



**ARKANSAS SECRETARY OF STATE**  
**MARK MARTIN**

December 28, 2017

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

Re: City of Bentonville Annexation Ordinance 2017-176

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 § 14-40-609 (petition by 100% of the landowners)

Effective Date: 12/14/2017

County: Benton

City: Bentonville

City Ordinance: 2017-176

Dated: 11/14/2017

County Court Order: CC-2017-24

Date Filed: 11/20/2017 Honorable Barry Moehring, Benton County Judge

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

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





# Arkansas Secretary of State

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

## Municipal Boundary Change Checklist

County: Benton City/Town: Bentonville

City Ordinance/Resolution No: 2017-176 Date approved: 11/14/2017

County Court Case No: CC 2017-24 Date Order Filed: 11/20/2017

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

Date Change Effective: 12/14/2017 Set by:  Municipal Ordinance  Emergency Clause  Default  
*(Required by Act 653 of 2017)*

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

### Initiating party:

All Landowners  Majority Landowners  Municipal Governing Body  State  Other \_\_\_\_\_

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

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

### Municipal Contact:

Name: Bob McCaslin Title: Mayor

Street Address: 117 W Central Ave

City: Bentonville St: AR Zip code: 72712

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

### County Official:

Signature: Tiffany Underwood Title: Deputy County Clerk

Date: 11-21-17

*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

F I L E D

DEC 28 2017

Received by: \_\_\_\_\_

Arkansas  
Secretary of State

# BENTON COUNTY

STATE OF ARKANSAS

TENA O'BRIEN

COUNTY CLERK & VOTER REGISTRAR

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

November 21, 2017

PROBATE COURT CLERK

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

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

RE: Shelby Elzey, et al  
City of Bentonville Annexation  
Benton County Court Case No. CC# 2017-24

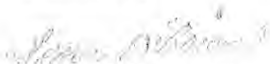
Dear Secretary Martin:

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 Confirming Annexation entered on November 20, 2017
3. Ordinance No. 2017-176 adopted on November 14, 2017, by the City of Bentonville

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

Sincerely,

  
Tena O'Brien

By T. Underwood

TO/tku  
Enclosures

cc: Roderick Grieve  
Benton County Assessor

NW Arkansas Regional Planning Commission  
1311 Clayton Street  
Springdale, AR 72765

Benton County 9-1-1 Administration

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

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

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

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

FILED

2017 NOV 15 AM 11:45

ORDINANCE NO. 2017-176

**AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF BENTONVILLE, ARKANSAS, AND MAKING SAME A PART OF THE CITY OF BENTONVILLE, AND ASSIGNING SAME TO WARDS.**

WHEREAS, petition was filed with the County Clerk of Benton County, Arkansas by SHELBY ELZEY owner(s) of the hereinafter described territory, praying that said territory be annexed to, and made a part of the City of Bentonville, Arkansas, and

WHEREAS, on the 17<sup>th</sup> day of October, 2017, the County Court of Benton County, Arkansas, found that the petition was signed by the owners of said territory; that said territory was contiguous and adjoining the present corporate limits of the City of Bentonville, Arkansas; that an accurate plat or map of said territory had been filed with, and made a part of said petition; and that all things pertaining thereto had been done in the manner prescribed by law, and that said lands and territory should be annexed to and a part of the City of Bentonville, Arkansas, subject to the acceptance of same by the City Council of said City at the proper time, as provided by law; and

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

**Section 1.** That the land described on the attached Exhibit A is territory contiguous to and adjoining the City of Bentonville, Arkansas, and the same is hereby accepted as part of and annexed to and made a part of the City of Bentonville.

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

**Section 3.** That the above described territory shall be zoned A-1, to be used in accordance with City zoning laws and the laws of the State of Arkansas.

FILED

DEC 23 2017

Arkansas  
Secretary of State

FILED

2017 NOV 15 AM 11:45

Section 4: That this ordinance shall become effective 30 days from its passage, and approval.

PASSED AND APPROVED THIS 14th DAY OF November 2017.

