



# JOHN THURSTON

ARKANSAS SECRETARY OF STATE

January 14, 2020

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

Re: City of Pea Ridge Annexation Ordinance 653

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: 12/19/2019

County: Benton

City Ordinance: 653

County Court Order: 2019-18

City: Pea Ridge

Dated: 11/19/2019

Date Filed: 11/21/2019

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,

A handwritten signature in cursive script, appearing to read "Shantell McGraw".

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)  
Arkansas Economic Development Institute (w/encl)  
The Hon. Jackie Crabtree, Mayor of Pea Ridge (w/encl)  
The Hon. Sandy Button, Pea Ridge City Clerk/treasurer (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: Pea Ridge

City Ordinance/Resolution No: 653 Date approved: 11/19/2019

County Court Case No: 2019-18 Date Order Filed: 10/4/2019 *11/21/19 SM 12/19/19*

Type: Annexation by Petition of all Landowners A.C.A. 14-40-609

Date Change Effective: 12/19/2019 Set by:  Municipal Ordinance  Emergency Clause  Court  Default  
*(Required by Act 655 of 2017)*

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

Please indicate which ward(s) the territory will be assigned to: \_\_\_\_\_  
*(See A.C.A § 14-40-203)*

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 A.C.A. §14-40-501)*
- Copy of Arkansas GIS 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: Sandy Button Title: City Clerk

Street Address: PO Box 10

City: Pea Ridge St: AR Zip code: 72751

*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: Cleemaster Title: Deputy Clerk

Date: 11.22.19

*Pursuant to Act 655 of 2017, County Officials must submit a file-marked copy of municipal boundary change documents 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: \_\_\_\_\_

**FILED**

**JAN 14 2020**

**Arkansas Secretary of State** Rev. 2/2019

FILED

2019 NOV 21 AM 10:42

**ORDINANCE NO. 653**

BETSY HARRELL  
CO & PROBATE CLERK  
BENTON COUNTY, AR

AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF PEA RIDGE; APPROVING THE SCHEDULE OF SERVICES TO BE EXTENDED TO SAID AREA; AND ASSIGNING SUCH TO WARDS

WHEREAS, a petition was filed, pursuant to A.C.A. 14-40-609, for the annexation of certain territory into the City of Pea Ridge, Arkansas; and

WHEREAS, the Benton County Assessor and the Benton County Clerk have verified that the petition: (A) is in writing; (B) contains an attestation signed before a notary by the property owner of the relevant property confirming the desire to be annexed; (C) contains an accurate description of the relevant property; (D) contains a letter or title opinion from a certified abstractor or title company verifying that the petitioner is the owner of record of the relevant property; (E) contains a letter or verification 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 or properties are accepted by the city; and (F) includes a schedule of services of the annexing city that will be extended to the area within three (3) years after the date the annexation becomes final; and presented the petition and records of the matter to the Benton County Judge; and

WHEREAS, the County Judge has: (A) reviewed the petition and records for completeness and accuracy; (B) determined that no enclaves will be created by the annexation; (C) confirmed that the petition contains a schedule of services; and (D) issued an order articulating these findings, and forwarded the petition and an Order authorizing the annexation to the contiguous City of Pea Ridge for consideration; and

WHEREAS, it is the desire of the Mayor and City Council of Pea Ridge that said territory be annexed.

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

SECTION 1. That the following described territory, in Benton County, Arkansas, contiguous to the City of Pea Ridge, be and the same is hereby accepted as part of, and annexed to and made a part of the City of Pea Ridge, Arkansas to wit:

Being more particularly described as follows:

DESCRIPTION FROM DEED RECORD 92-30642, DEED RECORD 95-67244, DEED RECORD 2000-126803, AND DEED RECORD L201939713

THE N 1/2 OF THE NW 1/4 AND 30 ACRES OFF THE NORTH SIDE OF THE S 1/2 OF THE NW 1/4, SECTION 26, TOWNSHIP 21 NORTH, RANGE 30 WEST,

**2019 3760**

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BETSY HARRELL  
CO & PROBATE CLERK  
BENTON COUNTY, AR

EXCEPT BEGINNING 668 FEET NORTH OF THE SE 1/4 CORNER  
NORTH 15 ACRES OF THE SE 1/4 OF THE SAID NW 1/4;  
THENCE NORTH 462 FEET;  
THENCE WEST 936 FEET;  
THENCE SOUTH 462 FEET;  
THENCE EAST 936 FEET TO THE PLACE OF BEGINNING. SUBJECT TO THE  
RIGHT-OF-WAY OF HIGHWAY #94 ALONG THE EAST SIDE THEREOF;

ALSO, EXCEPT A PART OF THE SE 1/4 OF THE NW 1/4 OF SECTION 26,  
TOWNSHIP 21 NORTH, RANGE 30 WEST IN BENTON COUNTY, ARKANSAS  
MORE PRECISELY DESCRIBED AS FOLLOWS:  
STARTING AT THE SE CORNER OF THE SE 1/4 OF THE NW 1/4 OF SECTION 26;  
THENCE NORTH 01°15'17" EAST 829.05 FEET TO THE TRUE POINT OF  
BEGINNING;  
THENCE NORTH 88°23'00" WEST 481.84 FEET;  
THENCE NORTH 01°15'17" EAST 452.03 FEET;  
THENCE SOUTH 88°23'00" EAST 481.84 FEET;  
THENCE SOUTH 01°15'17" WEST 452.03 FEET TO THE TRUE POINT OF  
BEGINNING CONTAINING 5.000 ACRES MORE OR LESS AND BEING SUBJECT  
TO THE RIGHT- OF-WAY OF ARKANSAS STATE HIGHWAY 94 ALONG THE  
EAST AND ANY EASEMENTS OF RECORD.

