

JOHN THURSTON

ARKANSAS SECRETARY OF STATE

October 27, 2020

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

Re:

City of Bentonville Annexation Ordinance 2020-164

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: 9/24/2020

County: Benton

City Ordinance: 2020-164

County Court Order: 2020-010

City: Bentonville

Dated: 8/25/2020

Date Filed: 9/9/2020

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

CC:

Arkansas Geographic Information Systems Office (w/encl)

Arkansas Department of Transportation Mapping Department (w/encl)

Department of Finance and Administration (w/encl)

Arkansas Public Service Commission (w/encl)

aau.

Arkansas Economic Development Institute (w/encl)

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

The Hon. Linda Spence, Bentonville City Clerk (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: 2020-	164 Date approved: 08/25/2020
County Court Case No: 2020-10	Date Order Filed: 07/15/2020 0/9/20 SM
Type: Annexation by Petition of all Landov	vners A.C.A §14-40-609
Date Change Effective: 09/24/2020 (Required by Act 653 o)	Set by: Municipal Ordinance OEmergency Clause O Default f 2017)
For Circuit Court Challenge: Date Orde	r Filed: OUpheld Ooverturned Oother (attach explanation)
Initiating party:	
All Landowners OMajority Landow	ners OMunicipal Governing Body O State OOther
Supporting Documentation attached (cl	heck all that apply):
File marked copy of City Ordinance	1/Resolution (required)
	Order or certified annexation election results (required except for island annexation)
	ved printed map and certification letter (required)
<u></u>	otices (include Hearing, Election, and City Ordinance/Resolution notices)
File marked copy of Petition Part (i)	f applicable)
File marked copy of Complaint and	final Circuit Court Order (Court Challenge only)
Municipal Contact:	
Name: Linda Spence	Title: City Clerk
Street Address: 117 W Central Ave	
City: Bentonville	St: AR Zip code: 72712
Complete one form per ordinance/resolution, at	tach it as a cover page to the supporting document set and submit to the County Clerk's
Office within 45 o	days of the Effective Date as required by Act 655 of 2017
County Official:	
Signature: Cleemasters	Title: Deputy Clerk
Date: 09/16/2020	
Pursuant to Act 655 of 2017, County Officials must	submit a file-marked copy of municipal boundary change documentation within 30 days of Municipal Boundary Filing, 500 Woodlane Ave Suite 256, Little Rock, AR 72201-1094
Office of the Arkansas Secretary of State	use only
	FILED
Received by: Shaddle	(all) OCT 27 2020

Arkansas Secretary of State

2020 AUS 28 PM 2: 04

ORDINANCE NO. 2020 - 14억

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 15th day of July , 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 part of 2020 AUG 28 TH 2-U4

Ward 3_ of the City of Bentonville, and the same shall henceforth be a part of said ward as 60 2 PEOBAGE SLERI.

fully as existing parts of said ward.

Section 3. That the above described territory shall be zoned <u>A-1</u>, 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 <u>25</u> DAY OF August, 2020.

APPROVED:

HON, STEPHANIE ORMAN, Mayor

ATTEST

City

2020 3643

2020 SEP -9 PM 1:43
CO & PAGE 1 THE FAME BENT TO A PROPERTY A PROP

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

CC 2020-10

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

9.8.7070

Date

TRENTON HARMON ANNEXATION EXHIBIT "A"

2020 AUG 28 PH 2: 04

PLIST TARNELL CO & FEOBATE CLERK BENT MICOUNTY, AR

2020 JUL 15 PM 1: 12

BETSY HARRELL CO & PROBATE CLERK BENTON COUNTY, AR

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 2020-10

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 for	ward a copy of this order and the related Petition to the
Mayor of the City of BENTONVILLE.	HON. BARRY MOEHRING, County Judge
	Date

THE EL

TRENTON HARMON ANNEXATION EXHIBIT "B"

2020 AUG 28 PM 2: 04

BÉTSY HARRELL 30 & PROBATE CLERY, SENT M COUNTY, AR

The West $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 13, Township 19N, Range 31W, Benton County, Arkansas, Containing 20 Acres More or Less.

