY, ARKANSAS

**AN ORDINANCE CONCURRING IN AND APPROVING THE
SIMULTANEOUS DETACHMENT AND ANNEXATION
INTO THE CITY OF BENTONVILLE OF TERRITORY
CURRENTLY WITHIN THE CITY LIMITS OF THE CITY
OF CAVE SPRINGS.**

WHEREAS, Sewell Development, LLC and the City of Bentonville are the owners of certain territory in the City of Cave Springs, Benton County, Arkansas, described as follows:

Part of the SE ¼ of the SE ¼ of Section 13, Township 19N, Range 31W, and more particularly described as follows.

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

- Thence N 2° 43' 50" E, 825.69';
- Thence S 87° 15' 34" E, 1314.27';
- Thence S 2° 49' 42" W, 834.18';
- Thence N 86° 53' 20" W, 1312.87' to the point of beginning.

AND

Part of the SE ¼ of the SE ¼ of Section 13, Township 19N, Range 31W, and more particularly described as follows.

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

- Thence N 2° 42' 49" E, 92.42';
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- Thence S 33° 38' 09" E, 90.05';
- Thence S 54° 28' 37" W, 53.89';
- Thence S 55° 08' 58" W, 5.17';
- Thence N 86° 51' 48" W, 27.76' to the point of beginning.

WHEREAS, a map of the described territory is on file with the City Clerk; and

WHEREAS, Sewell Development, LLC desires to initiate plans to develop the portion of the described property owned by it and desires sewer service to the property; and

WHEREAS, the City of Cave Springs is unable to provide sewer service to the portion of the described property owned by Sewell Development, LLC currently and has no fixed plans to provide such service to that property at any time in the near future; and

FILED

JUL 26 2018

**Arkansas
Secretary of State**

FILED
CLERK OF COURSE
STATE OF ARKANSAS

WHEREAS, the City of Bentonville would be able to provide sewer services to the portion of the described property owned by Sewell Development, LLC, as it currently has sewer service on immediately adjacent property; and

WHEREAS, the portion of the property described above owned by the City of Bentonville is a small portion all of which is right-of-way for Highway 112 and is included in this proposed detachment and annexation in order to avoid creating an enclave; and

WHEREAS, the City Council of the City of Bentonville has adopted an ordinance calling for the simultaneous detachment of the described property from the City of Cave Springs and annexation to the City of Bentonville; and

WHEREAS, the described ordinance was adopted within the last sixty days; and

WHEREAS, prior to consideration of this ordinance, a public hearing was held allowing any interested party to appear and present their views on the proposal; and

WHEREAS, at least fifteen days prior to the public hearing, the City of Bentonville published notice of the hearing as required by § 14-40-2101 of the Arkansas Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Cave Springs, Arkansas:

Section 1. That the City Council of the City of Cave Springs concurs in and approves the simultaneous detachment of the property described above from the City of Cave Springs to be annexed to the City of Bentonville.

Section 2. That the annexation contemplated by this ordinance shall become effective thirty days after the adoption of this ordinance.

PASSED AND APPROVED this 8 day of May, 2018.

APPROVED:


Travis Lee., Mayor

ATTEST:


Kimberly Hutcheson, City Recorder-Treasurer
(SEAL)



FILED FOR RECORD
AT 3:10 O'CLOCK P.M.

MAY 09 2018
CITY OF CAVE SPRINGS, AR
CITY CLERK

FILED
I hereby certify that this instrument was
filed and recorded in the Official Record
of Benton County, Arkansas, on
5/21/2018 at 10:16:01 AM
Brenda Oschlies, Circuit Clerk
BENTON CO, AR FEE \$27.00
User Name: LARA
CERTIFICATE OF RECORD
STATE OF ARKANSAS, COUNTY OF BENTON



**ARKANSAS
GIS OFFICE**

FILED

2018 JUN 28 PM 12:49

**TELLA M. BRIEN
COUNTY CLERK
BENTON COUNTY, ARK**

February 13, 2018

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

RE: City of Bentonville Annexation Coordination Requirement

Mr. Wheelless,

Thank you for coordinating with our office as you seek to annex property into the City of Bentonville, AR described as the "Sewell Annexation". Per your information, this area is currently in the process of being de-annexed from the City of Cave Springs and may subsequently be annexed into the City of Bentonville. 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 90th 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
/jjw

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

FILED

JUL 06 2018

**Arkansas
Secretary of State**

H:\City_Annexations\Cities\Bentonville\20180213\Doc\20180213_Bentonville_Annexation_Coordination_Letter.docx