APPROVED: Bob McCash

Mayor

ATTEST: Linda Spence

Clerk

2017 3734

FILED

2017 NOV 15 PM 3: 31

**ELZEY ANNEXATION**

**"EXHIBIT A"**

**Legal Description of a portion of Benton County Parcel #18-08661-003**

Part of the East Half (E ½) of the Southeast Quarter (SE 1/4) of Section Two (2), Township Nineteen (19) North, Range Thirty-One (31) West, Benton County, Arkansas being more particularly described as beginning at a found iron pin for the Northwest Corner of the East Half (E ½) of the Southeast Quarter (SE 1/4) of Section Two (2), Township Nineteen (19) North, Range Thirty-One (31) West; thence along the West Line of the East Half (E ½) of the Southeast Quarter (SE 1/4) of Section Two (2), Township Nineteen (19) North, Range Thirty-One (31) West running South 02°15'37" West a distance of 1,319.87 feet to the POINT OF BEGINNING; thence South 87°40'43" East a distance of 662.66 feet to a set 5/8" diameter pin; thence South 87°40'44" East a distance of 662.65 feet to a set 5/8" diameter pin on the East Line of Section Two (2); thence along the East Line of Section Two (2) running South 02°11'12" West a distance of 990.80 feet to a set 5/8" diameter pin; thence leaving the East Line of Section (2) and running North 87°37'05" West a distance of 1,326.59 feet to a set 5/8" diameter pin on the West Line of the East Half (E ½) of the Southeast Quarter (SE 1/4) of Section Two (2), Township Nineteen (19) North, Range Thirty-One (31) West; thence along the West Line of the East Half (E ½) of the Southeast Quarter (SE 1/4) of Section Two (2), Township Nineteen (19) North, Range Thirty-One (31) West running North 02°15'37" East a distance of 989.40 feet to the POINT OF BEGINNING containing in all 1,312,898 square feet or 30.14 acres, more or less and being further subject to any rights-of-ways, easements, liens, or encumbrances which may or may not be of record.

**AND**

**Legal Description of Benton County Parcel #18-08661-001**

Part of the E1/2 of the SE1/4 of Section 2, Township 19 North, Range 31 West described as beginning at a point 2310 feet south of the NE corner of said tract, run thence South 330 feet to the South line of said tract, run thence West 1320 feet to the SW corner of said tract, run thence North 330 feet to a point, run thence East 1320 feet to the point of beginning on the east line of said tract.

LESS AND EXCEPT the land annexed into the city of Bentonville with ordinance 2010-41, recorded as book 2010, page 34858

FILED

2017 NOV 15 PM 3: 31

ELZEY ANNEXATION ROW

EXHIBIT A-1

Part of the East Half (E ½) of the SE 1/4 of Section 2, Township 19N, Range 31W, Benton County, Arkansas being more particularly described as commencing at the NW Corner of the East Half (E ½) of SE 1/4 of Section 2, Township 19N, Range 31W; thence along the West Line of the East Half (E ½) of the SE ¼ of Section 2, Township 19N, Range 31 W running S 02°15'37" W a distance of 1,319.87 feet to the POINT OF BEGINNING.

Thence S02°23'14"W, 995.48';

Thence N87°36'46"W, 14.69';

Thence N02°08'28"E, 995.49';




Thence S87°36'46"E, 18.96' to the POINT OF BEGINNING.

2017 3736

2017 NOV 15 PM 3:31



**Legend**

-  Elzy Annexation ROW
-  Proposed Elzy Annexation LABEL
-  BENTONVILLE

2017 3737

Proposed Annexation (Elzy)

1 inch = 500 feet





FILED

2017 OCT 17 PM 2:53

TESSA BIRREN  
SOLICITOR GENERAL  
BENTON COUNTY, ARK.

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

Shelby Elzey, Et Al, Petitioners

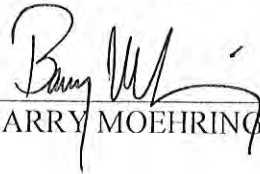
COUNTY COURT ORDER NO. CC 2017-24

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 Bentonville 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 Bentonville.



HON. BARRY MOEHRING, County Judge

FILED

DEC 28 2017

Arkansas  
Secretary of State

Date

2017 3391

# Exhibit "B" CC 2017-24

FILED



2017 OCT 17 PM 2: 53

## Abutting ROW to Annexation

RENA STORICK  
STATE CLERK  
CLAY COUNTY, ARK



### Legend

-  ROW to be Annexed
  -  Parcels Sections
- 2017-3303

FILED

2017 NOV 20 PM 4: 22

CLERK OF COURT  
BENTON COUNTY, ARKANSAS

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

CC 2017-24

ORDER CONFIRMING ANNEXATION

Now on this day is presented to the Court the complete file for the annexation of certain land to the City of Bentonville, Benton County, Arkansas, under this file number, including specifically a copy of the plat of the annexed property and a copy of the resolution or ordinance of the governing body of the city or town accepting the property for annexation, and having reviewed the file and all things considered, the Court finds that all the requirements of § 14-40-609 of the Arkansas Code have been complied with and further that the annexation is in all respects proper, including if applicable, that the annexing city or town has included in the legal description included with its resolution or ordinance accepting the property for annexation certain dedicated public roads and rights of way abutting or traversing the property to be annexed if required by the Court's previous order entered in this file.