BENTON COUNTY

BETSY HARRELL

COUNTY CLERK & VOTER REGISTRAR

215 EAST CENTRAL, SUITE 217 BENTONVILLE, AR 72712-5373 479-271-1013 Fax: 479-271-1019 PROBATE COURT CLERK

COURTHOUSE, 102 N.E. "A" STREET BENTONVILLE, AR 72712-5350 479-271-5727 FAX: 479-271-1712

July 16, 2020

Honorable Stephanie Orman City of Bentonville 117 W. Central Ave Bentonville, AR 72712

> Re: In the Matter of Annexing to the City of Bentonville, Arkansas Certain Territory Contiguous To Said City of Bentonville, Arkansas

Dear Mayor Orman:

The County has received and processed a proposed annexation pursuant to ACA § 14-40-609 related to annexations by 100% of the property owners. I am transmitting to you a copy of the documents relating to the proposed annexation for consideration by the Bentonville City Council.

If your council and you approve the annexation, please ask your clerk or recorder to return to me one (1) certified copy of the plat of the annexed property and one (1) certified copy of the ordinance or resolution approving the annexation so that I can send those on to the Secretary of State as required by the statute.

Please feel free to contact me if you have questions.

Sincerely,

BETSY HARRELL, County Clerk by Turdenwed

Harrell

enc

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 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, RETSW/HARRELL, County Clerk

HON. RODERICK GRIEVE, County Assessor



-2020 JUL 13 AMII: 10

BETSY MARRELL
CO & PROMATE CLERK
BENTOH COUNTY, AR

Date: July 7, 2020

Subject: Proposed Annexation Checklist

CC 2020-10 Bentonville, AR

(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;

 $\sqrt{(C)}$ 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.

MA [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 JUN 29 PM 3: 57

BETSY HARRELL CO & PRODATE CLERK BENTON COUNTY, AR

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

NO. <u>CC 2020-10</u>

PETITION FOR ANNEXATION – 100 % OF OWNERS PETITIONING

DATE:_	6	/26	12020	

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.

2020 JUN 29 PM 3: 57

BETSY HARRELL

6. That 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 is attached hereto as Exhibit "C" and is made part of this petition as if set out word for word herein.

- 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 JUN 29 PM 3: 57

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

CO & PROBATE CLERK RENTON COUNTY FOR

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.

Tautham	•		
Signature of Property Owner or Legal Representative of Property Owner, Petitioner	Title, if applicable (i.e. Trustee, (Managing Member, President, Secretary)		
18-08920-000 + 18-08920-0	poi		
Parcel number of property to be annexed	-		
State of Arkansa (S) County of Benton (S) On this the 10 day of we undersigned officer, personally appeared Treat satisfactorily proven) to be the person whose name is sattested that it was executed for the purposes therein appared	, 2020 (S) , 2019, before me, the Harmon (or subscribed above and acknowledged and		
NOTARÝ P My Commission Expires:	PUBLIC		

NOTARY PUBLIC for the State of Montana Residing at Thompson Falls, Montana My Commission Expires November 30, 2020

2020 JUN 29 PM 3: 57

I confirm my desire that property owned by me, which is to be included, 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)

18-08920-000 18-08920-001 Parcel number of property to be annexed

<u>ACKNOWLEDGMENT</u>

State of Arkansas S	
Sander's) County of Benton (5)	

On this the 19 day of June undersigned officer, personally appeared Sarah Harmon , known to me (or satisfactorily proven) to be the person whose name is subscribed above and acknowledged and

attested that it was executed for the purposes therein apparent.

SS.

My Commission Expires:

