



# ARKANSAS SECRETARY OF STATE

## MARK MARTIN

October 22, 2018

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

Re: City of Bella Vista Annexation Ordinance 2015-19

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 § 14-40-501 (annexation of surrounded unincorporated area)

Effective Date: 09/23/2015

County: Benton

City: Bella Vista

City Ordinance: 2015-19

Dated: 08/24/2015

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,

A handwritten signature in cursive script that reads "Cynthia Fisher".

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)  
Honorable Peter Christe, Mayor of Bella Vista (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: Bella Vista

City Ordinance/Resolution No: 2015-19 Date approved: 08/24/2015

County Court Case No: \_\_\_\_\_ Date Order Filed: \_\_\_\_\_

Type: Annexation of surrounded unincorporated area (island/doughnut holes) by ordinance A.C.A. §14-40-501

Date Change Effective: 09/23/2015 Set by:  Municipal Ordinance  Emergency Clause  Court  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: Hon. Peter Christe Title: Mayor of Bella Vista

Street Address: P.O. Box 5655

City: Bella Vista St: AR Zip code: 72714

*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: \_\_\_\_\_ Title: \_\_\_\_\_

Date: \_\_\_\_\_

*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**  
OCT 22 2018  
Arkansas  
Secretary of State



**ORDINANCE NO. 2015-19**

**ANNEXING LANDS COMPLETELY SURROUNDED BY THE MUNICIPAL LIMITS OF BELLA VISTA AND THE CITY OF GRAVETTE, AND FOR OTHER PURPOSES**

**WHEREAS**, A.C.A. 14-40-501 – 14-40-503 provides that unincorporated islands of land that have been completely surrounded by the incorporated limits of two municipalities may be annexed by the municipality with the greater distance of city limits adjoining the unincorporated area's perimeter; and

**WHEREAS**, the City of Bella Vista has the greater amount of city limits and desires to annex the territory more particularly described below; and

**WHEREAS**, the areas to be annexed comply with the standards for lands qualifying for annexation which are set forth in A.C.A. 14-40-301 – 14-40-304 and 14-40-501 – 14-40-503; and

**WHEREAS**, on July 10, 2015, a legal notice was published setting out the description of the territory proposed to be annexed, and all property owners within the area were notified by certified mail of their right to appear at a public hearing on this matter; and

**WHEREAS**, said public hearing was held on July 27, 2015, at 6:30 pm and all person wishing to be heard had the opportunity to speak.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA, ARKANSAS:**

**SECTION 1.** That the following described lands, which have the larger perimeter along the incorporated limits of the City of Bella Vista, and which are shown on map which is attached hereto and made a part hereof, are hereby annexed to the City of Bella Vista:

Located in a part of the NE ¼ of the NW ¼ and part of the SE ¼ of the NW ¼ and part of the NW ¼ of the NW ¼ Section 4, Township 20 North, Range 31 West in Benton County, Arkansas, more particularly described as follows:

Commencing at the Northeast corner of NE ¼ of the NW ¼ of Section 4; thence southerly along the West line of said NE ¼ of the NW ¼, to the intersection of the West line of said NE ¼ of the NW ¼ and the northern boundary line of Plymouth Subdivision for the POINT OF BEGINNING; thence easterly along said northern boundary line of Plymouth Subdivision to the intersection of western right-of-way of Highlands Road; thence southerly along said western right-of-way of Highlands Road to the intersection of the western right-of-way of Chelsea Road; thence generally southwesterly along said western right-of-way of Chelsea Road to the intersection of the western right-of-way of Plymouth Circle; thence southwesterly along said western right-of-way of Plymouth Circle to the intersection of western right-of-way of Kenninghall Lane; thence

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OCT 22 2018

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Arkansas  
Secretary of State

southwesterly along the western right-of-way of Kenninghall Lane to the intersection of the southern boundary line of Plymouth Subdivision, which point is the southernmost corner of Lot 5 Block 4 of the Plymouth Subdivision; thence westerly along the southern boundary line of Plymouth Subdivision to the intersection of the western boundary line of Plymouth Subdivision; thence northerly along the western boundary line of Plymouth Subdivision to the intersection of the northern boundary line of Plymouth Subdivision; thence easterly along the northern boundary line of Plymouth Subdivision to the POINT OF BEGINNING.