IT IS THEREFORE CONSIDERED AND ORDERED that the annexation of the above described lands to the City of Bentonville, Benton County, Arkansas, is hereby confirmed and that the same is and shall hence forth comprise a part of the City of Bentonville, Benton County, Arkansas.

FILED

DEC 28 2017

Arkansas  
Secretary of State



HON. BARRY MOEHRING, County Judge

11-20-2017

Date

2017 3799

ELZEY ANNEXATION ROW

EXHIBIT

FILED

2017 OCT -6 PM 1:27

RECORDED  
2017 OCT 6 PM 1:27  
BENTON COUNTY ARKANSAS

Part of the East Half (E ½) of the SE 1/4 of Section 2, Township 19N, Range 31W, Benton County, Arkansas being more particularly described as commencing at the NW Corner of the East Half (E ½) of SE 1/4 of Section 2, Township 19N, Range 31W; thence along the West Line of the East Half (E ½) of the SE ¼ of Section 2, Township 19N, Range 31 W running S 02°15'37" W a distance of 1,319.87 feet to the POINT OF BEGINNING.

Thence S02°23'14"W, 995.48';

Thence N87°36'46"W, 14.69';

Thence N02°08'28"E, 995.49';

Thence S87°36'46"E, 18.96' to the POINT OF BEGINNING.



**ARKANSAS  
GIS OFFICE**

FILED

2017 OCT -6 PM 1:27

TELETYPE UNIT  
COMMUNICATIONS SECTION  
STATE OF ARKANSAS  
LITTLE ROCK, AR 72201

September 20, 2017

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

RE: City of Bentonville Annexation Coordination Requirement

Mr. Wheelless,

Thank you for coordinating with our office as you seek to annex property into the City of Bentonville described as the "Elzy Annexation." 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

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

FILED

DEC 28 2017

Arkansas  
Secretary of State

H:\City\_Annexations\Cities\Bentonville\20170920\Doc\ 20170920\_Bentonville\_Annexation\_Coordination\_Letter.docx

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

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

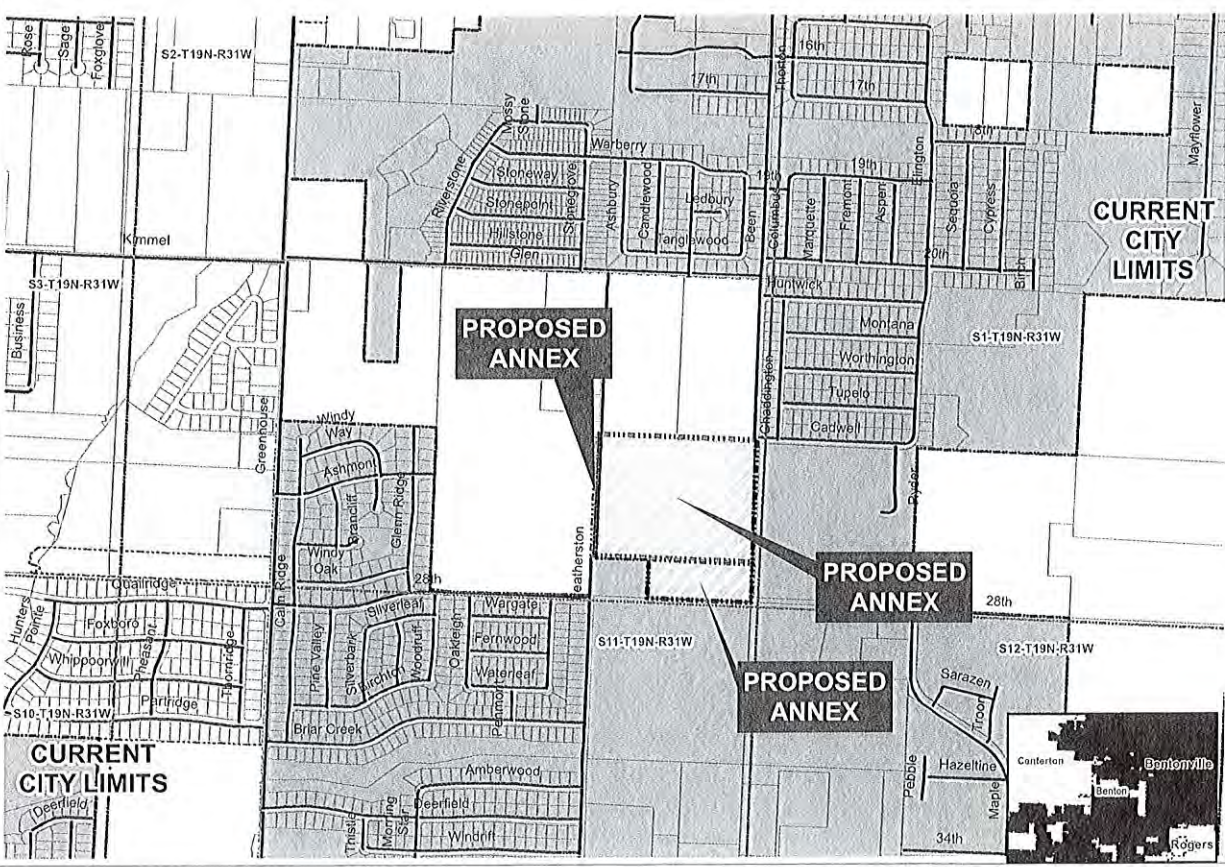
Proposed Annex: City of Bentonville "Elzy Annexation"  
September 2017