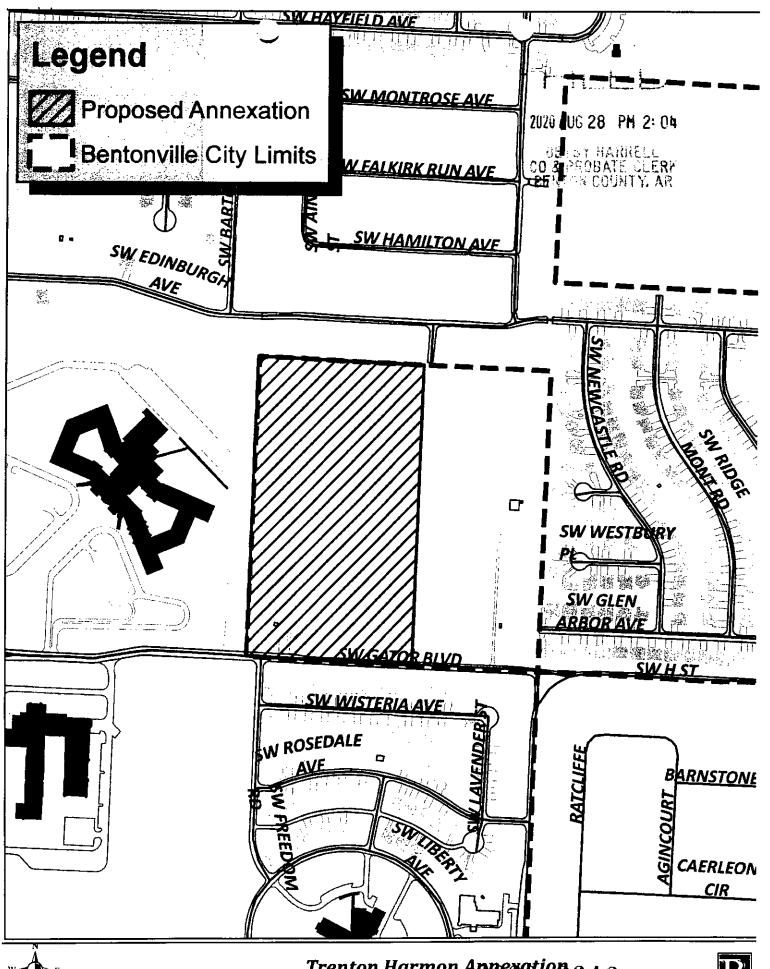
JULIE L SOL NOTARY PUBLIC for the State of Montana Residing at Thompson Falls, Montana My Commission Expires November 30, 2020

2020 JUN 29 PM 3: 57

TRENTON HARMON ANNEXATION EXHIBIT "A"

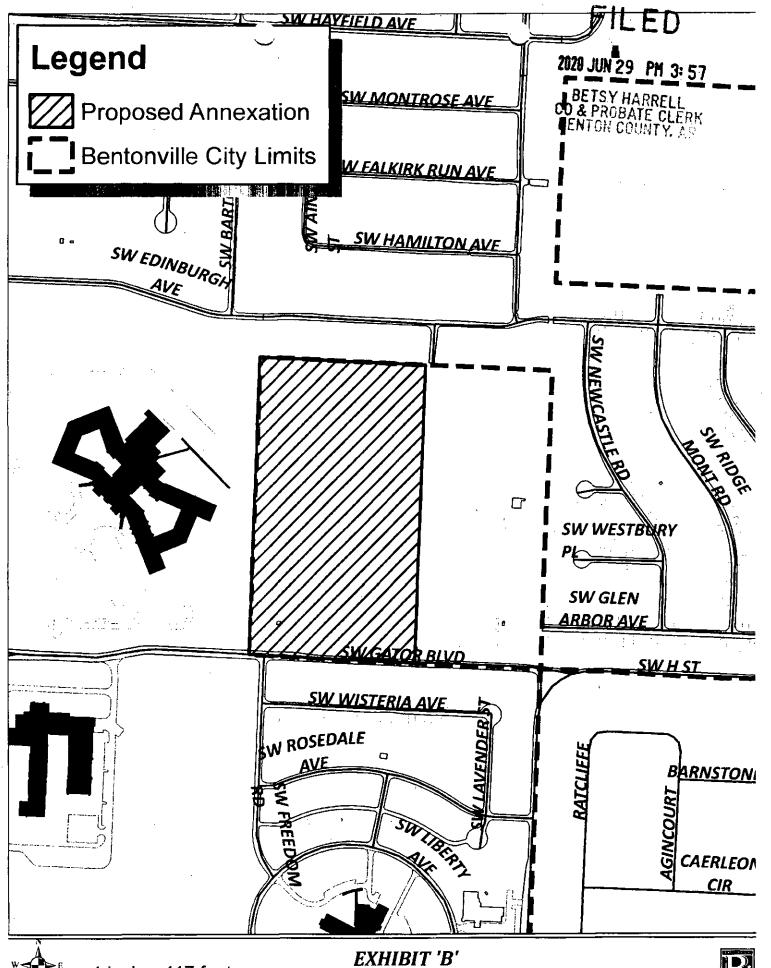
BETSY HARRELL CO & PROBATE CLERK BENTON COUNTY, AR

The West $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 13, Township 19N, Range 31W, Benton County, Arkansas, Containing 20 Acres More or Less.