ALSO, EXCEPT PART OF THE NE 1/4 OF THE NW 1/4 OF SECTION 26,  
TOWNSHIP 21 NORTH, RANGE 30 WEST IN BENTON COUNTY, ARKANSAS  
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT 1,150 FEET NORTH OF THE SE CORNER OF THE  
NORTH 15 ACRES OF THE SE 1/4 OF THE NW 1/4 OF SAID SECTION 26, THEN  
RUN NORTH 665 FEET, MORE OR LESS, TO THE NE CORNER OF THE SAID NE  
1/4 OF THE NW 1/4,  
THENCE WEST 936 FEET,  
THENCE SOUTH 665 FEET, MORE OR LESS, TO A POINT DUE WEST OF THE  
POINT OF BEGINNING,  
THENCE RUN EAST 936 FEET, MORE OR LESS TO THE POINT OF BEGINNING,  
SUBJECT TO ARKANSAS HIGHWAY NO. 94 ON THE EAST SIDE AND A  
COUNTY ROAD ON THE NORTH SIDE THEREOF.

ALSO, EXCEPT ALL PROPERTY FALLING IN THE ARKANSAS HIGHWAY NO.  
94 ROW AND A 20' STRIP OF PROPERTY RUNNING FROM NORTH TO SOUTH  
ALONG THE WEST RIGHT OF WAY HIGHWAY NO. 94.

ALSO, A PART OF THE N 1/2 OF THE NE 1/4 OF SECTION 27, TOWNSHIP 21  
NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, DESCRIBED AS  
FOLLOWS:  
BEGINNING AT THE NE CORNER OF SAID NE 1/4 OF SECTION 27;

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FILED

2019 NOV 21 AM 10:42

BETSY HARRELL  
CO. & PROBATE CLERK  
BENTON COUNTY, AR

THENCE SOUTH 01°35'10" WEST, ALONG THE EAST LINE OF THE NE 1/4,  
1329.0 FEET;  
THENCE NORTH 88°21'30" WEST, ALONG THE SOUTH LINE OF THE N 1/2,  
1516.0 FEET;  
THENCE NORTH 02°16' EAST 1020.3 FEET;  
THENCE SOUTH 86°46'20" EAST, ALONG A LINE AS NAMED IN A DEED  
RECORDED IN BOOK 447 AT PAGE 362, 823.7 FEET;  
THENCE NORTH 02° 16' EAST 332.5 FEET;  
THENCE SOUTH 88°17'30" EAST 676.5 FEET TO THE POINT OF BEGINNING.  
SUBJECT TO AN EASEMENT ALONG THE NORTHERLY SIDE FOR THE  
SOUTHERLY ONE-HALF OF A COUNTY ROAD.

SECTION 2. That the following schedule of services shall be extended to the area by the City of Pea Ridge within the statutorily required three (3) years after the date the annexation becomes final, as follows: police and fire protection – immediately; public street maintenance – immediately; and solid waste collection and disposal – immediately.

SECTION 3. That the above described territory shall be annexed to and made a part of Ward 2 of the City of Pea Ridge, and the same shall henceforth be a part of said ward as fully as existing parts of said ward.

SECTION 4. That this annexation shall be effective and final thirty (30) days after passage of this ordinance.

SECTION 5. That the City Clerk shall certify and send one (1) copy of the map of the annexed property and one (1) copy of this ordinance to the County Clerk for County Judge confirmation consideration.

PASSED AND APPROVED THIS 19th DAY OF November, 2019.



*Jackie Crabtree*  
\_\_\_\_\_  
Jackie Crabtree, Mayor

*Sandy Button*  
\_\_\_\_\_  
Sandy Button, City Clerk

FILED

FILED

2019 NOV 21 PM 4: 29

~~2019 NOV 21 PM 5: 29~~

BETSY HARRELL  
CO & PROBATE CLERK  
BENTON COUNTY, AR

~~BETSY HARRELL  
CO & PROBATE CLERK  
BENTON COUNTY, AR~~

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

CC 2019-18

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 PEA RIDGE, 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 PEA RIDGE, Benton County, Arkansas, is hereby confirmed and that the same is and shall hence forth comprise a part of the City of PEA RIDGE, Benton County, Arkansas.

  
\_\_\_\_\_  
HON. BARRY MOEHRING, County Judge

\_\_\_\_\_  
Date 11/21/2019

FILED

LEGAL DESCRIPTION

2019 NOV 21 AM 10:47

DESCRIPTION FROM DEED RECORD 92-30642, DEED RECORD 95-67212, DEED RECORD 2000-126803, AND DEED RECORD L201939713  
GETSY HARRELL  
CO & PROBATE CLERK  
BENTON COUNTY, AR

THE N 1/2 OF THE NW 1/4 AND 30 ACRES OFF THE NORTH SIDE OF THE S 1/2 OF THE NW 1/4, SECTION 26, TOWNSHIP 21 NORTH, RANGE 30 WEST,

EXCEPT BEGINNING 668 FEET NORTH OF THE SE 1/4 CORNER OF THE NORTH 15 ACRES OF THE SE 1/4 OF THE SAID NW 1/4;  
THENCE NORTH 462 FEET;  
THENCE WEST 936 FEET;  
THENCE SOUTH 462 FEET;  
THENCE EAST 936 FEET TO THE PLACE OF BEGINNING. SUBJECT TO THE RIGHT-OF-WAY OF HIGHWAY #94 ALONG THE EAST SIDE THEREOF;

ALSO EXCEPT A PART OF THE SE 1/4 OF THE NW 1/4 OF SECTION 26, TOWNSHIP 21 NORTH, RANGE 30 WEST IN BENTON COUNTY, ARKANSAS MORE PRECISELY DESCRIBED AS FOLLOWS:

STARTING AT THE SE CORNER OF THE SE 1/4 OF THE NW 1/4 OF SECTION 26;  
THENCE NORTH 01°15'17" EAST 829.05 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE NORTH 88°23'00" WEST 481.84 FEET;  
THENCE NORTH 01°15'17" EAST 452.03 FEET;  
THENCE SOUTH 88°23'00" EAST 481.84 FEET;  
THENCE SOUTH 01°15'17" WEST 452.03 FEET TO THE TRUE POINT OF BEGINNING CONTAINING 5.000 ACRES MORE OR LESS AND BEING SUBJECT TO THE RIGHT OF-WAY OF ARKANSAS STATE HIGHWAY 94 ALONG THE EAST AND ANY EASEMENTS OF RECORD.