This description encompasses tracts of land as shown by survey plats recorded at Book 2004 Page 112 and Plymouth Subdivision recorded at Book M Page 227 in the Benton County, Arkansas Records.

**SECTION 2.** That all necessary basic municipal services, including police protection, fire protection, trash removal, street maintenance, and code enforcement, shall be extended to such areas upon the effective date of this ordinance.

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

**SECTION 4.** That the above described territory shall be assigned to the following zoning districts by parcel numbers:

Parcel	Owner	Zoning District
15-84685-000	BLOESE, JOHN & LOIS & BLOESE, TIMOTHY J	R-1
15-84688-001	SCOGGINS, DAVID S & WENDI L	R-1
15-84689-000	BVPOA	P-1
15-84684-000	ZEHNDER, JAYME	R-1
15-84687-000	HOBSCHEIDT, PAT H & DEBORAH	R-1
15-84688-002	COOPER COMMUNITIES INC	P-1
15-84686-000	JOHNSON, WILLIAM DAVID & VICKI R	R-1

Motion to suspend the rules and move to third and final reading made by Alderman Wozniak, second by Alderman Morgan. Roll Call Vote: Ayes: 5, Nays: 0

PASSED THIS 24<sup>th</sup> DAY OF AUGUST, 2015.

Motion to adopt made by: Alderman Wozniak, second by Alderman King  
 Ayes: 5  
 Nays: 0  
 Motion: Adopted

**FILED**

OCT 22 2018

Arkansas  
 Secretary of State



APPROVED:

*Peter D. Christie*

Mayor Peter Christie

ATTEST:

*Wayne Bertson*

Wayne Bertson  
City Clerk



APPROVED AS TO FORM:

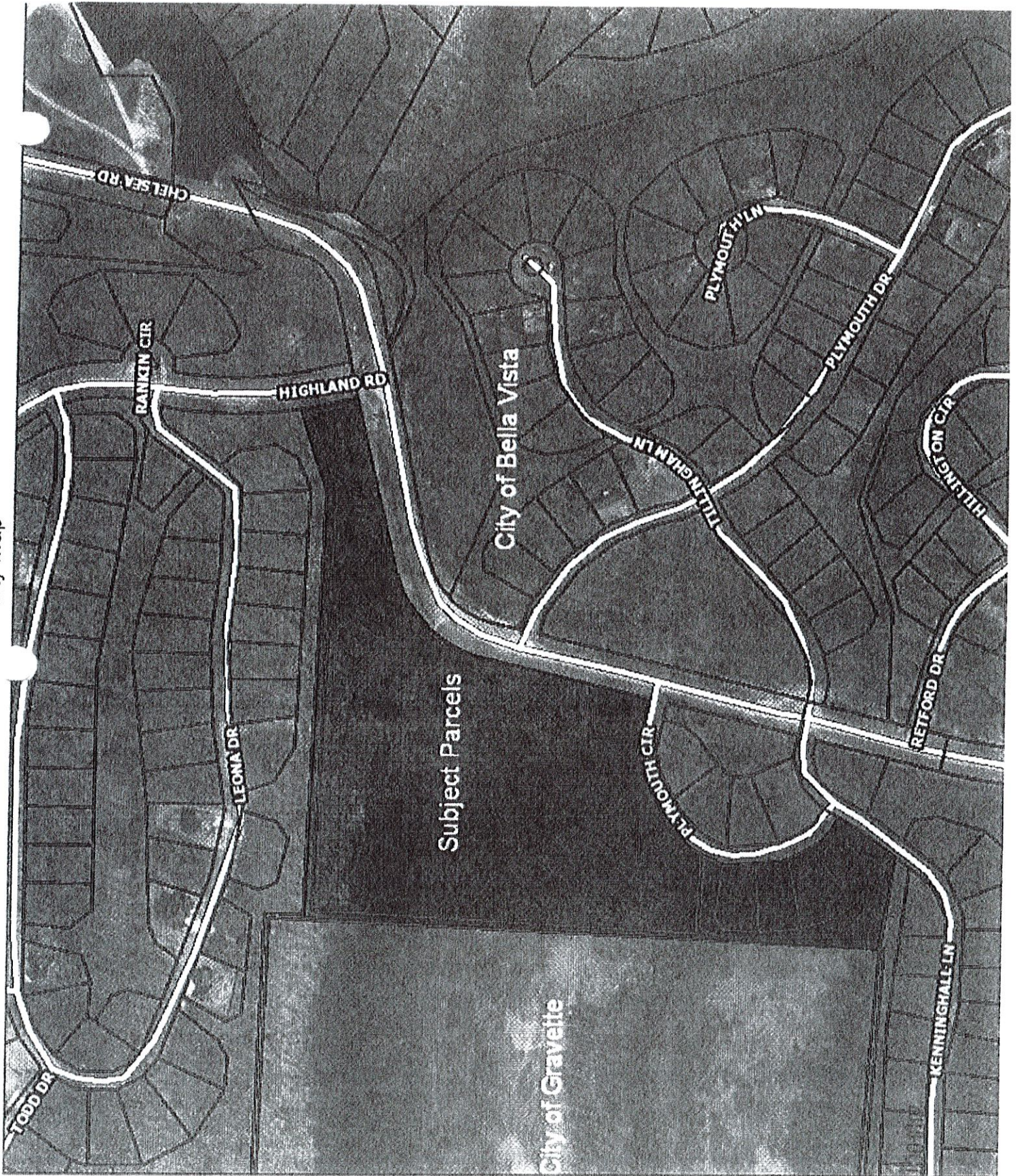
*Jason B. Kelley*

Jason B. Kelley, Staff Attorney

*Prepared by: Christopher Suneson, PLA, Director of Planning, Building, and Code Enforcement*