City: Bentonville  
Mayor: Bob McCaslin  
Map Date: 9/20/2017

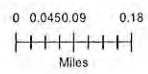
Arkansas Code 14-40-101.

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 514 of 2015



- Proposed Annex
- Sections
- Parcels
- Minor Road
- Existing City
- Neighboring City
- County Boundary



H:\City\_Annexations\Cities\Bentonville\20170920

FILED  
DEC 28 2017  
Arkansas  
Secretary of State

FILED

2017 OCT -6 PM 1:26

CLERK OF COURT  
COURT HOUSE  
BENTONVILLE, ARKANSAS

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

NO. CC 2017-24

PETITION FOR ANNEXATION – 100 % OF OWNERS PETITIONING

DATE: 9-20-17

Come now the undersigned petitioners, and state as follows:

1. That we, owning 100% of the property in the following described area, do hereby petition, pursuant to A.C.A. §14-40-609, the City Council of Bentonville, Arkansas, to annex the following lands to the City of Bentonville, Arkansas.

See legal description of the area to be annexed attached as Exhibit "A"

2. We further state that this petition is signed by one hundred percent (100%) of the real estate owners owning one hundred percent (100%) of the acreage in said area and that the area to be annexed does not contain property whose owners do not wish to have their property annexed.

3. That said property description herein is contiguous to and adjoining the present City of Bentonville city limits, as shown on the map attached hereto as Exhibit "B."

4. That no enclaves will be created if this petition is accepted and the territory annexed into the City of Bentonville.

5. That the following schedule of services shall be extended to the area by the City of Bentonville within three (3) years after the date the annexation becomes final:

All properties annexed into the City of Bentonville are provided with Police, Fire and EMS services.

Additional services such as water and sewer may be provided if readily available. Such services are provided in accordance with existing ordinances and terms of service, including but not limited to the payment of required fees, the necessary permits, inspections and approvals.

FILED

DEC 28 2017

Arkansas  
Secretary of State

6. That a letter or title opinion from a certified abstractor or title company verifying that the petitioners are all owners of record of the relevant property or properties is attached hereto as Exhibit "C" and is made part of this petition as if set out word for word herein.

7. That a letter or verification from a certified surveyor or engineer verifying that the relevant property or properties are contiguous with the City of Bentonville and that no enclaves will be created if the property or properties are accepted by the City of Bentonville is attached hereto as Exhibit "D" and is made part of this petition as if set out word for word herein.

8. That each of the undersigned persons executing this petition has confirmed by their signature below a desire that their property, which is included in the property described above, be annexed into the City of Bentonville.

FILED  
2017 OCT -6 PM 1:26  
CITY OF BENTONVILLE



**FILED**

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

2017 OCT -6 PM 1:26

If the property being annexed is owned jointly, I attest that all owners of the property are signing a copy of this confirmation.

If the property is owned by a trust, I attest either that I have the authority to sign this confirmation on behalf of the trust, or that all persons required to do so by the trust are signing a copy of this confirmation.

If the property is owned by a corporation, limited liability company or other entity I attest either that I have the authority to sign this confirmation on behalf of the entity, or that all persons required to do so by the entity's governing documents are signing a copy of this confirmation.

**Signature of Property Owner or  
Legal Representative of Property Owner,  
Petitioner**

**Title, if applicable (i.e. Trustee,  
(Managing Member, President,  
Secretary)**

2801 SW Featherston Rd Bentonville AR 72712

Parcel number of property to be annexed 479-273-7766

18-08661-001

ACKNOWLEDGMENT

State of Arkansas    )  
  )    ss.  
County of Benton     )

On this the 20<sup>th</sup> day of September, 2017, before me, the undersigned officer, personally appeared Shelby Elzey, known to me (or satisfactorily proven) to be the person whose name is subscribed above and acknowledged and attested that it was executed for the purposes therein apparent.

  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

5-23-2022



FILED

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

2017 OCT -6 PM 1:26

If the property being annexed is owned jointly, I attest that all owners of the property are signing a copy of this confirmation.