Trenton Harmon Annexation 3646 Exhibit "B" B



1 inch = 417 feet

Trenton Harmon Annexation



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 I Fayetteville, AR 72703

> Sheridan 206 N Rose Street Sheridan, AR 72150



EXHIB. Little Rock Title Company

Faulkner County Title Company A Divization LLN 2

National Time
Conway
711 Locust Specific To Y HARREDGE, AR 72201
CONWAY, AR ARREDGE AR 72201
CO & PROBATE CLERK Greenbrier

Greenbrier, AR 72058

Headquarters First National Title Company Little Rock 415 N McKinley Street Suite 1200 Little Rock, AR 72205

June 23, 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.

Sincere

∕Steve Pangle

Benton County Manager

First National Title

2020 JUN 29 PM 3: 57

TRENTON HARMON ANNEXATION EXHIBIT "C-1"

BETSY HARRELL CO & PROBATE CLERK BENTON COUNTY, AR

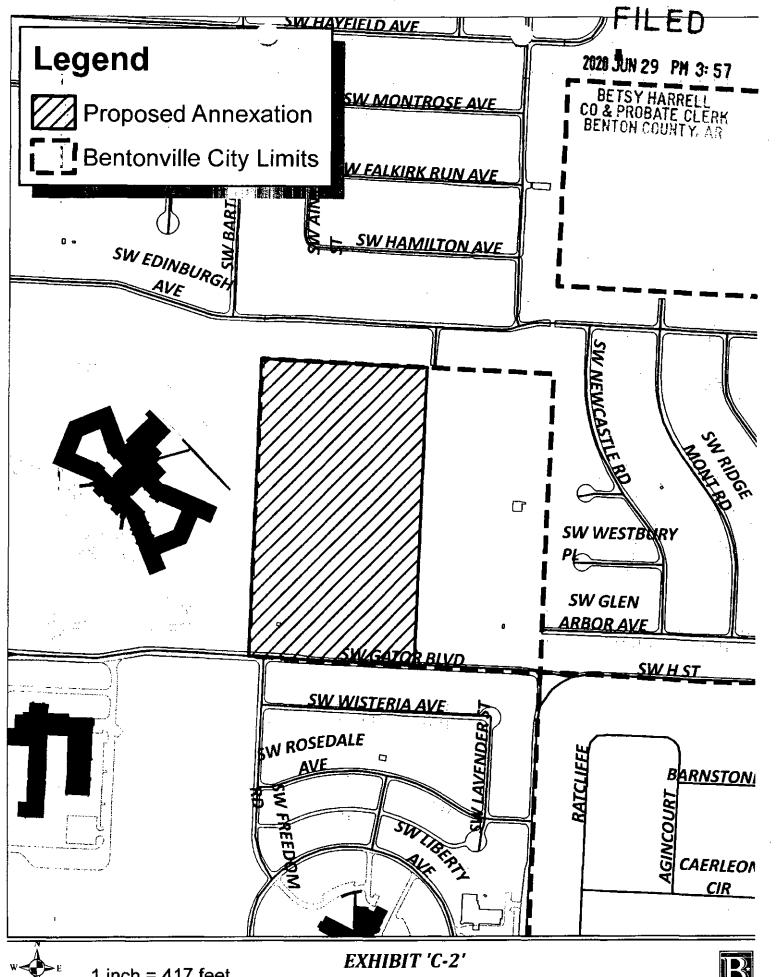
Trenton H. & Sarah C. Harmon_______18-08920-000 18-08920-001

2020 JUN 29 PM 3: 57

TRENTON HARMON ANNEXATION EXHIBIT "C-2"

BETSY HARRELL CO & PROBATE CLERK BENTON COUNTY, AR

The West $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 13, Township 19N, Range 31W, Benton County, Arkansas, Containing 20 Acres More or Less.





