



ARKANSAS SECRETARY OF STATE

MARK MARTIN

February 15, 2017

The Honorable Doug Curtis
Saline County Clerk
215 Main, Suite 9
Benton, AR 72019

Re: City of Benton Annexation Ordinance 4 of 2014

Dear Mr. Curtis,

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 § 14-40-609 (annexation by petition 100% of land owners)
Effective Date: 1/23/2017 (Emergency Declared)
County: Saline City: Benton
City Ordinance: 4 of 2017 Dated: 1/23/2017
County Court Order: CC 2016- 1 Dated: 1/28/2016 (Hon. Jeff Arey, Saline County Judge)

A file marked copy of the ordinance, court order and exhibits submitted to our Office along with the GIS Office map 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,

Cynthia Fisher
Special Projects Manager
Arkansas Secretary of State Legal Division
500 Woodlane St, Suite 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)
UALR Institution for Economic Advancement (w/encl)
Tom-Tom (w/encl)
Ms. Cindy Stracener, City Clerk and Treasurer

Room 256 State Capitol • Little Rock, Arkansas 72201-1094
501-682-1010 • Fax 501-682-3510
e-mail: arsos@sos.arkansas.gov • www.sos.arkansas.gov





Arkansas Secretary of State

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

Municipal Boundary Change Checklist

County: Saline City/Town: Benton

City Ordinance/Resolution No: 4 of 2017 Date approved: 01/23/2017

County Court Case No: CC 2016-1 Date Order Filed: 01/28/2016

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

Date Change Effective: 01/23/2017 Emergency clause: Yes No

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 (not required for A.C.A §14-40-1801)
- File marked copy of County Court Order (not required for A.C.A. §14-40-501)
- Proof of Publication for all Legal Notices (Hearing, Election, City Ordinance/Resolution)
- Copy of Arkansas GIS approved printed map and certification letter
- File marked copy of Petition Part or File marked copy of the certified special election results (if applicable)
- File marked copy of Complaint and final Circuit Court Order (Court Challenge only)

Municipal Contact:

Name: Ms. Cindy Stracener Title: Benton City Clerk

Street Address: 1145 East St

City: Benton St: AR Zip code: 72015

City/County Official:

Signature: Hon. Doug Curtis Title: Saline County Clerk

Date: _____

Complete one form for each ordinance/resolution and attach it as a cover page to the supporting document set. Submit the documents to Arkansas Secretary of State, Atten: Municipal Boundary Filing, 500 Woodlane Ave, Little Rock, AR 72201-1094

Office of the Arkansas Secretary of State use only

Received by: Cynthia Fisher

FILED
FEB 15 2017
Arkansas
Secretary of State

IN THE COUNTY COURT OF SALINE COUNTY, ARKANSAS

CASE NO. CC 2016-1

FILED
SALINE COUNTY
PROBATE & COUNTY CLERK
2016 FEB -9 AM 11:31

BY A.A.

IN THE MATTER OF ANNEXATION OF CERTAIN
TERRITORY CONTIGUOUS TO THE CITY OF BENTON, ARKANSAS

DECREE OF ANNEXATION

Comes for hearing the Petition of RCK Development, LLC, who is the one hundred percent (100%) property owner of portions of Township 1 South, Range 14 West, asking that the following territory be annexed to the City of Benton, Saline County, Arkansas, to-wit:

LEGAL DESCRIPTION, SEE ATTACHED EXHIBIT "A"

The area to be annexed is to include all adjacent and abutting public streets and rights of way. After hearing the evidence, the Court finds:

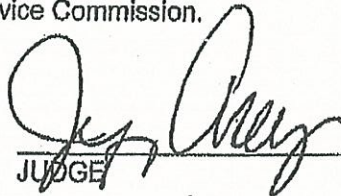
1. That said petition was filed not more than thirty (30) days prior to this date;
2. That the boundaries of said territory have been accurately described within the petition;
3. That said land is adjacent and contiguous to the City of Benton, Saline County, Arkansas and provides for configuity of access;
4. That said petition contained all required verifications and is complete and accurate;
5. That no enclaves will be created by the annexation;
6. That said petition contains a schedule of services;
7. That said petition should be granted and the territory as above described should be annexed to the City of Benton, Saline County, Arkansas, and become a part of said City.

F I L E D

FEB 15 2017

Arkansas
Secretary of State

THEREFORE the Court hereby ORDERS, JUDGES, and DECREES that the lands described above are hereby annexed to and made a party of the City of Benton, Arkansas. The Court hereby orders that the original papers in this cause be delivered to the Clerk of Saline County, Arkansas, and the Clerk, after properly recording and filing the original papers, prepare transcripts of same; that one of the certified transcripts be delivered to the City of Benton, Arkansas, one copy to Arkansas Secretary of State and one copy to the Director of the Tax Division of the Arkansas Public Service Commission.