ALSO EXCEPT PART OF THE NE 1/4 OF THE NW 1/4 OF SECTION 26, TOWNSHIP 21 NORTH, RANGE 30 WEST IN BENTON COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 1,150 FEET NORTH OF THE SE CORNER OF THE NORTH 15 ACRES OF THE SE 1/4 OF THE NW 1/4 OF SAID SECTION 26, THEN RUN NORTH 665 FEET, MORE OR LESS, TO THE NE CORNER OF THE SAID NE 1/4 OF THE NW 1/4,  
THENCE WEST 936 FEET,  
THENCE SOUTH 665 FEET, MORE OR LESS, TO A POINT DUE WEST OF THE POINT OF BEGINNING,  
THENCE RUN EAST 936 FEET, MORE OR LESS TO THE POINT OF BEGINNING, SUBJECT TO ARKANSAS HIGHWAY NO. 94 ON THE EAST SIDE AND A COUNTY ROAD ON THE NORTH SIDE THEREOF.

ALSO EXCEPT ALL PROPERTY FALLING IN THE ARKANSAS HIGHWAY NO. 94 ROW AND A 20' STRIP OF PROPERTY RUNNING FROM NORTH TO SOUTH ALONG THE WEST RIGHT OF WAY HIGHWAY NO. 94.

2019 3765

FILED

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ALSO A PART OF THE N 1/2 OF THE NE 1/4 OF SECTION 27, TOWNSHIP 21 NORTH,  
RANGE 30 WEST, BENTON COUNTY, ARKANSAS, DESCRIBED AS FOLLOWS  
BEGINNING AT THE NE CORNER OF SAID NE 1/4 OF SECTION 27 & PROBATE CLERK  
THENCE SOUTH 01°35'10" WEST, ALONG THE EAST LINE OF THE NE 1/4, 1329.0  
FEET;  
THENCE NORTH 88°21'30" WEST, ALONG THE SOUTH LINE OF THE N 1/2, 1516.0  
FEET;  
THENCE NORTH 02°16' EAST 1020.3 FEET;  
THENCE SOUTH 86°46'20" EAST, ALONG A LINE AS NAMED IN A DEED  
RECORDED IN BOOK 447 AT PAGE 362, 823.7 FEET;  
THENCE NORTH 02° 16' EAST 332.5 FEET;  
THENCE SOUTH 88°17'30" EAST 676.5 FEET TO THE POINT OF BEGINNING.  
SUBJECT TO AN EASEMENT ALONG THE NORTHERLY SIDE FOR THE  
SOUTHERLY ONE-HALF OF A COUNTY ROAD.



2019 3766

FILED

2019 OCT -4 PM 1:23

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

BETSY HARRELL  
CO & PROBATE CLERK  
BENTON COUNTY, AR

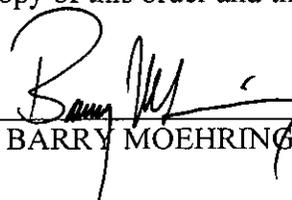
COUNTY COURT ORDER NO. CC 2019-18

~~AMENDED~~ ORDER AUTHORIZING ANNEXATION PURSUANT TO ACA § 14-40-609

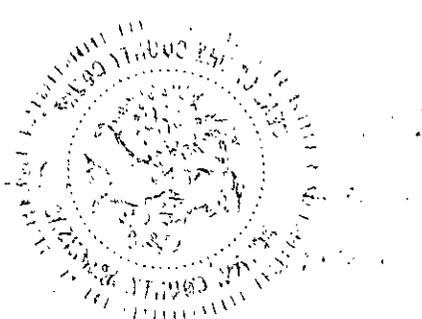
I, Barry Moehring, County Judge of Benton County, having reviewed the attached petition for annexation and verification of petition, hereby find that the petition:

- 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;
- 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; and
- 7) does not include in its description certain dedicated public roads and rights of way abutting or traversing the property to be annexed, the legal description(s) for which are included on the attached Exhibit “A” to this order, and which are depicted in the attached Exhibit “B” to this order, and any acceptance of this annexation by the City of Pea Ridge is required to include acceptance of the property described in Exhibit “A” and depicted in Exhibit “B” in the resolution or ordinance accepting such annexation or an order confirming the annexation will not be entered.

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

  
\_\_\_\_\_  
HON. BARRY MOEHRING, County Judge

October 4, 2019  
\_\_\_\_\_  
Date



2019 3414

FILED

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

2019 OCT -4 AM 10: 33

BETSY HARRELL  
CO & PROBATE CLERK  
BENTON COUNTY, AR

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.

Additionally, we note that the legal description in (C) 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" and which are depicted in the attached Exhibit "B" to this verification.

  
\_\_\_\_\_  
HON. BETSY HARRELL, County Clerk

  
\_\_\_\_\_  
HON. RODERICK GRIEVE, County Assessor

EXHIBIT "A"

FILED

2019 OCT -4 AM 10:33

Right of Way description for that portion of Andy Buck Road to be included in Annexation CC 2019-188  
Part of the NE ¼ of the NW ¼ and part of the NW ¼ of the NW ¼ of Section 26 and part of the NE ¼ of  
the NE ¼ of section 27, Township 21-North, Range 30-West, Benton County, Arkansas being described  
as:

REBECCA HARBELL  
CO & PROBATE CLERK  
BENTON COUNTY, AR

40 feet of right of way, being 20 feet on each side of the following described centerline:

Beginning at a point 936 feet west of the NE corner of NE ¼ of the NW ¼ of said section 26; thence west  
along said centerline to a point 676.5 feet east of the NW corner of said NE ¼ of the NE ¼ of section 27  
for the point of terminus.