2018 3903



2018 3903

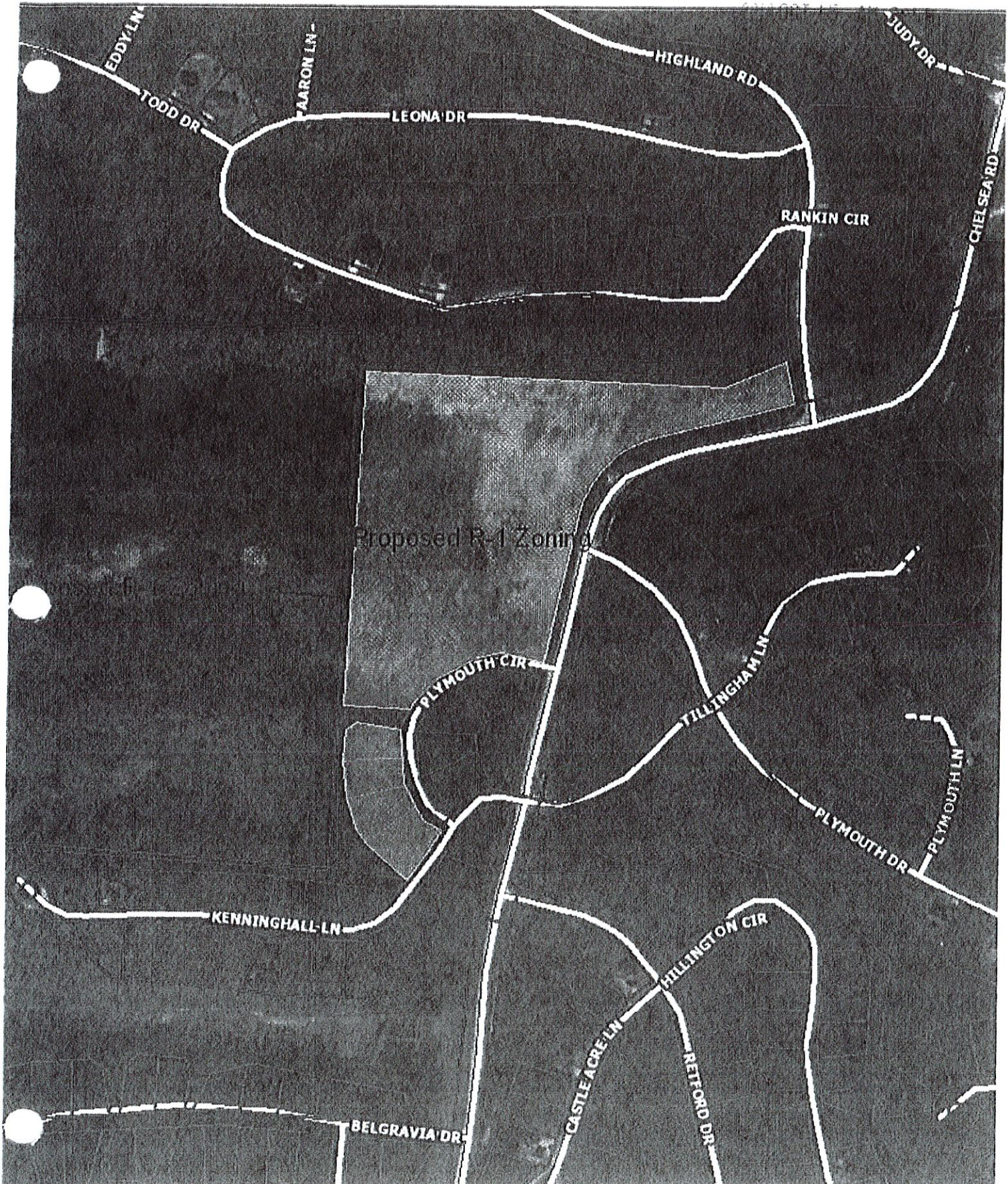
Date: 7/10/2015

0.0275 0.055 Miles

0.0275 Miles  
 0.055 Miles  
 This map was created by the City of Gravelite using data provided by the City of Gravelite. The City of Gravelite is not responsible for any errors or omissions on this map. The City of Gravelite is not responsible for any damages or losses resulting from the use of this map.



Hole in the Wall Cave area, Proposed Zoning



Proposed R-1 Zoning

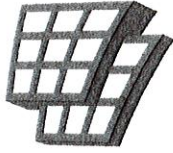
0.0325 1.065  
Miles  
This map was prepared by the County of DeKalb and is not a legal document. It is for informational purposes only. The County does not warrant the accuracy or completeness of the information shown on this map. The County is not responsible for any errors or omissions on this map. The County is not responsible for any actions taken based on this map. The County is not responsible for any damages or losses resulting from the use of this map. The County is not responsible for any claims or lawsuits filed against the County based on this map. The County is not responsible for any claims or lawsuits filed against the County based on this map. The County is not responsible for any claims or lawsuits filed against the County based on this map.



Date: 7/20/06

2018 3902





**ARKANSAS  
GIS OFFICE**

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October 16, 2018

Ms. Cynthia Fisher  
Special Projects Manager  
Secretary of State – Legal Division  
500 Woodlane St, STE 256  
Little Rock, AR 72201

RE: City of Bella Vista Annexation Coordination Requirement

Ms. Fisher,

Thank you for coordinating with our office as you seek to file a historic annex of property into the City of Bella Vista, AR ordinance 2015-19. 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  
/jjw

**FILED**

**OCT 22 2018**

**Arkansas  
Secretary of State**

Attachments:  
GIS Office Map of Proposed Annexation

H:\City\_Annexations\Cities\Bella\_Vista\20181016\Doc\20181016\_Bella Vista\_Annexation\_Coordination\_Letter.docx

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

PHONE (501) 682-2767 · [www.gis.arkansas.gov](http://www.gis.arkansas.gov) · FAX (501) 682-6077