JUDGE

2/09/2016

Date

EXHIBIT A

LEGAL DESCRIPTION: ALL THAT PART OF THE FRACTIONAL NORTHWEST QUARTER OF NORTHWEST QUARTER, AND PART OF THE NORTHEAST QUARTER OF NORTHWEST QUARTER, SECTION 19, TOWNSHIP 1 SOUTH, RANGE 14 WEST, SALINE COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE FRACTIONAL NORTHWEST QUARTER OF NORTHWEST QUARTER AND RUN THENCE EAST ALONG THE NORTH LINE THEREOF FOR 745.3 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF NORTHWEST QUARTER; THENCE EAST ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF NORTHWEST QUARTER 487.3 FEET TO A POINT THAT IS NORTH 89 DEG. WEST 832.7 FEET FROM THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF NORTHWEST QUARTER; THENCE SOUTH 01 DEG. WEST 660 FEET; THENCE 89 DEG. EAST 495 FEET; THENCE SOUTH 1 DEG. WEST 446 FEET; THENCE WEST 1494.3 FEET; THENCE NORTH 105 FEET; THENCE WEST 187 FEET TO A POINT THAT IS 2280.12 FEET SOUTH OF THE POINT OF BEGINNING; RUN THENCE NORTH 2280.12 FEET TO THE POINT OF BEGINNING.

ALSO

THAT PART OF THE NORTHEAST QUARTER OF NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 1 SOUTH, RANGE 15 WEST, DESCRIBED AS FOLLOWS: ALL THAT PART OF SAID FORTY LYING IN THE NORTHEAST CORNER OF SAME AND BEING NORTH AND EAST OF THE SALEM-MT. CARMEL ROAD, AS NOW LOCATED, IN ALL CONTAINING 36.84 ACRES.

LESS AND EXCEPT

PROPERTY DESCRIPTION: (AS SURVEYED)

PART OF THE NORTHEAST QUARTER OF NORTHEAST QUARTER (NE/4 NE/4) SECTION 24 T-1-S R-15-W AND PART OF THE NORTHWEST QUARTER OF NORTHWEST QUARTER (NW/4 NW/4) SECTION 19 T-1-S R-14-W ALL IN SALINE COUNTY, ARKANSAS MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID NE/4 NE/4; THENCE ALONG THE EAST LINE OF SAID NE/4 NE/4 N02°41'31"E 401.51 FT TO THE POINT OF BEGINNING; N88°21'57"W 14.52 FT TO A POINT ON THE EAST LINE OF SALEM ROAD; THENCE ALONG SAID EAST LINE OF SALEM ROAD THE FOLLOWING CALLS: THENCE N00°42'29"W 56.84 FT; THENCE N01°53'27"W 132.84 FT; THENCE N06°16'30"W 70.68 FT; THENCE LEAVING SAID EAST LINE OF SALEM ROAD S81°22'14"E 399.23 FT; THENCE S01°06'40"W 315.62 FT; THENCE N88°25'19"W 182.76 FT; THENCE N00°56'43"W 105.12 FT; THENCE N88°21'57"W 176.92 FT TO THE POINT OF BEGINNING ENCLOSING 2.50 ACRES.

EXHIBIT A
(Continued)

PART OF THE FRACTIONAL NORTHWEST QUARTER, SECTION 19, TOWNSHIP 1 SOUTH, RANGE 14 WEST, ALL IN SALINE COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE NW 1/4 OF NW 1/4, SECTION 19, A FOUND 2" PIPE; THENCE BEARING SOUTH 87 DEG. 32 MIN. 22 SEC. EAST ALONG THE SOUTH LINE OF HURRICANE LAKE ESTATES WESTSHORE ADDITION, PHASE 2 AND THE SOUTH LINE OF LOTS 25, 26 AND 27 OF HURRICANE LAKE ESTATES WESTSHORE ADDITION, PHASE 1 FOR A DISTANCE OF 1096.06 FEET TO THE WEST LINE OF HURRICANE LAKE ESTATES WESTSHORE ADDITION, PHASE 1; THENCE BEARING SOUTH 02 DEG. 36 MIN. 21 SEC. WEST ALONG THE WEST LINE OF HURRICANE LAKE ESTATES WESTSHORE ADDITION, PHASE 1 FOR A DISTANCE OF 659.28 FEET TO THE SOUTHWEST CORNER OF LOT 31 R OF HURRICANE LAKE ESTATES WESTSHORE ADDITION, PHASE 1; THENCE BEARING SOUTH 87 DEG. 59 MIN. 22 SEC. EAST ALONG THE SOUTH LINE OF HURRICANE LAKE ESTATES WESTSHORE ADDITION, PHASE 1 A DISTANCE OF 494.20 FEET TO THE SOUTHEAST CORNER OF LOT 33 OF HURRICANE LAKE ESTATES WESTSHORE ADDITION, PHASE 1, THENCE LEAVING SAID SOUTH LINE BEARING SOUTH 2 DEG. 32 MIN. 42 SEC. WEST ALONG THE WEST LINE OF SAID WESTSHORE ADDITION A DISTANCE OF 445.70 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING ALONG SAID WEST LINE SOUTH 2 DEG. 32 MIN. 42 SEC. WEST 210.38 FEET TO A CONCRETE MONUMENT, THENCE LEAVING SAID WEST LINE OF WESTSHORE ADDITION PHASE 1, NORTH 89 DEG. 08 MIN. 53 SEC. WEST 126.51 FEET, THENCE NORTH 88 DEG. 18 MIN. 20 SEC. WEST 294.39 FEET, NORTH 88 DEG. 20 MIN. 05 SEC. WEST 277.13 FEET, NORTH 88 DEG. 14 MIN. 47 SEC. WEST 119.80 FEET, NORTH 88 DEG. 18 MIN. 51 SEC. WEST 300.86 FEET, NORTH 01 DEG. 41 MIN. 09 SEC. EAST 210.00 FEET TO THE SOUTH LINE OF LAND OWNED BY RCK DEVELOPMENT, LLC, THENCE ALONG SAID SOUTH LINE OF LAND OWNED BY RCK DEVELOPMENT, LLC SOUTH 88 DEG. 25 MIN. 19 SEC. EAST 1121.84 FEET TO THE POINT OF BEGINNING CONTAINING 236,371 SQUARE FEET OR 5.4 ACRES