If the property is owned by a trust, I attest either that I have the authority to sign this confirmation on behalf of the trust, or that all persons required to do so by the trust are signing a copy of this confirmation.

If the property is owned by a corporation, limited liability company or other entity I attest either that I have the authority to sign this confirmation on behalf of the entity, or that all persons required to do so by the entity's governing documents are signing a copy of this confirmation.

Janet Elzey  
Signature of Property Owner or  
Legal Representative of Property Owner,  
Petitioner

\_\_\_\_\_  
Title, if applicable (i.e. Trustee,  
(Managing Member, President,  
Secretary)

2801 SW Featherston Rd, Bentonville, AR 72712

Parcel number of property to be annexed

479-273-7766

18-08661-001

ACKNOWLEDGMENT

State of Arkansas     )  
                                  )     ss.  
County of Benton     )

On this the 20<sup>th</sup> day of September, 2017, before me, the undersigned officer, personally appeared Janet Elzey, known to me (or satisfactorily proven) to be the person whose name is subscribed above and acknowledged and attested that it was executed for the purposes therein apparent.

[Signature]  
NOTARY PUBLIC

My Commission Expires:

5-23-2022



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

FILED

2017 OCT -6 PM 1:27

If the property being annexed is owned jointly, I attest that all owners of the property are signing a copy of this confirmation.

If the property is owned by a trust, I attest either that I have the authority to sign this confirmation on behalf of the trust, or that all persons required to do so by the trust are signing a copy of this confirmation.

If the property is owned by a corporation, limited liability company or other entity I attest either that I have the authority to sign this confirmation on behalf of the entity, or that all persons required to do so by the entity's governing documents are signing a copy of this confirmation.

*Just J. Elzey*

Signature of Property Owner or  
Legal Representative of Property Owner,  
Petitioner

Title, if applicable (i.e. Trustee,  
(Managing Member, President,  
Secretary)

Parcel 18-08661-003

Parcel number of property to be annexed

ACKNOWLEDGMENT

State of Arkansas )  
                                  )     ss.  
County of Benton    )

On this the 19th day of September, 2017, before me, the undersigned officer, personally appeared Jennifer Elzey, known to me (or satisfactorily proven) to be the person whose name is subscribed above and acknowledged and attested that it was executed for the purposes therein apparent.

*[Signature]*  
NOTARY PUBLIC

My Commission Expires:

5-23-2022



FILED

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

2017 OCT -6 PM 1:27

If the property being annexed is owned jointly, I attest that all owners of the property are signing a copy of this confirmation.

If the property is owned by a trust, I attest either that I have the authority to sign this confirmation on behalf of the trust, or that all persons required to do so by the trust are signing a copy of this confirmation.

If the property is owned by a corporation, limited liability company or other entity I attest either that I have the authority to sign this confirmation on behalf of the entity, or that all persons required to do so by the entity's governing documents are signing a copy of this confirmation.

*Martin Elzey*

Signature of Property Owner or  
Legal Representative of Property Owner,  
Petitioner

Title, if applicable (i.e. Trustee,  
(Managing Member, President,  
Secretary)

Parcel 18-08661-003

Parcel number of property to be annexed

ACKNOWLEDGMENT

State of Arkansas )  
                                  )     ss.  
County of Benton )

On this the 19th day of September, 2017, before me, the undersigned officer, personally appeared Martin Elzey, known to me (or satisfactorily proven) to be the person whose name is subscribed above and acknowledged and attested that it was executed for the purposes therein apparent.