# Exhibit "B" CC 2019-18

FILED

2019 OCT -4 AM 10:33

## Abutting ROW to Annexation

DEBRA HARRELL  
CO. & PROBATE CLERK

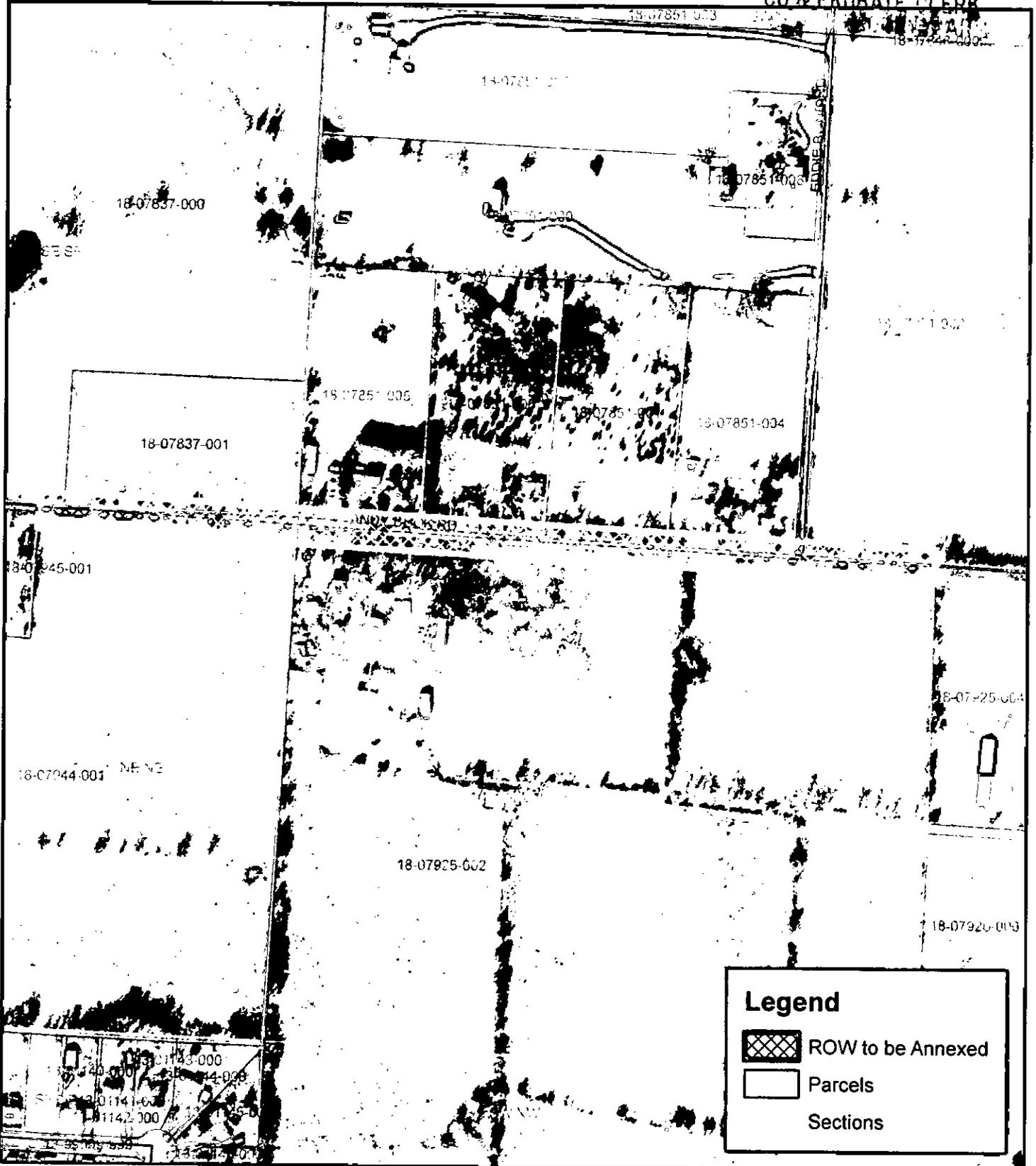


EXHIBIT "A"

FILED

2019 OCT -4 AM 10:34

BETSY HARRELL  
CO & PROBATE CLERK  
BENTON COUNTY, AR

Right of Way description for that portion of Andy Buck Road to be included in Annexation, CC 2019-18

Part of the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  and part of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 26 and part of the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of section 27, Township 21-North, Range 30-West, Benton County, Arkansas being described as:

40 feet of right of way, being 20 feet on each side of the following described centerline:

Beginning at a point 936 feet west of the NE corner of NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of said section 26; thence west along said centerline to a point 676.5 feet east of the NW corner of said NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of section 27 for the point of terminus.