ARKANSAS GIS OFFICE · 1 CAPITOL MALL SUITE 6D · LITTLE ROCK · ARKANSAS · 72201

PHONE (501) 682-2767 · www.gis.arkansas.gov · FAX (501) 682-6077

Proposed Annex: City of Bentonville
February 2018

City: Bentonville
Mayor: Bob McCaslin

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, in evidence the entity has met requirements of Act 914 of 2015



FILED

JUL 06 2018

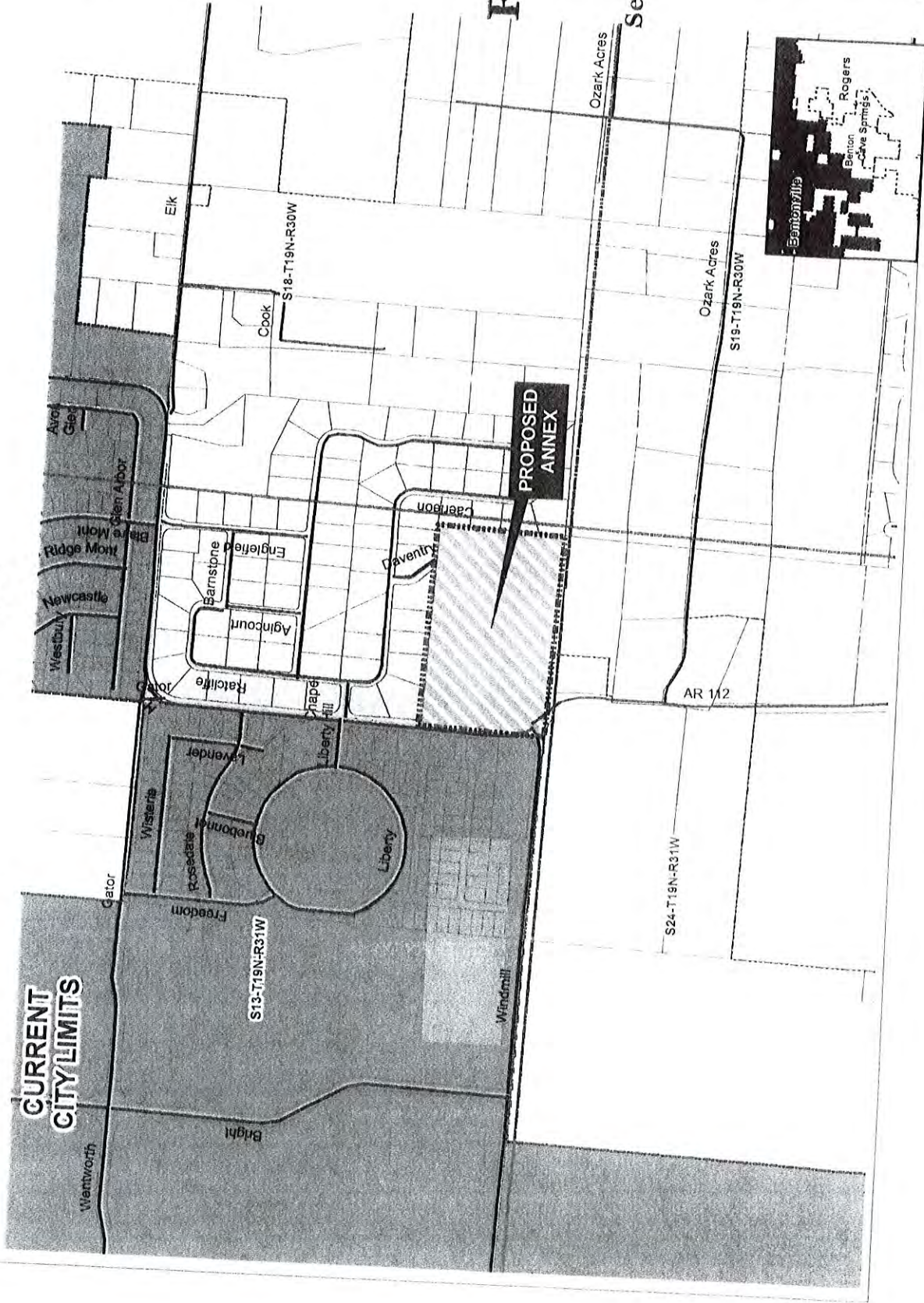
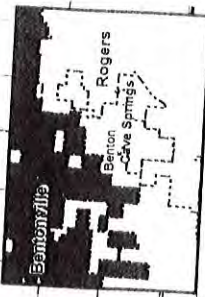
Arkansas
Secretary of State

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Miles

2018 JUN 28

CLERK
BENTON COUNTY, ARK



Arkansas
GIS OFFICE
Benton
Cave Springs
Rogers

FILED