FILED
SALINE COUNTY
CLERK & COUNTY CLERK

CLERK'S CERTIFICATE

2017 FEB -8 AM 10:47

STATE OF ARKANSAS)
) ss
COUNTY OF SALINE)

BY A.A.

I, Cindy Stracener, City Clerk of the City of Benton, hereby certify that the attached and foregoing is a true, full and correct copy of Ordinance 4 of 2017 and the same appears on file, and of record, in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the corporation seal of said City, this 6th day of February 2017.

Cindy Stracener
Cindy Stracener, City Clerk

Seal



ORDINANCE NO. 4 OF 2017

2017-002103
I certify this instrument
was filed on:
02/03/2017 9:37:36 AM
Myka Bono Sample
Saline County Circuit Clerk

AN ORDINANCE
ANNEXING CERTAIN TERRITORY INTO THE
CITY OF BENTON, SALINE COUNTY, ARKANSAS; DECLARING AN
EMERGENCY; AND FOR OTHER PURPOSES

Pages: 3
C GREER

WHEREAS, RCK Development filed a Petition with County Court of Saline County, Arkansas, to annex certain contiguous property hereinafter described, to the City of Benton, Saline County, Arkansas, and

WHEREAS, on the 9th day of February, 2016, Jeff Arey, County Judge, determined that said Petition should be granted and that the property hereafter described should be released from Saline County and be annexed to the City of Benton, Saline County, Arkansas; and

WHEREAS, more than thirty (30 days) has expired since entry of said order and the City of Benton desires to accept said property into the City,

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

SECTION 1: That the property hereinafter described be annexed and made part of the City of Benton, Saline County, Arkansas, and is to be included in Ward 5 and zoned R 1-7.5 One Family Residential District and is described as follows, to wit:

ALL THAT PART OF THE FRACTIONAL NORTHWEST QUARTER OF THE NORTHWEST QUARTER AND PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, SECTION 19, TOWNSHIP 1 SOUTH, RANGE 14 WEST, AND PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, SECTION 24, TOWNSHIP 1 SOUTH, RANGE 15 WEST, ALL IN SALINE COUNTY, ARKANSAS, MORE

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FEB 15 2017

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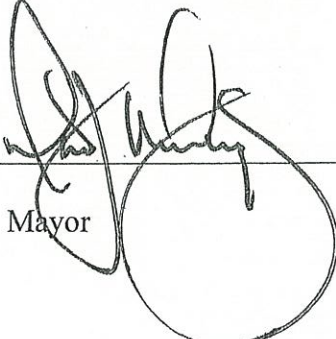
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PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NW 1/4 OF NW 1/4, SECTION 19, A FOUND 2" PIPE; THENCE S87°32'38"E 200.56 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 87 DEG. 32 MIN. 38 SEC. EAST ALONG THE SOUTH LINE OF HURRICANE LAKE ESTATES WESTSHORE ADDITION, PHASE 2 AND THE SOUTH LINE OF LOTS 25, 26 AND 27 OF HURRICANE LAKE ESTATES WESTSHORE ADDITION, PHASE 1 FOR A DISTANCE OF 895.51 FEET TO THE WEST LINE OF HURRICANE LAKE ESTATES WESTSHORE ADDITION, PHASE 1; THENCE BEARING SOUTH 02 DEG. 36 MIN. 21 SEC. WEST ALONG THE WEST LINE OF HURRICANE LAKE ESTATES WESTSHORE ADDITION, PHASE 1 FOR A DISTANCE OF 659.28 FEET; THENCE S87°59'36"E A DISTANCE OF 494.38 FEET TO THE WEST LINE OF HURRICANE LAKE ESTATES WESTSHORE ADDITION, PHASE 1; THENCE S02°33'39"W ALONG THE WEST LINE OF HURRICANE LAKE ESTATES WESTSHORE ADDITION, PHASE 1 A DISTANCE OF 656.12 FEET TO A CONCRETE MONUMENT; THENCE ALONG THE NORTH LINE OF SHADY GROVE SUBDIVISION THE FOLLOWING CALLS: N89°08'53"W A DISTANCE OF 126.51 FEET; THENCE N88°18'21"W A DISTANCE OF 294.39 FEET; THENCE N88°16'59"W A DISTANCE OF 74.94 FEET; THENCE N88°21'14"W A DISTANCE OF 202.19 FEET; THENCE N88°14'47"W A DISTANCE OF 119.80 FEET TO THE NORTHWEST CORNER OF SHADY GROVE SUBDIVISION; THENCE N88°18'51"W A DISTANCE OF 298.91 FEET; THENCE N01°41'09"E A DISTANCE OF 210.02 FEET; THENCE N88°25'57"W 109.95 THENCE N00°46'45"E A DISTANCE OF 315.73 FEET; THENCE N81°25'48"W A DISTANCE OF 86.02 FEET; THENCE N81°24'36"W A DISTANCE OF 295.95 FEET TO THE FUTURE EAST RIGHT OF WAY OF SALEM ROAD; THENCE ALONG SAID FUTURE EAST RIGHT OF WAY OF SALEM ROAD N13°51'41"W A DISTANCE OF 196.08 FEET; THENCE N27°07'35"W A DISTANCE OF 133.96 FEET; THENCE N36°40'53"W A DISTANCE OF 22.99 FEET; THENCE LEAVING SAID FUTURE EAST RIGHT OF WAY OF