# Exhibit "B"

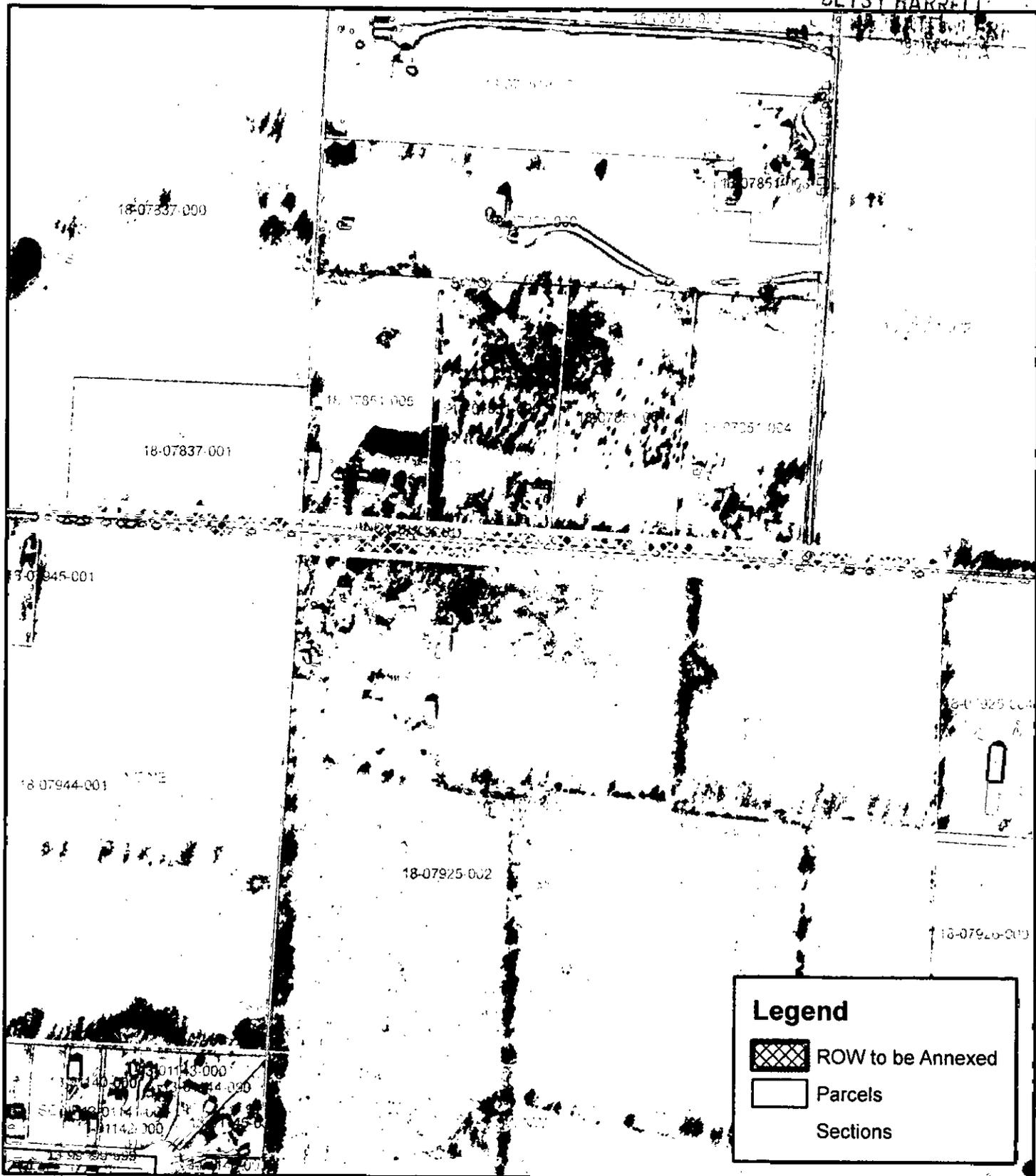
## CC 2019-18

### Abutting ROW to Annexation

FILED

2019 OCT -4 AM 10:34

BEISY HARRELL



FILED

2019 SEP 25 PM 4:03

IN THE MATTER OF ANNEXING  
CERTAIN CONTIGUOUS REAL PROPERTY TO THE  
CITY OF PEA RIDGE, ARKANSAS

BETSY HARRELL  
CO. & PROBATE CLERK  
BENTON COUNTY, AR

2019-18

PETITION FOR ANNEXATION

Comes now the undersigned trustee of the Patton Family Revocable Trust dated January 12th, 2006, an Arkansas Trust ("Trust"), and Janice S. Shofner and Robert W. Shofner, wife and husband, (the "Shofners"), (collectively the "Petitioners") and for their Petition to the City Council of Pea Ridge, Arkansas, pursuant to A.C.A. § 14-40-609 ("Annexation by 100% Petition"), states as follows:

1. The Petitioners, as 100% owners of the herein-described real property lying in Benton County, Arkansas, does hereby petition the City Council of Pea Ridge, Arkansas (the "Council") to annex the said real property to the City of Pea Ridge, Arkansas, as provided for by A.C.A. § 14-40-609. This Petition is signed by counsel and verified by the trustee of the Petitioner Trust and by the Shofners, as the owners of the real property to be annexed, and the Petitioners own all of the acreage affected hereby.

2. By this Petition, the Petitioners appoint Erik P. Danielson of Danielson Law Firm, PLLC to act on their behalf in presenting this matter to the Council and all other governing bodies, as necessary.

3. The description of the real property to be annexed to the City of Pea Ridge, Arkansas is as follows:

DESCRIPTION FROM DEED RECORD 92-30642, DEED RECORD 95-67244, DEED RECORD 2000-126803, AND DEED RECORD L201939713

THE N 1/2 OF THE NW 1/4 AND 30 ACRES OFF THE NORTH SIDE OF THE S 1/2 OF THE NW 1/4, SECTION 26, TOWNSHIP 21 NORTH, RANGE 30 WEST,

FILED

EXCEPT BEGINNING 668 FEET NORTH OF THE SE 1/4 CORNER OF THE NORTH 15  
ACRES OF THE SE 1/4 OF THE SAID NW 1/4;  
THENCE NORTH 462 FEET;  
THENCE WEST 936 FEET;  
THENCE SOUTH 462 FEET;  
THENCE EAST 936 FEET TO THE PLACE OF BEGINNING. SUBJECT TO THE RIGHT-  
OF-WAY OF HIGHWAY #94 ALONG THE EAST SIDE THEREOF;

SEP 25 PM 4:03  
BETSY HARRELL  
CO & PROBATE CLERK  
BENTON COUNTY, AR

ALSO EXCEPT A PART OF THE SE 1/4 OF THE NW 1/4 OF SECTION 26, TOWNSHIP  
21 NORTH, RANGE 30 WEST IN BENTON COUNTY, ARKANSAS MORE PRECISELY  
DESCRIBED AS FOLLOWS:

STARTING AT THE SE CORNER OF THE SE 1/4 OF THE NW 1/4 OF SECTION 26;  
THENCE NORTH 01°15'17" EAST 829.05 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE NORTH 88°23'00" WEST 481.84 FEET;  
THENCE NORTH 01°15'17" EAST 452.03 FEET;  
THENCE SOUTH 88°23'00" EAST 481.84 FEET;  
THENCE SOUTH 01°15'17" WEST 452.03 FEET TO THE TRUE POINT OF BEGINNING  
CONTAINING 5.000 ACRES MORE OR LESS AND BEING SUBJECT TO THE RIGHT  
OF-WAY OF ARKANSAS STATE HIGHWAY 94 ALONG THE EAST AND ANY  
EASEMENTS OF RECORD.