*[Signature]*  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

5-23-2022



FILED

**ELZEY ANNEXATION**

2017 OCT -6 PM 1:27

**"EXHIBIT A"**

**Legal Description of a portion of Benton County Parcel #18-08661-003**

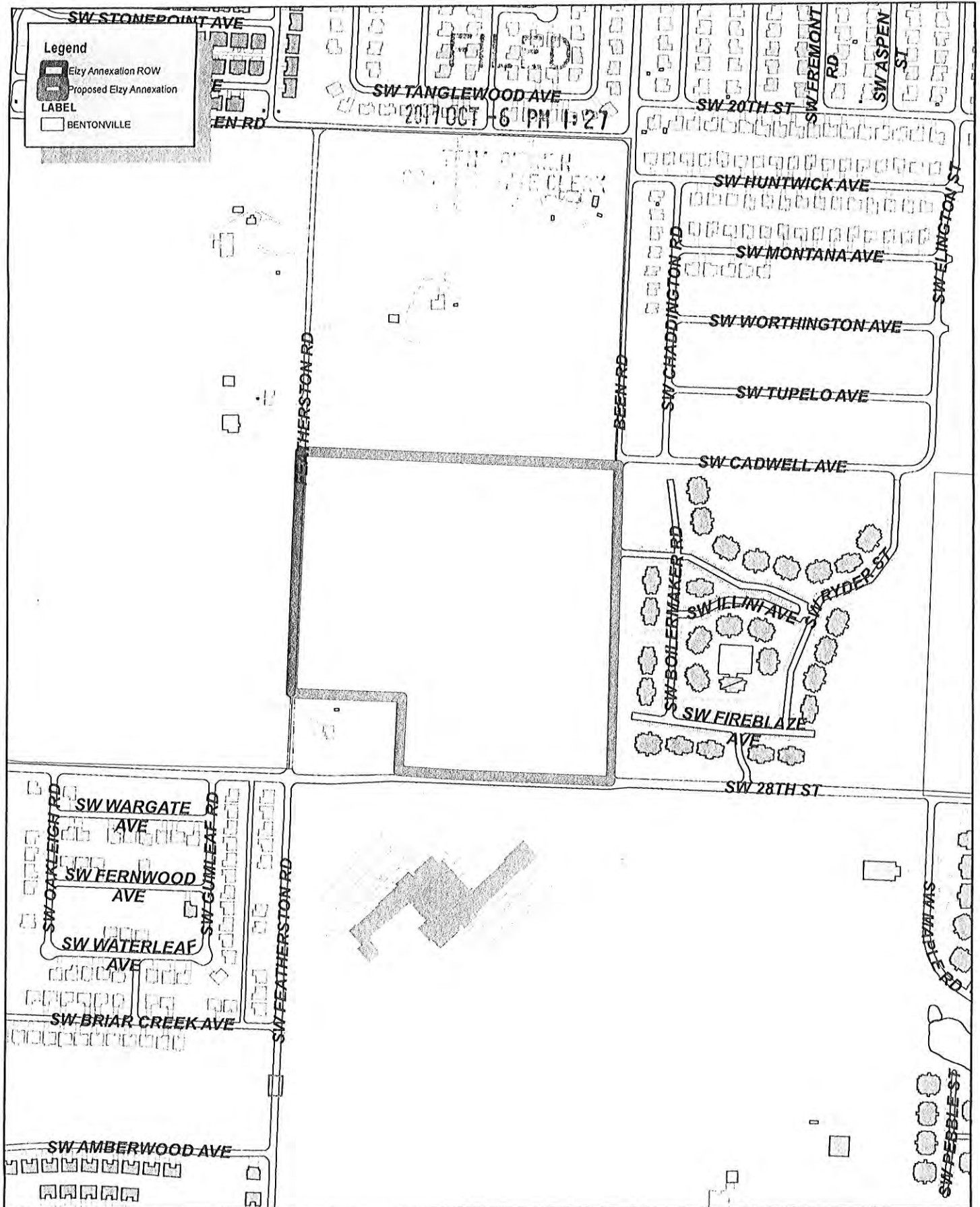
Part of the East Half (E ½) of the Southeast Quarter (SE 1/4) of Section Two (2), Township Nineteen (19) North, Range Thirty-One (31) West, Benton County, Arkansas being more particularly described as beginning at a found iron pin for the Northwest Corner of the East Half (E ½) of the Southeast Quarter (SE 1/4) of Section Two (2), Township Nineteen (19) North, Range Thirty-One (31) West; thence along the West Line of the East Half (E ½) of the Southeast Quarter (SE 1/4) of Section Two (2), Township Nineteen (19) North, Range Thirty-One (31) West running South 02°15'37" West a distance of 1,319.87 feet to the POINT OF BEGINNING; thence South 87°40'43" East a distance of 662.66 feet to a set 5/8" diameter pin; thence South 87°40'44" East a distance of 662.65 feet to a set 5/8" diameter pin on the East Line of Section Two (2); thence along the East Line of Section Two (2) running South 02°11'12" West a distance of 990.80 feet to a set 5/8" diameter pin; thence leaving the East Line of Section (2) and running North 87°37'05" West a distance of 1,326.59 feet to a set 5/8" diameter pin on the West Line of the East Half (E ½) of the Southeast Quarter (SE 1/4) of Section Two (2), Township Nineteen (19) North, Range Thirty-One (31) West; thence along the West Line of the East Half (E ½) of the Southeast Quarter (SE 1/4) of Section Two (2), Township Nineteen (19) North, Range Thirty-One (31) West running North 02°15'37" East a distance of 989.40 feet to the POINT OF BEGINNING containing in all 1,312,898 square feet or 30.14 acres, more or less and being further subject to any rights-of-ways, easements, liens, or encumbrances which may or may not be of record.