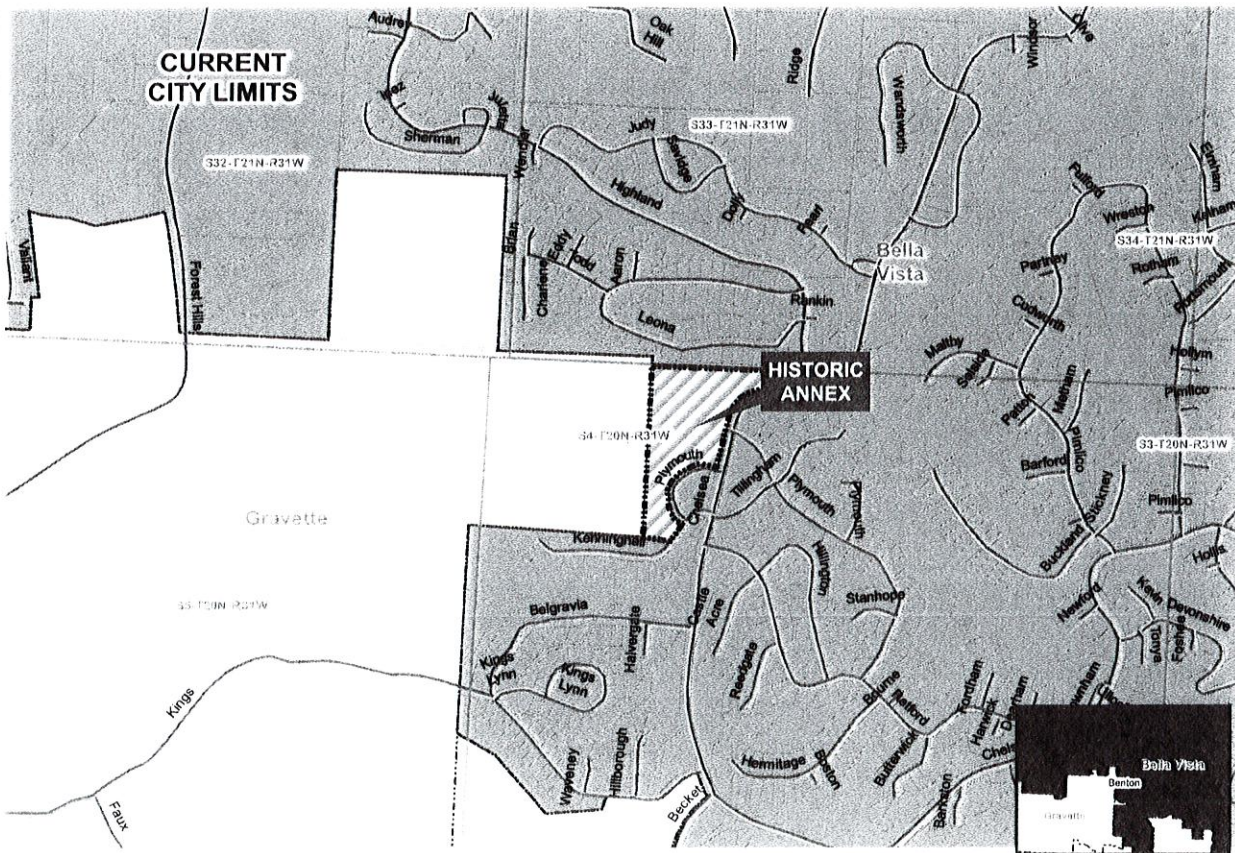
Historic Annex Ordinance 2015-19 : City of Bella Vista  
 October 2018

City: Bella Vista  
 Mayor: Peter Christie

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



- Proposed Annex
- Sections
- Parcels
- Major Road
- Existing City
- Neighboring City

0 0.0429 0.085 0.17  
 Miles



ARKANSAS GIS OFFICE

City: Annexation\Cherishita\_Vis20181019

**FILED**  
 OCT 22 2018  
 Arkansas  
 Secretary of State



2018 OCT 15 AM 8:46



# BELLA VISTA

*A place to call home*

**Wayne Jertson, City Clerk**  
101 Town Center  
Bella Vista, AR 72714  
479-876-1255

October 11, 2018

**RE: Ordinance No. 2015-19 – An Ordinance annexing lands completely surrounded by the Municipal Limits of Bella Vista and the City of Gravette, and for other purposes.**

To Whom It May Concern:

I, Wayne M. Jertson, being the duly elected City Clerk for the City of Bella Vista, Arkansas, hereby certify that the attached, is a true and correct copy of Ordinance No. 2015-19, consisting of one (4) typed pages, two (2) maps as well as on Affidavit of Publication and this cover page entitled Ordinance No. 2015-19 An Ordinance annexing lands completely surrounded by the Municipal Limits of Bella Vista and the City of Gravette, and for other purposes. Adopted by the City Council on the 24<sup>th</sup> of August, 2015.

Dated this 11<sup>th</sup> day of October, 2018

Wayne M. Jertson  
City Clerk



2018 3897



**BUSINESS OF THE CITY COUNCIL  
BELLA VISTA, AR**

MEETING DATE: August 24, 2015 Regular Meeting

AGENDA ITEM:

ITEM TITLE: An Ordinance Annexing Lands Completely Surrounded by the Municipal Limits of Bella Vista and the City of Gravette, and for Other Purposes

SUBMITTED BY: Christopher Suneson, PLA

SUMMARY EXPLANATION: Under state statute A.C.A. § 14-40-501 and following, territory such as this may be annexed by ordinance into the city with the larger perimeter along the territory's boundary. As seen in the exhibit, Bella Vista surrounds this territory on three sides, providing the larger perimeter.