ALSO EXCEPT PART OF THE NE 1/4 OF THE NW 1/4 OF SECTION 26, TOWNSHIP 21  
NORTH, RANGE 30 WEST IN BENTON COUNTY, ARKANSAS BEING MORE  
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 1,150 FEET NORTH OF THE SE CORNER OF THE NORTH  
15 ACRES OF THE SE 1/4 OF THE NW 1/4 OF SAID SECTION 26, THEN RUN NORTH  
665 FEET, MORE OR LESS, TO THE NE CORNER OF THE SAID NE 1/4 OF THE NW  
1/4,  
THENCE WEST 936 FEET,  
THENCE SOUTH 665 FEET, MORE OR LESS, TO A POINT DUE WEST OF THE POINT  
OF BEGINNING,  
THENCE RUN EAST 936 FEET, MORE OR LESS TO THE POINT OF BEGINNING,  
SUBJECT TO ARKANSAS HIGHWAY NO. 94 ON THE EAST SIDE AND A COUNTY  
ROAD ON THE NORTH SIDE THEREOF.

ALSO EXCEPT ALL PROPERTY FALLING IN THE ARKANSAS HIGHWAY NO. 94  
ROW AND A 20' STRIP OF PROPERTY RUNNING FROM NORTH TO SOUTH ALONG  
THE WEST RIGHT OF WAY HIGHWAY NO. 94.

ALSO A PART OF THE N 1/2 OF THE NE 1/4 OF SECTION 27, TOWNSHIP 21 NORTH,  
RANGE 30 WEST, BENTON COUNTY, ARKANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NE CORNER OF SAID NE 1/4 OF SECTION 27;  
THENCE SOUTH 01°35'10" WEST, ALONG THE EAST LINE OF THE NE 1/4, 1329.0  
FEET;  
THENCE NORTH 88°21'30" WEST, ALONG THE SOUTH LINE OF THE N 1/2, 1516.0  
FEET;

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2019 SEP 25 PM 4:03  
BETSY HARRELL  
CO & PROBATE CLERK  
BENTON COUNTY, AR

THENCE NORTH 02°16' EAST 1020.3 FEET;  
THENCE SOUTH 86°46'20" EAST, ALONG A LINE AS NAMED IN A DEED  
RECORDED IN BOOK 447 AT PAGE 362, 823.7 FEET;  
THENCE NORTH 02° 16' EAST 332.5 FEET;  
THENCE SOUTH 88°17'30" EAST 676.5 FEET TO THE POINT OF BEGINNING.  
SUBJECT TO AN EASEMENT ALONG THE NORTHERLY SIDE FOR THE  
SOUTHERLY ONE-HALF OF A COUNTY ROAD.

4. Petitioners state that the real property described herein and sought to be annexed to the City of Pea Ridge, Arkansas lies in Benton County and is contiguous to and adjoins the City of Pea Ridge, Arkansas on several boundaries.

5. A letter from First American Title Insurance Company verifying that the Petitioners are the owners of record of the subject property is attached hereto as Exhibit "A". A letter from Crafton Tull verifying that the subject property is contiguous with the annexing City of Pea Ridge, Arkansas is attached hereto as Exhibit "B".

6. The Schedule of Services to be extended and provided by the annexing City of Pea Ridge is as follows:

All of those rights and privileges that are had and enjoyed by the inhabitants within the limits of the City of Pea Ridge, Arkansas.

WHEREFORE, pursuant to A.C.A. § 14-40-609, the undersigned Petitioners pray that within fifteen (15) days of the filing of this Petition with the Benton County Assessor and Benton County Clerk, said Assessor and Clerk verify this Petition and present the same to the Benton County Judge; that within fifteen (15) days of receipt of the verified Petition, the County Judge verify the same and issue an Order on the Petition in accordance with A.C.A. § 14-40-609(c)(2)(D) and forward this Petition and said Order to the City Council of the City of Pea Ridge; that the City Council of the City of Pea Ridge grant the Petition via ordinance or resolution accepting the real property described herein for annexation to the City of Pea Ridge, Arkansas; for a final order from

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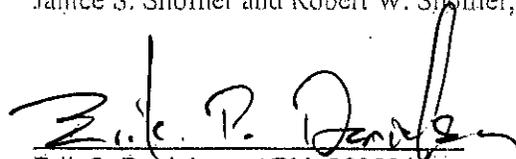
2019 SEP 25 PM 4: 04

the Benton County Judge confirming the annexation; and that Petitioner be granted all other relief to which it is entitled.

BETSY HARRELL  
CO & PROBATE CLERK  
BENTON COUNTY, AR

Respectfully submitted,  
The Patton Family Revocable Trust Dated  
January 12th, 2006, an Arkansas Trust, and  
Janice S. Shofner and Robert W. Shofner,

By:



Erik P. Danielson, ABN: 2005060  
Attorney for Petitioners  
Danielson Law Firm, PLLC  
909 E. Rolling Hills Drive  
Fayetteville, AR 72703  
Telephone (479) 935-8313  
Facsimile (479) 439-8167  
Erik.Danielson@DanielsonLawFirm.com

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2019 SEP 25 PM 4:04

ATTESTATION

BETSY HARRELL  
CO & PROBATE CLERK  
BENTON COUNTY, AR

STATE OF ARKANSAS            )  
  ) ss.  
COUNTY OF BENTON            )

The Petitioner, The Patton Family Revocable Trust dated January 12th, 2006, an Arkansas Trust, acting by its appointed and authorized Trustee named below, hereby states upon oath that the foregoing **Petition for Annexation** is true and correct to the best of its knowledge, information and belief, and that the petitioning Trust desires the relevant real property referenced herein to be annexed as requested herein.