SALEM ROAD N63°14'04"E A DISTANCE OF 31.31 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 235.00 A DELTA ANGLE OF 23°11'36", AND CHORD BEARING OF N74°49'52"E A DISTANCE OF 94.48 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 150.00 A DELTA ANGLE OF 15°28'44" AND WHOSE CHORD BEARING OF N78°41'18"E A DISTANCE OF 40.40 FEET; THENCE BEARING N14°00'00"W A DISTANCE OF 185.17 FEET; THENCE BEARING N53°00'00"E A DISTANCE OF 330.28 FEET TO THE POINT OF BEGINNING. CONTAINING 36.21 ACRES OR 1,577,185 SQ. FT MORE OR LESS. THIS LEGAL DESCRIPTION WAS PROVIDED BY GRANTOR.

SECTION 2: It is hereby found and determined that an immediate passage of this Ordinance is necessary for residential development, which will benefit the growth of the city and local economy; THEREFORE, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 23 day of January, ~~2016~~ ²⁰¹⁷.



Mayor

Attest: Cindy Stracener
City Clerk

DESIGNATED FOR PUBLICATION

FILED
SALINE COUNTY
CLERK & COUNTY CLERK

2016 JUN 30 PM 1:06

BY AC



**ARKANSAS
GIS OFFICE**

June 30, 2016

Mrs. Allison Cain
Saline County Clerk's Office
200 N Main St
Benton, AR 72015

RE: City of Benton Annexation Coordination Requirement

Mrs. Cain,

Thank you for coordinating with our office as you seek to annex property into the City of Benton, AR case number CC2016-01. 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,

Richie Pierce, Sr. GIS Analyst
/rp

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

F I L E D

FEB 15 2017

Arkansas
Secretary of State

FILED

FEB 15 2017

Arkansas
Secretary of State

Proposed Annex: City of Benton
June 2016



City: Benton
Mayor: David Mattingly

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

ARKANSAS
GIS OFFICE

Benton-20160627

Agreement for Pre-Annexation

THIS AGREEMENT is made and entered into this 14 day of March, 2016 by and among the City of Benton, Arkansas, herein after referred to as "City" and RCK Development LLC, hereinafter referred to as "Annexing Party."

WHEREAS, the City desires to expand its boundaries to properties owned by the Annexing Party; and

WHEREAS, the Annexing Party desires to enter into this agreement to allow the City through the Benton Public Utilities Commission, to extend Benton utilities to the Annexing Party's property; and

WHEREAS, the City and the Annexing Party desire to work together to promote orderly and progressive growth and development; and

WHEREAS, to accomplish the desired result, the City and Annexing Party agree to a future annexation of the property hereinafter described; and

WHEREAS, the City and the Annexing Party desire to define the terms and conditions on which the proposed annexation will occur,

NOW THEREFORE, the City and the Annexing Party, in consideration of the mutual promises hereinafter made and to be kept and the mutual benefits to be derived, agree as follows:

1. The properties to be annexed (the "Property") are described as follows, to-wit:

Legal Description as shown on Exhibit "A" attached hereto and incorporated by reference.

2. The City represents and agrees as follows:

- a. The City hereby authorizes the Benton Public Utilities Commission to allow an extension of city sewer and water services to the "Property" at the Annexing Parties' cost.
- b. The City will allow and assist the Annexing Party up execution of this Agreement to immediately commence construction of improvements to and upon the property in accordance with the terms of this agreement.

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FEB 15 2017
Arkansas
Secretary of State

- c. The City, as and when the "Property" becomes contiguous to the then existing city limits, will propose annexation of the "Property" to the City.
- d. The parties agree that the Benton Planning and Zoning Commission shall have the authority to give preliminary and final plat approval for the "Property" consistent with the city ordinances and regulations governing same.
- e. The City agrees that as and when the "Property" is annexed into the City, the City will provide the same level of Municipal services to the "Property" and to the residents and businesses located thereon as it would to the other areas of the City.