**AND**




**Legal Description of Benton County Parcel #18-08661-001**

Part of the E1/2 of the SE1/4 of Section 2, Township 19 North, Range 31 West described as beginning at a point 2310 feet south of the NE corner of said tract, run thence South 330 feet to the South line of said tract, run thence West 1320 feet to the SW corner of said tract, run thence North 330 feet to a point, run thence East 1320 feet to the point of beginning on the east line of said tract.

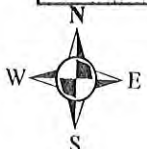
LESS AND EXCEPT the land annexed into the city of Bentonville with ordinance 2010-41, recorded as book 2010, page 34858



**Legend**

-  Elzy Annexation ROW
-  Proposed Elzy Annexation LABEL
-  BENTONVILLE

2017 OCT -6 PM 1:27



**Proposed Annexation (Elzy)**

1 inch = 500 feet



K... RIT "R"

"EXHIBIT C"



First National Title Company

Benton  
216 W Sevier Street  
Benton, AR 72015

Fayetteville  
1420 Augustine Lane, Suite 1  
Fayetteville, AR 72703

Bentonville  
300 SW 28th Street  
Bentonville, AR 72712

Sheridan  
206 N Rose Street  
Sheridan, AR 72150

Eureka Springs  
70 S. Main Street, Suite 2  
Eureka Springs, AR 72632

Harrison  
218 E. Ridge Ave.  
Harrison, AR 72601

Faulkner County Title Company  
A Division of  
First National Title Company  
Conway  
711 Locust Street  
Conway, AR 72034

Little Rock Title Company  
A Division of  
First National Title Company  
Little Rock  
1001 W. Markham Street #100  
Little Rock, AR 72201

Greenbrier  
8 Wilson Farm Road, Suite A  
Greenbrier, AR 72058

Jasper  
201 N. Stone Street  
P.O. Box 77  
Jasper, AR 72641

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

October 2, 2017

Greetings:

This letter is given in connection with what is understood to be an effort to voluntarily annex certain real property into the City of Bentonville. Based on our review, we verify that the persons listed in Exhibit C-1 to this letter are all the owners of record of the real property described in Exhibit C-2 to this Letter.

Martin & Jennifer Elzey 18-08661-003

Shelby & Janet Elzey 18-08661-001

Sincerely,

Steve Pangle

Benton County Manager

First National Title

2017 OCT -6 PM 1:20

FILED

ELZEY ANNEXATION  
EXHIBIT "C-1"

FILED

2017 OCT -6 PM 1:27

TELETYPE  
TO STATE CLERK  
OCT 6 2017

<u>Shelby Elzey</u>	<u>18-08661-001</u>
<u>Janet Elzey</u>	<u>18-08661-001</u>
<u>Jennifer Elzey</u>	<u>18-08661-003</u>
<u>Martin Elzey</u>	<u>18-08661-003</u>



FILED

**ELZEY ANNEXATION**

2017 OCT -6 PM 1:27

**"EXHIBIT C-2"**

RECORDED WITH  
2017 OCT 6 PM 1:27

**Legal Description of a portion of Benton County Parcel #18-08661-003**

Part of the East Half (E ½) of the Southeast Quarter (SE 1/4) of Section Two (2), Township Nineteen (19) North, Range Thirty-One (31) West, Benton County, Arkansas being more particularly described as beginning at a found iron pin for the Northwest Corner of the East Half (E ½) of the Southeast Quarter (SE 1/4) of Section Two (2), Township Nineteen (19) North, Range Thirty-One (31) West; thence along the West Line of the East Half (E ½) of the Southeast Quarter (SE 1/4) of Section Two (2), Township Nineteen (19) North, Range Thirty-One (31) West running South 02°15'37" West a distance of 1,319.87 feet to the POINT OF BEGINNING; thence South 87°40'43" East a distance of 662.66 feet to a set 5/8" diameter pin; thence South 87°40'44" East a distance of 662.65 feet to a set 5/8" diameter pin on the East Line of Section Two (2); thence along the East Line of Section Two (2) running South 02°11'12" West a distance of 990.80 feet to a set 5/8" diameter pin; thence leaving the East Line of Section (2) and running North 87°37'05" West a distance of 1,326.59 feet to a set 5/8" diameter pin on the West Line of the East Half (E ½) of the Southeast Quarter (SE 1/4) of Section Two (2), Township Nineteen (19) North, Range Thirty-One (31) West; thence along the West Line of the East Half (E ½) of the Southeast Quarter (SE 1/4) of Section Two (2), Township Nineteen (19) North, Range Thirty-One (31) West running North 02°15'37" East a distance of 989.40 feet to the POINT OF BEGINNING containing in all 1,312,898 square feet or 30.14 acres, more or less and being further subject to any rights-of-ways, easements, liens, or encumbrances which may or may not be of record.