THE PATTON FAMILY REVOCABLE TRUST  
DATED JANUARY 12, 2006

By: *James Patton*  
James Patton, Trustee

WITNESS my hand and seal on this 17<sup>th</sup> day of September, 2019.

*Rebecca A. Moll*  
Notary Public

My Commission Expires:

10.08.2025



FILED

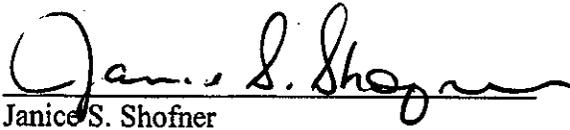
2019 SEP 25 PM 4: 04

ATTESTATION

BETSY HARRELL  
CO & PROBATE CLERK  
BENTON COUNTY, AR

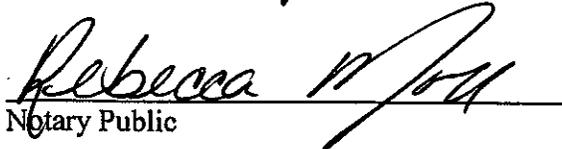
STATE OF ARKANSAS        )  
  ) ss.  
COUNTY OF BENTON        )

The Petitioners, Janice S. Shofner and Robert W. Shofner, wife and husband, hereby state upon oath that the foregoing **Petition for Annexation** is true and correct to the best of their knowledge, information and belief, and that they desire the relevant real property referenced herein to be annexed as requested herein.

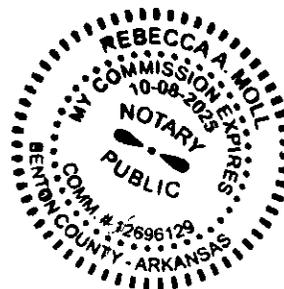
  
Janice S. Shofner

  
Robert W. Shofner

WITNESS my hand and seal on this 19<sup>th</sup> day of September 2019.

  
Notary Public

My Commission Expires:  
10-08-2025





FILED

2019 SEP 25 PM 4:04

EXHIBIT A

BETSY HARRELL  
CO & PROBATE CLERK  
BENTON COUNTY, AR

DESCRIPTION FROM DEED RECORD 92-30642, DEED RECORD 95-67244, DEED RECORD 2000-126803 AND DEED RECORD L201939713

THE N 1/2 OF THE NW 1/4 AND 30 ACRES OFF THE NORTH SIDE OF THE S 1/2 OF THE NW 1/4, SECTION 26, TOWNSHIP 21 NORTH, RANGE 30 WEST,

EXCEPT BEGINNING 668 FEET NORTH OF THE SE 1/4 CORNER OF THE NORTH 15 ACRES OF THE SE 1/4 OF THE SAID NW 1/4;  
THENCE NORTH 462 FEET;  
THENCE WEST 936 FEET;  
THENCE SOUTH 462 FEET;  
THENCE EAST 936 FEET TO THE PLACE OF BEGINNING. SUBJECT TO THE RIGHT-OF-WAY OF HIGHWAY #94 ALONG THE EAST SIDE THEREOF;

ALSO EXCEPT A PART OF THE SE 1/4 OF THE NW 1/4 OF SECTION 26, TOWNSHIP 21 NORTH, RANGE 30 WEST IN BENTON COUNTY, ARKANSAS MORE PRECISELY DESCRIBED AS FOLLOWS:

STARTING AT THE SE CORNER OF THE SE 1/4 OF THE NW 1/4 OF SECTION 26;  
THENCE NORTH 01°15'17" EAST 829.05 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE NORTH 88°23'00" WEST 481.84 FEET;  
THENCE NORTH 01°15'17" EAST 452.03 FEET;  
THENCE SOUTH 88°23'00" EAST 481.84 FEET;  
THENCE SOUTH 01°15'17" WEST 452.03 FEET TO THE TRUE POINT OF BEGINNING CONTAINING 5.000 ACRES MORE OR LESS AND BEING SUBJECT TO THE RIGHT OF-WAY OF ARKANSAS STATE HIGHWAY 94 ALONG THE EAST AND ANY EASEMENTS OF RECORD.

ALSO EXCEPT PART OF THE NE 1/4 OF THE NW 1/4 OF SECTION 26, TOWNSHIP 21 NORTH, RANGE 30 WEST IN BENTON COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 1,150 FEET NORTH OF THE SE CORNER OF THE NORTH 15 ACRES OF THE SE 1/4 OF THE NW 1/4 OF SAID SECTION 26, THEN RUN NORTH 665 FEET, MORE OR LESS, TO THE NE CORNER OF THE SAID NE 1/4 OF THE NW 1/4,  
THENCE WEST 936 FEET,  
THENCE SOUTH 665 FEET, MORE OR LESS, TO A POINT DUE WEST OF THE POINT OF BEGINNING,  
THENCE RUN EAST 936 FEET, MORE OR LESS TO THE POINT OF BEGINNING, SUBJECT TO ARKANSAS HIGHWAY NO. 94 ON THE EAST SIDE AND A COUNTY ROAD ON THE NORTH SIDE THEREOF.

FILED

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ALSO EXCEPT ALL PROPERTY FALLING IN THE ARKANSAS HIGHWAY NO. 94 ROW AND A 20' STRIP OF PROPERTY RUNNING FROM NORTH TO SOUTH ALONG THE WEST RIGHT OF WAY HIGHWAY NO. 94.

DEPT. OF REVENUE  
CLERK & PROBATE CLERK  
BENTON COUNTY, AR

ALSO A PART OF THE N 1/2 OF THE NE 1/4 OF SECTION 27, TOWNSHIP 21 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NE CORNER OF SAID NE 1/4 OF SECTION 27;  
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THENCE NORTH 88°21'30" WEST, ALONG THE SOUTH LINE OF THE N 1/2, 1516.0 FEET;  
THENCE NORTH 02°16' EAST 1020.3 FEET;  
THENCE SOUTH 86°46'20" EAST, ALONG A LINE AS NAMED IN A DEED RECORDED IN BOOK 447 AT PAGE 362, 823.7 FEET;  
THENCE NORTH 02° 16' EAST 332.5 FEET;  
THENCE SOUTH 88°17'30" EAST 676.5 FEET TO THE POINT OF BEGINNING. SUBJECT TO AN EASEMENT ALONG THE NORTHERLY SIDE FOR THE SOUTHERLY ONE-HALF OF A COUNTY ROAD.