3. The Annexing Party represents and agrees as follows:

- a. All installation of and use of Benton Public Utilities Commission utility services pursuant to this Agreement will be in conformity with Benton Public Utilities Commission rules, regulations, as well as rates. Likewise, the installation of the sewer and water utilities to and on the "Property" will be subject to Benton Public Utilities Commission inspection and verification.
- b. That the Annexing Party will file the required petition for annexation with the Saline County Court and make every reasonable effort to have the annexation approved as soon as is reasonable. The parties recognize that the lands described herein are not now contiguous to the city limits of Benton, and that annexation will not be practicable until such time as the subject property is in fact contiguous to the city limits. Once that occurs, the Annexing Party will within reasonable time file the annexation petition described herein.
- c. This document shall be filed of record in the land records of Saline County, Arkansas, and the undertakings of the Annexing Party stated herein shall be covenants running with the land, and shall be binding upon the subject property and upon Annexing Party, its successors and assigns.

4. The City further represents that all required action has been taken by it for the purpose of entering into this agreement and that the Mayor and City Clerk are authorized to execute this agreement.

5. The Annexing Party represents that it has taken all required action for the purpose of entering into this agreement and is authorized to do so.

6. City and Annexing Party agree that time is of the essence of this agreement and the timely compliance with its terms is essential to the purposes contemplated hereby.
7. City and Annexing Party agree that this agreement may only be amended or altered in writing by both parties hereto.
8. Should any term of this Agreement be determined to be invalid, illegal or in any way unenforceable, that illegal, invalid or unenforceable term shall be severable from the other valid and otherwise enforceable terms of this Agreement, which shall continue to be enforced by the parties.
9. The City and the Annexing Party agree that the terms, conditions and obligations of this Agreement shall expire once the "Property" is annexed into the City.

ENTERED INTO AND AGREED as of the date hereinabove set forth.

Annexing Party

By: _____

Owner

City of Benton

By: _____

Mayor

By: _____

City Clerk

Exhibit "A"

ALL THAT PART OF THE FRACTIONAL NORTHWEST QUARTER OF THE NORTHWEST QUARTER AND PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, SECTION 19, TOWNSHIP 1 SOUTH, RANGE 14 WEST, AND PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, SECTION 24, TOWNSHIP 1 SOUTH, RANGE 15 WEST, ALL IN SALINE COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NW 1/4 OF NW 1/4, SECTION 19, A FOUND 2" PIPE; THENCE S87°32'38"E 200.56 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 87 DEG. 32 MIN. 38 SEC. EAST ALONG THE SOUTH LINE OF HURRICANE LAKE ESTATES WESTSHORE ADDITION, PHASE 2 AND THE SOUTH LINE OF LOTS 25, 26 AND 27 OF HURRICANE LAKE ESTATES WESTSHORE ADDITION, PHASE 1 FOR A DISTANCE OF 895.51 FEET TO THE WEST LINE OF HURRICANE LAKE ESTATES WESTSHORE ADDITION, PHASE 1; THENCE BEARING SOUTH 02 DEG. 36 MIN. 21 SEC. WEST ALONG THE WEST LINE OF HURRICANE LAKE ESTATES WESTSHORE ADDITION, PHASE 1 FOR A DISTANCE OF 659.28 FEET; THENCE S87°59'36"E A DISTANCE OF 494.38 FEET TO THE WEST LINE OF HURRICANE LAKE ESTATES WESTSHORE ADDITION, PHASE 1; THENCE S02°33'39"W ALONG THE WEST LINE OF HURRICANE LAKE ESTATES WESTSHORE ADDITION, PHASE 1 A DISTANCE OF 656.12 FEET TO A CONCRETE MONUMENT; THENCE ALONG THE NORTH LINE OF SHADY GROVE SUBDIVISION THE FOLLOWING CALLS: N89°08'53"W A DISTANCE OF 126.51 FEET; THENCE N88°18'21"W A DISTANCE OF 294.39 FEET; THENCE N88°16'59"W A DISTANCE OF 74.94 FEET; THENCE N88°21'14"W A DISTANCE OF 202.19 FEET; THENCE N88°14'47"W A DISTANCE OF 119.80 FEET TO THE NORTHWEST CORNER OF SHADY GROVE SUBDIVISION; THENCE N88°18'51"W A DISTANCE OF 298.91 FEET; THENCE N01°41'09"E A DISTANCE OF 210.02 FEET; THENCE N88°25'57"W 109.95 THENCE N00°46'45"E A DISTANCE OF 315.73 FEET; THENCE N81°25'48"W A DISTANCE OF 86.02 FEET; THENCE N81°24'36"W A DISTANCE OF 295.95 FEET TO THE FUTURE EAST RIGHT OF WAY OF SALEM ROAD; THENCE ALONG SAID FUTURE EAST RIGHT OF WAY OF SALEM ROAD N13°51'41"W A DISTANCE OF 196.08 FEET; THENCE N27°07'35"W A DISTANCE OF 133.96 FEET; THENCE N36°40'53"W A DISTANCE OF 22.99 FEET; THENCE LEAVING SAID FUTURE EAST RIGHT OF WAY OF SALEM ROAD N63°14'04"E A DISTANCE OF 31.31 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 235.00 A DELTA ANGLE OF 23°11'36", AND CHORD BEARING OF N74°49'52"E A DISTANCE OF 94.48 FEET;

THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 150.00 A DELTA ANGLE OF 15°28'44" AND WHOSE CHORD BEARING OF N78°41'18"E A DISTANCE OF 40.40 FEET; THENCE BEARING N14°00'00"W A DISTANCE OF 185.17 FEET; THENCE BEARING N53°00'00"E A DISTANCE OF 330.28 FEET TO THE POINT OF BEGINNING. CONTAINING 36.21 ACRES OR 1,577,185 SQ. FT MORE OR LESS.



ORDINANCE NO. 10 OF 2016

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO A PRE-ANNEXATION AGREEMENT WITH RCK DEVELOPMENT, LLC FOR THE WEST LAKE VILLAGE SUBDIVISION; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, RCK Development, LLC owns certain real property known as the West Lake Village subdivision in Saline County, which they desire to annex into the city of Benton; and

WHEREAS, the City Council of the City of Benton desires to enter into a pre-annexation agreement with RCK Development, LLC for the purpose of establishing the terms and conditions for such an annexation to occur.

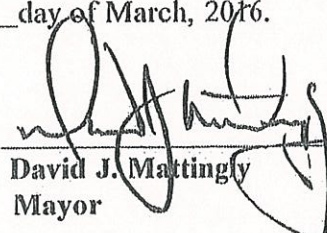
NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Benton, Arkansas, that:

SECTION 1: The City Council does hereby approve, ratify and confirm the agreement with RCK Development, LLC for annexing property into the corporate limits of the City of Benton. A copy of this agreement is attached hereto, marked as Exhibit "A" and is incorporated now by reference as if stated word for word.

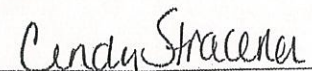
SECTION 2: Any ordinance in conflict with this Ordinance and with the agreement approved herein is repealed to the extent of such a conflict but not otherwise. In addition thereto, the Public Utility Commission is hereby authorized to extend utility service to the property under the terms and conditions set forth in the agreement.

SECTION 3: It is necessary for the health, safety, and welfare for the citizens of Benton to establish the terms upon which certain land may be annexed into the City of Benton. Therefore, an emergency exists, and this ordinance is necessary for the preservation of the public peace, health and safety. It shall be in full force and effect immediately from and after its passage and approval.

PASSED and APPROVED this the 14 day of March, 2016.


David J. Mattingly
Mayor

Attest:


Cindy Stracener
City Clerk

2016-005362
I certify this instrument
was filed on:
03/21/2016 10:39:59 AM
Myka Bono Sample
Saline County Circuit Clerk



Doug Curtis
Saline County Clerk

FILED
SALINE COUNTY

SALINE COUNTY CLERK

2016 FEB -9 AM 8:42

BY A.A.

February 8, 2016

Re: In The Matter Of Annexation Of Certain Territory
Contiguous To The City Of Benton, Arkansas
Saline County Court Case No. 2016-1

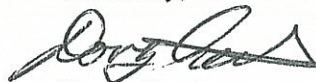
Judge Arey,

In accordance with Arkansas Code Annotated §14-40-609 (Act 991 of 2015), I have:

- A) Verified the identity of the Petitioner in the above referenced matter;
- B) Verified that there are no property owners included in the petition that do not wish to have their property annexed;
- C) Verified that the property is contiguous with the City of Benton; and
- D) Verified that no enclaves will be created if the petition is accepted by the City of Benton.

If you have any questions please do not hesitate to give me a call.

Sincerely,



Doug Curtis
Saline County Clerk

✓

BOB RAMSEY

FILED
SALINE COUNTY
PROBATE & COUNTY CLERK

Saline County Assessor

2016 FEB -8 PM 4:11

BY Act.

February 8, 2016

Re: In The Matter Of Annexation Of Certain Territory
Contiguous To The City Of Benton, Arkansas
Saline County Court Case No. 2016-1

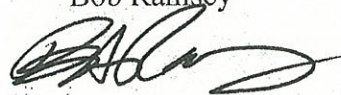
Judge Arey,

In accordance with Arkansas Code Annotated §14-40-609 (Act 991 of 2015), I have:

- A) Verified the identity of the Petitioner in the above referenced matter;
- B) Verified that there are no property owners included in the petition that do not wish to have their property annexed;
- C) Verified that the property is contiguous with the City of Benton; and
- D) Verified that no enclaves will be created if the petition is accepted by the City of Benton.

If you have any questions please do not hesitate to give me a call.

Sincerely,
Bob Ramsey



✓

IN THE COUNTY COURT OF SALINE COUNTY, ARKANSAS

FILED
SALINE COUNTY
COUNTY CLERK

CASE NO. CC.2016-1

2016 JAN 28 PM 12:08

IN THE MATTER OF ANNEXATION OF CERTAIN
TERRITORY CONTIGUOUS TO THE CITY OF BENTON, ARKANSAS

BY LB

**PETITION FOR ANNEXATION TO THE
CITY OF BENTON, ARKANSAS**

Petitioner, RCK Development, LLC, is the owner of the real property described in the attached Exhibit "A".