Under the referenced statute, when a city considers annexing territory by ordinance it must provide the property owners 15 days notice by certified, return receipt mail and by publication in a newspaper of general circulation within the city of its intent to annex and provide a public hearing for the owners to express their views on the matter. Staff initiated notification of a public hearing at the Council's July 27, 2015 regular meeting to the property owners on July 10, 2015, and had a legal notice published in the July 12, 2015, edition of the Arkansas Democrat-Gazette. At the City Council's regular meeting on Monday, July 27, 2015, no property owners were represented at the hearing.

Municipal code requires the Planning Commission to conduct a public hearing when providing the City Council with a recommendation on zoning district assignments. Staff initiated legal notifications for a public hearing at the Commission's regular monthly meeting on August 10, 2015. Notice by publication was provided in the Weekly Vista on July 22, 2015, and signs announcing the hearing date were posted by Staff on August 3, 2015.

At its public hearing on August 10, 2015, the Planning Commission heard interested parties regarding the annexation. Those members of the public speaking on the matter voiced that they wanted to see the area to be low density residential, and none voice opposition. Under Planning Commission Resolution 2015-07, the Commission voted unanimously to recommend assignment of a blend of zoning districts as shown in the table in Section 4.

The ordinance under consideration would attach the territory described into the City, extend basic services to the territory, assign the territory to Ward 2 for voting purposes, and assign the territory to zoning districts.

ATTACHMENT: ORDINANCE  RESOLUTION  OTHER

RECOMMENDATION: The administration is recommending approval of this resolution.

ACTION REQUESTED:  
Motion to adopt

2018 3901



# AFFIDAVIT OF PUBLICATION

I, Karen Caler, do solemnly swear that I am the Legal Clerk for the Northwest Arkansas Newspapers, LLC, and do solemnly swear that the attached advertisement was published in the following weekly paper(s):

- \_\_\_\_\_ McDonald County Press
  - \_\_\_\_\_ Washington County Enterprise Leader
  - X   Bella Vista Weekly Vista
  - \_\_\_\_\_ The Times of NE Benton County (Pea Ridge)
  - \_\_\_\_\_ Siloam Springs Herald Leader
  - \_\_\_\_\_ La Prensa
  - \_\_\_\_\_ Westside Eagle Observer
- of general and bona fide circulation in  
BENTON COUNTY, ARKANSAS

CITY OF BELLA VISTA-LEGALS  
Ord No 2015-19.

Date of Publication SEPTEMBER 9, 2015

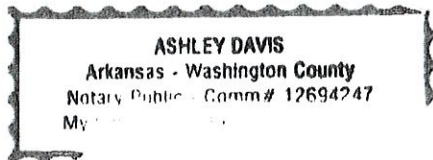
Charges: \$ 291.24

*Karen Caler*  
Karen Caler

Sworn to and subscribed before me

This 21 day of Sep, 2015.