1 inch = 417 feet

Trenton Harmon Annexation



EXHIBIT "D"

2020 JUN 29 PM 3: 58

BETSY HARRELL CO & PROBATE CLERK BENTON COUNTY AS

Greetings:

This letter is given in connection with what is understood to be an effort to voluntarily annex certain real property (Trenton Harmon 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,

AREANSAS

REGISTERED

No. 11416

25 W. MAT 6/23/20

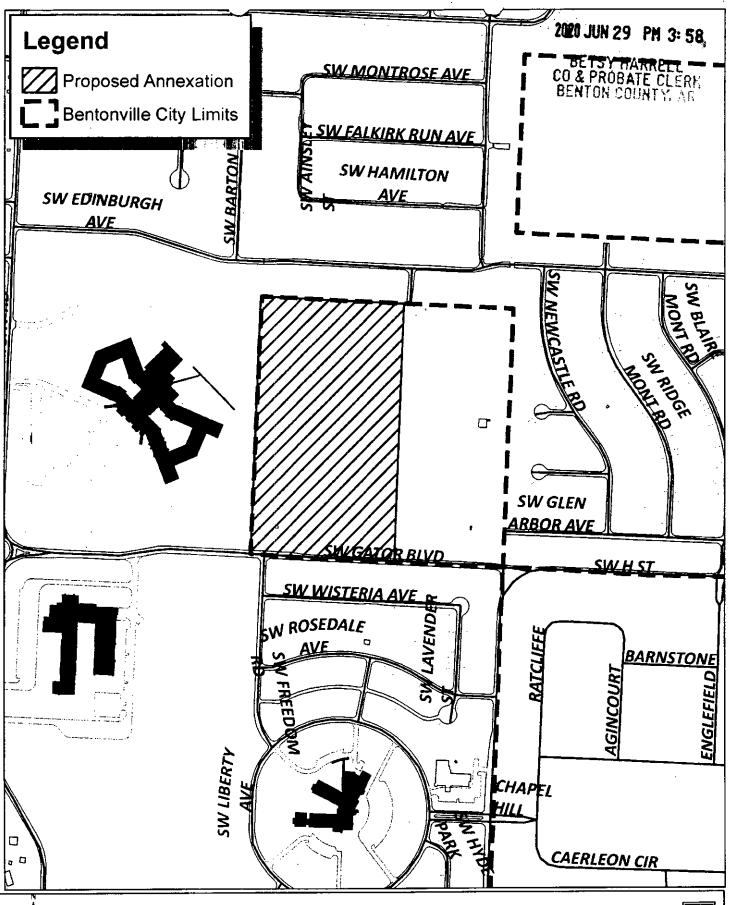
Travis Matlock, P.E.

2020 JUN 29 PM 3: 58

TRENTON HARMON ANNEXATION EXHIBIT "D-1"

BETSY HARRELL CO & PROBATE CLERK BENTON COUNTY, AS

The West ½ of the SW ¼ of the NE ¼ of Section 13, Township 19N, Range 31W, Benton County, Arkansas, Containing 20 Acres More or Less.



1 inch = 459 feet

Trenton Harmon Annexation Exhibit "D-2"

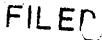


2020 JUN 29 PM 3: 58

HARMON ANNEXATION
EXHIBIT "A"

BETSY HARRELL CO & PROBATE CLERK BENTON COUNTY, AF

The West $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 13, Township 19N, Range 31W, Benton County, Arkansas, Containing 20 Acres More or Less.





2020 JUN 29 PM 3: 58

Department of Transformation BETSY HARRELI CO & PROBATE CLERK BENTON COUNTY, AR

and Shared Services Governor Asa Hutchinson Secretary Amy Fecher Director Shelby Johnson

June 22, 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 "Trenton Harmon Annexation" and located in Section 13, Township 19 North, Range 31 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 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

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

 $H:\City_Annexations\Cities\Bentonville\20200622\Doc\20200622_Bentonville_Annexation_Coordination_Letter.doc x.$

ARKANSAS GIS OFFICE

1 Capitol Mall, Suite 6D • Little Rock, AR 72201 • 501.682.2767 gis.arkansas.gov • transform.ar.gov



2020 JUN 29 PM 3: 58

BETSY HARRELL CO & PROBATE CLERK BENTON COUNTY, AR