The undersigned further states that it is the one hundred percent (100%) owner of the property, that the property is contiguous to the City of Benton, Arkansas (the "City"), and that all of the property lies within Saline County, Arkansas. The undersigned petitions that the property be annexed to the City in accordance with Arkansas Code Annotated §14-40-609 (Act 991 of 2015). The undersigned hereby authorizes Ron Hill to act on behalf of the Petitioner in connection with this petition and the request for annexation to the City.

The following services shall be extended to the annexed area within three (3) years after the date the annexation becomes final:

- (1) Sewer and Water from the City of Benton;
- (2) Gas from Centerpoint Energy;
- (3) Electric from First Electric; and
- (4) Phone from AT&T.

PETITIONER:

RCK Development, LLC

By: [Signature]
Managing Member

✓

EXHIBIT "A"

LEGAL DESCRIPTION

EXHIBIT A

LEGAL DESCRIPTION: ALL THAT PART OF THE FRACTIONAL NORTHWEST QUARTER OF NORTHWEST QUARTER, AND PART OF THE NORTHEAST QUARTER OF NORTHWEST QUARTER, SECTION 19, TOWNSHIP 1 SOUTH, RANGE 14 WEST, SALINE COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE FRACTIONAL NORTHWEST QUARTER OF NORTHWEST QUARTER AND RUN THENCE EAST ALONG THE NORTH LINE THEREOF FOR 745.3 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF NORTHWEST QUARTER; THENCE EAST ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF NORTHWEST QUARTER 487.3 FEET TO A POINT THAT IS NORTH 89 DEG. WEST 832.7 FEET FROM THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF NORTHWEST QUARTER; THENCE SOUTH 01 DEG. WEST 660 FEET; THENCE 89 DEG. EAST 495 FEET; THENCE SOUTH 1 DEG. WEST 446 FEET; THENCE WEST 1494.3 FEET; THENCE NORTH 105 FEET; THENCE WEST 187 FEET TO A POINT THAT IS 2280.12 FEET SOUTH OF THE POINT OF BEGINNING; RUN THENCE NORTH 2280.12 FEET TO THE POINT OF BEGINNING.

ALSO

THAT PART OF THE NORTHEAST QUARTER OF NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 1 SOUTH, RANGE 15 WEST, DESCRIBED AS FOLLOWS: ALL THAT PART OF SAID FORTY LYING IN THE NORTHEAST CORNER OF SAME AND BEING NORTH AND EAST OF THE SALEM-MT. CARMEL ROAD, AS NOW LOCATED. IN ALL CONTAINING 36.84 ACRES.

LESS AND EXCEPT

PROPERTY DESCRIPTION: (AS SURVEYED)

PART OF THE NORTHEAST QUARTER OF NORTHEAST QUARTER (NE/4 NE/4) SECTION 24 T-1-S R-15-W AND PART OF THE NORTHWEST QUARTER OF NORTHWEST QUARTER (NW/4 NW/4) SECTION 19 T-1-S R-14-W ALL IN SALINE COUNTY, ARKANSAS MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID NE/4 NE/4; THENCE ALONG THE EAST LINE OF SAID NE/4 NE/4 N02°41'31"E 401.51 FT TO THE POINT OF BEGINNING; N88°21'57"W 14.52 FT TO A POINT ON THE EAST LINE OF SALEM ROAD; THENCE ALONG SAID EAST LINE OF SALEM ROAD THE FOLLOWING CALLS: THENCE N00°42'29"W 56.84 FT; THENCE N01°53'27"W 132.84 FT; THENCE N06°16'30"W 70.68 FT; THENCE LEAVING SAID EAST LINE OF SALEM ROAD S81°22'14"E 399.23 FT; THENCE S01°06'40"W 315.62 FT; THENCE N88°25'19"W 182.76 FT; THENCE N00°56'43"W 105.12 FT; THENCE N88°21'57"W 176.92 FT TO THE POINT OF BEGINNING ENCLOSING 2.50 ACRES.

EXHIBIT A
(Continued)