*Ashley Davis*  
Notary Public  
My Commission Expires: 7/2/25



**\*\*NOTE\*\*** Please do not pay from Affidavit. Invoice will be sent.

ORDINANCE NO. 2015-19  
ANNEXING LANDS COMPLETELY SURROUNDED BY THE MUNICIPAL LIMITS OF BELLA VISTA AND THE CITY OF GRAVETTE, AND FOR OTHER PURPOSES  
WHEREAS, A.C.A. 14-40-501 - 14-40-503 provides that unincorporated islands of land that have been completely surrounded by the incorporated limits of two municipalities may be annexed by the municipality with the greater distance of city limits adjoining the unincorporated area's perimeter; and  
WHEREAS, the City of Bella Vista has the greater amount of city limits and desires to annex the territory more particularly described below; and  
WHEREAS, the areas to be annexed comply with the standards for lands qualifying for annexation which are set forth in A.C.A. 14-40-301 - 14-40-304 and 14-40-501 - 14-40-503; and  
WHEREAS, on July 10, 2015, a legal notice was published setting out the description of the territory proposed to be annexed, and all property owners within the area were notified by certified mail of their right to appear at a public hearing on this matter; and  
WHEREAS, said public hearing was held on July 27, 2015, at 6:30 pm and all person wishing to be heard had the opportunity to speak.  
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA, ARKANSAS:  
SECTION 1. That the following described lands, which have the larger perimeter along the incorporated limits of the City of Bella Vista, and which are shown on map which is attached hereto and made a part hereof, are hereby annexed to the City of Bella Vista:  
Located in a part of the NE ¼ of the NW ¼ and part of the SE ¼ of the NW ¼ and part of the NW ¼ of the NW ¼ Section 4, Township 20 North, Range 31 West in Benton County, Arkansas, more particularly described as follows:  
Commencing at the Northeast corner of NE ¼ of the NW ¼ of Section 4; thence southerly along the West line of said NE ¼ of the NW ¼, to the intersection of the West line of said NE ¼ of the NW ¼ and the northern boundary line of Plymouth Subdivision for the POINT OF BEGINNING; thence easterly along said northern boundary line of Plymouth Subdivision to the intersection of western right-of-way of Highlands Road; thence southerly along said western right-of-way of Highlands Road to the intersection of the western right-of-way of Chelsea Road; thence generally southwesterly along said western right-of-way of Chelsea Road to the intersection of the western right-of-way of Plymouth Circle; thence southwesterly along said western right-of-way of Plymouth Circle to the intersection of western right-of-way of Kenninghall Lane; thence southwesterly along the western right-of-way of Kenninghall Lane to the intersection of the southern boundary line of Plymouth Subdivision, which point is the southernmost corner of Lot 5 Block 4 of the Plymouth Subdivision; thence westerly along the southern boundary line of Plymouth Subdivision to the intersection of the western boundary line of Plymouth

Subdivision; thence northerly along the western boundary line of Plymouth Subdivision to the intersection of the northern boundary line of Plymouth Subdivision; thence easterly along the northern boundary line of Plymouth Subdivision to the POINT OF BEGINNING.  
This description encompasses tracts of land as shown by survey plats recorded at Book 2004 Page 112 and Plymouth Subdivision recorded at Book M Page 227 in the Benton County, Arkansas Records.  
SECTION 2. That all necessary basic municipal services, including police protection, fire protection, trash removal, street maintenance, and code enforcement, shall be extended to such areas upon the effective date of this ordinance.  
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SECTION 4. That the above described territory shall be assigned to the following zoning districts by parcel numbers:  
Parcel: 15-84685-000  
Owner: BLOESE, JOHN & LOIS & BLOESE, TIMOTHY J  
Zoning District: R-1  
Parcel: 15-84688-001  
Owner: SCOGGINS, DAVID S & WENDI L  
Zoning District: R-1  
Parcel: 15-84689-000  
Owner: BVPOA  
Zoning District: P-1  
Parcel: 15-84684-000  
Owner: ZEHNDER, JAYME  
Zoning District: R-1  
Parcel: 15-84687-000  
Owner: HOBSCHIEDT, PAT H & DEBORAH  
Zoning District: R-1  
Parcel: 15-84688-002  
Owner: COOPER COMMUNITIES INC  
Zoning District: P-1  
Parcel: 15-84686-000  
Owner: JOHNSON, WILLIAM DAVID & VICKI R  
Zoning District: R-1  
Motion to suspend the rules and move to third and final reading made by Alderman Wozniak, second by Alderman Morgan. Roll Call Vote: Ayes: 5, Nays: 0  
PASSED THIS 24th DAY OF AUGUST, 2015.  
Motion to adopt made by: Alderman Wozniak, second by Alderman King  
Ayes: 5  
Nays: 0  
Motion: Adopted  
APPROVED:  
Mayor Peter Christie  
ATTEST:  
Wayne Jertson  
City Clerk  
APPROVED AS TO FORM:  
Jason B. Kelley, Staff Attorney  
Prepared by: Christopher Suneson, P.L.A., Director of Planning, Building, and Code Enforcement  
73342274 Sept 9, 2015





ARKANSAS  
GIS OFFICE

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October 16, 2018

Ms. Cynthia Fisher  
Special Projects Manager  
Secretary of State – Legal Division  
500 Woodlane St, STE 256  
Little Rock, AR 72201

RE: City of Bella Vista Annexation Coordination Requirement

Ms. Fisher,

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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