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EXHIBIT "A"

BETSY HARRELL  
CO & PROBATE CLERK  
BENTON COUNTY, AR

DESCRIPTION FROM DEED RECORD L201939713

A PART THE N 1/2 OF THE NE 1/4 OF SECTION 27, TOWNSHIP 21 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NE COMER OF SAID NE 1/4 OF SECTION 27;  
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THENCE NORTH 88°21'30" WEST, ALONG THE SOUTH LINE OF THE N 1/2 1516.0 FEET;  
THENCE NORTH 02°16' EAST 1020.3 FEET;  
THENCE SOUTH 86°46'20" EAST, ALONG A LINE AS NAMED IN A DEED RECORDED IN BOOK 447 AT PAGE 362, 823.7 FEET;  
THENCE NORTH 02°16' EAST 332.5 FEET;  
THENCE SOUTH 88°17'30" EAST 676.5 FEET TO THE POINT OF BEGINNING. SUBJECT TO AN EASEMENT ALONG THE NORTHERLY SIDE FOR THE SOUTHERLY ONE-HALF OF A COUNTY ROAD;

AND

THE N 1/2 OF THE NW 1/4 AND 30 ACRES OFF THE NORTH SIDE OF THE S 1/2 OF THE NW 1/4, SECTION 26, TOWNSHIP 21 NORTH, RANGE 30 WEST,

EXCEPT BEGINNING 668 FEET NORTH OF THE SE 1/4 CORNER OF THE NORTH 15 ACRES OF THE SE 1/4 OF THE SAID NW 1/4;  
THENCE NORTH 462 FEET;  
THENCE WEST 936 FEET;  
THENCE SOUTH 462 FEET;  
THENCE EAST 936 FEET TO THE PLACE OF BEGINNING. SUBJECT TO THE RIGHT OF WAY OF HIGHWAY NO 94 ALONG THE EAST SIDE THEREOF;

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THENCE SOUTH 88°23'00" EAST 481.84 FEET;  
THENCE SOUTH 01°15'17" WEST 452.03 FEET TO THE TRUE POINT OF BEGINNING CONTAINING 5.000 ACRES, MORE OR LESS, AND BEING SUBJECT TO THE RIGHT OF WAY OF ARKANSAS STATE HIGHWAY 94 ALONG THE EAST AND ANY EASEMENTS OF RECORD;

LESS AND EXCEPT PART OF THE NE 1/4 OF THE NW 1/4 OF SECTION 26, TOWNSHIP 21 NORTH, RANGE 30 WEST IN BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 1,150 FEET NORTH OF THE SE CORNER OF THE NORTH 15 ACRES OF THE SE 1/4 OF THE NW 1/4 OF SAID SECTION 26,  
THENCE RUN NORTH 665 FEET, MORE OR LESS, TO THE NE COMER OF THE SAID NE 1/4 OF THE NW 1/4,  
THENCE WEST 936 FEET,  
THENCE SOUTH 665 FEET, MORE OR LESS, TO A POINT DUE WEST OF THE POINT OF BEGINNING,  
THENCE RUN EAST 936 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, SUBJECT TO ARKANSAS HIGHWAY 94 ON THE EAST SIDE OF THE COUNTY ROAD ON THE NORTH SIDE THEREOF. SUBJECT TO ANY AND ALL RESTRICTIONS, IF ANY.

FILED

ALSO EXCEPT ALL PROPERTY FALLING IN THE ARKANSAS HIGHWAY NO. 94 RIGHT OF WAY  
AND A 20 FOOT STRIP OF PROPERTY RUNNING FROM NORTH TO SOUTH ALONG THE WEST  
RIGHT OF WAY HIGHWAY NO. 94.

2019 SEP 25 PM 4:04  
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CO & PROBATE CLERK  
BENTON COUNTY, AR





**ARKANSAS  
GIS OFFICE**

A Division of the Department of Transformation and Shared Services

FILED

2019 NOV 21 AM 10:47

BETSY HARRELL  
CO & PROBATE CLERK  
JEFFERSON COUNTY, AR

October 8, 2019

Mr. Luke Haller  
Attorney at Law  
Danielson Law Firm, PLLC  
909 Rolling Hills Dr.  
Fayetteville, AR 72703

RE: City of Pea Ridge Annexation Coordination Requirement

Mr. Haller,

Thank you for coordinating with our office as you seek to annex property into the City of Pea Ridge, AR located in Sections 26 & 27, Township 21 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

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

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

**2019 3763**

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2019 NOV 21 AM 10:47

ELSY HARRELL  
COUNTY PROBATE CLERK  
BENTON COUNTY, AR

S23-T21N-R30W

PROPOSED ANNEX

PROPOSED ANNEX

PROPOSED ANNEX

S23-T21N-R30W

Eddie Bone

~ 20 feet

AR 94

Proposed Annex: City of Pea Ridge  
October 2019

City: Pea Ridge  
Mayor: Jackie Crabtree

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, the entity has met requirements of Act 914 of 2015



H:\CGI\_Annexation\Clear\Final\_10/21/19/1010061

2019 3764

# 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

November 22, 2019

**PROBATE COURT CLERK**

COURTHOUSE, 102 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 Pea Ridge  
Robert and Janice Shofner Annexation  
Benton County Court Case No. CC# 2019-18

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 10/04/2019
3. Ordinance 653 adopted on November 19, 2019, by the City of Pea Ridge.

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

Sincerely,

*Betsy Harrell*  
Betsy Harrell *Chen*

BH/cnl  
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