PART OF THE FRACTIONAL NORTHWEST QUARTER, SECTION 19, TOWNSHIP 1 SOUTH, RANGE 14 WEST, ALL IN SALINE COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE NW 1/4 OF NW 1/4, SECTION 19, A FOUND 2" PIPE; THENCE BEARING SOUTH 87 DEG. 32 MIN. 22 SEC. EAST ALONG THE SOUTH LINE OF HURRICANE LAKE ESTATES WESTSHORE ADDITION, PHASE 2 AND THE SOUTH LINE OF LOTS 25, 26 AND 27 OF HURRICANE LAKE ESTATES WESTSHORE ADDITION, PHASE 1 FOR A DISTANCE OF 1096.06 FEET TO THE WEST LINE OF HURRICANE LAKE ESTATES WESTSHORE ADDITION, PHASE 1; THENCE BEARING SOUTH 02 DEG. 36 MIN. 21 SEC. WEST ALONG THE WEST LINE OF HURRICANE LAKE ESTATES WESTSHORE ADDITION, PHASE 1 FOR A DISTANCE OF 659.28 FEET TO THE SOUTHWEST CORNER OF LOT 31 R OF HURRICANE LAKE ESTATES WESTSHORE ADDITION, PHASE 1; THENCE BEARING SOUTH 87 DEG. 59 MIN. 22 SEC. EAST ALONG THE SOUTH LINE OF HURRICANE LAKE ESTATES WESTSHORE ADDITION, PHASE 1 A DISTANCE OF 494.20 FEET TO THE SOUTHEAST CORNER OF LOT 33 OF HURRICANE LAKE ESTATES WESTSHORE ADDITION, PHASE 1, THENCE LEAVING SAID SOUTH LINE BEARING SOUTH 2 DEG. 32 MIN. 42 SEC. WEST ALONG THE WEST LINE OF SAID WESTSHORE ADDITION A DISTANCE OF 445.70 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING ALONG SAID WEST LINE SOUTH 2 DEG. 32 MIN. 42 SEC. WEST 210.38 FEET TO A CONCRETE MONUMENT, THENCE LEAVING SAID WEST LINE OF WESTSHORE ADDITION PHASE 1, NORTH 89 DEG. 08 MIN. 53 SEC. WEST 126.51 FEET, THENCE NORTH 88 DEG. 18 MIN. 20 SEC. WEST 294.39 FEET, NORTH 88 DEG. 20 MIN. 05 SEC. WEST 277.13 FEET, NORTH 88 DEG. 14 MIN. 47 SEC. WEST 119.80 FEET, NORTH 88 DEG. 18 MIN. 51 SEC. WEST 300.86 FEET, NORTH 01 DEG. 41 MIN. 09 SEC. EAST 210.00 FEET TO THE SOUTH LINE OF LAND OWNED BY RCK DEVELOPMENT, LLC, THENCE ALONG SAID SOUTH LINE OF LAND OWNED BY RCK DEVELOPMENT, LLC SOUTH 88 DEG. 25 MIN. 19 SEC. EAST 1121.84 FEET TO THE POINT OF BEGINNING CONTAINING 236,371 SQUARE FEET OR 5.4 ACRES

FILED
SALINE COUNTY
PROBATE & COUNTY CLERK
2016 FEB -9 AM 11:31

IN THE COUNTY COURT OF SALINE COUNTY, ARKANSAS

CASE NO. CC 2016-1

BY A.A.

IN THE MATTER OF ANNEXATION OF CERTAIN
TERRITORY CONTIGUOUS TO THE CITY OF BENTON, ARKANSAS

DECREE OF ANNEXATION

Comes for hearing the Petition of RCK Development, LLC, who is the one hundred percent (100%) property owner of portions of Township 1 South, Range 14 West, asking that the following territory be annexed to the City of Benton, Saline County, Arkansas, to-wit:

LEGAL DESCRIPTION, SEE ATTACHED EXHIBIT "A"

The area to be annexed is to include all adjacent and abutting public streets and rights of way. After hearing the evidence, the Court finds:

1. That said petition was filed not more than thirty (30) days prior to this date;
2. That the boundaries of said territory have been accurately described within the petition;
3. That said land is adjacent and contiguous to the City of Benton, Saline County, Arkansas and provides for contiguity of access;
4. That said petition contained all required verifications and is complete and accurate;
5. That no enclaves will be created by the annexation;
6. That said petition contains a schedule of services;
7. That said petition should be granted and the territory as above described should be annexed to the City of Benton, Saline County, Arkansas, and become a part of said City.

THEREFORE the Court hereby ORDERS, JUDGES, and DECREES that the lands described above are hereby annexed to and made a party of the City of Benton, Arkansas. The Court hereby orders that the original papers in this cause be delivered to the Clerk of Saline County, Arkansas, and the Clerk, after properly recording and filing the original papers, prepare transcripts of same; that one of the certified transcripts be delivered to the City of Benton, Arkansas, one copy to Arkansas Secretary of State and one copy to the Director of the Tax Division of the Arkansas Public Service Commission.



JUDGE

2/09/2016

Date

EXHIBIT A

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HOPE
CONSULTING
ENGINEERS - SURVEYORS

Friday January 7, 2016

Quinn Rambo
114 S. East Street
Benton, AR 72015

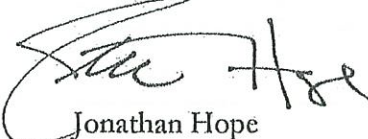
RE: Westlake Village Annexation

Dear Quinn,

Hope Consulting will be working as the agent for Ron Hill and RCK Development for the approval of the annexation of Westlake Village into the City of Benton.

Please feel free to contact me with any questions or concerns or if I can be of any further assistance.

Sincerely,



Jonathan Hope



Ron Hill
RCK Development

117 SOUTH MARKET ST. BENTON, ARKANSAS 72015
501-315-2626
WWW.HOPECONSULTING.COM