**AND**

**Legal Description of Benton County Parcel #18-08661-001**

Part of the E1/2 of the SE1/4 of Section 2, Township 19 North, Range 31 West described as beginning at a point 2310 feet south of the NE corner of said tract, run thence South 330 feet to the South line of said tract, run thence West 1320 feet to the SW corner of said tract, run thence North 330 feet to a point, run thence East 1320 feet to the point of beginning on the east line of said tract.

LESS AND EXCEPT the land annexed into the city of Bentonville with ordinance 2010-41, recorded as book 2010, page 34858

EXHIBIT "D"

FILED

Greetings:

2017 OCT -6 PM 1:27

This letter is given in connection with what is understood to be an effort to voluntarily annex certain real property into the City of Bentonville. I am a licensed Professional Engineer in the State of Arkansas. Based on my review, I verify that the real property described in Exhibit D-1 to this letter is contiguous with the City of Bentonville and that no enclaves will be created if the described property is accepted by the City of Bentonville.

Sincerely,

Travis Matlock, P.E.



9/20/17

**ELZEY ANNEXATION**

FILED

**"EXHIBIT D-1"**

2017 OCT -6 PM 1:27

**Legal Description of a portion of Benton County Parcel #18-08661-003**

Part of the East Half (E ½) of the Southeast Quarter (SE 1/4) of Section Two (2), Township Nineteen (19) North, Range Thirty-One (31) West, Benton County, Arkansas being more particularly described as beginning at a found iron pin for the Northwest Corner of the East Half (E ½) of the Southeast Quarter (SE 1/4) of Section Two (2), Township Nineteen (19) North, Range Thirty-One (31) West; thence along the West Line of the East Half (E ½) of the Southeast Quarter (SE 1/4) of Section Two (2), Township Nineteen (19) North, Range Thirty-One (31) West running South 02°15'37" West a distance of 1,319.87 feet to the POINT OF BEGINNING; thence South 87°40'43" East a distance of 662.66 feet to a set 5/8" diameter pin; thence South 87°40'44" East a distance of 662.65 feet to a set 5/8" diameter pin on the East Line of Section Two (2); thence along the East Line of Section Two (2) running South 02°11'12" West a distance of 990.80 feet to a set 5/8" diameter pin; thence leaving the East Line of Section (2) and running North 87°37'05" West a distance of 1,326.59 feet to a set 5/8" diameter pin on the West Line of the East Half (E ½) of the Southeast Quarter (SE 1/4) of Section Two (2), Township Nineteen (19) North, Range Thirty-One (31) West; thence along the West Line of the East Half (E ½) of the Southeast Quarter (SE 1/4) of Section Two (2), Township Nineteen (19) North, Range Thirty-One (31) West running North 02°15'37" East a distance of 989.40 feet to the POINT OF BEGINNING containing in all 1,312,898 square feet or 30.14 acres, more or less and being further subject to any rights-of-ways, easements, liens, or encumbrances which may or may not be of record.

**AND**

**Legal Description of Benton County Parcel #18-08661-001**

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LESS AND EXCEPT the land annexed into the city of Bentonville with ordinance 2010-41, recorded as book 2010, page 34858

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

2017 OCT 13 AM 10:25

TENA O'BRIEN  
CO. & COUNTY CLERK  
CC 2017-24

VERIFICATION OF PETITION FOR ANNEXATION PURSUANT TO ACA § 14-40-609


We, Tena O'Brien, 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"]

  
HON. TENA O'BRIEN, County Clerk

  
HON. RODERICK GRIEVE, County Assessor



2017 OCT 13 AM 10:25

TERESA J. BRIEN  
COUNTY CLERK  
BENTON COUNTY, ARKANSAS

Date: October 11, 2017  
Subject: Proposed Annexation Checklist  
CC 2017-24

(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"]

Please contact me if you have any questions.

Michael D. Million  
Manager – Mapping Dept.  
Benton County Assessor's Office  
Phone: 479-271-1037, ext. 7004  
Email: michael.million@bentoncountyar.gov

EXHIBIT "A"

2017 OCT 13 AM 10:25

Right of Way description for Featherston Road

Beginning at the NW corner of the SE ¼ of the SE ¼ of section 2, township 19 north, range 31-west;  
thence S87°51'39"E 25.00 feet; thence S2°11'39"W 990 feet; thence N87°37'16"W 45.00 feet; thence  
N2°11'39"E 990 feet; thence S87°51'39"E 20.00 feet to the Point of Beginning.

TERESA O'BRIEN  
CO. & PROSTATE CLERK

# Exhibit "B"

## CC 2017-24

### Abutting ROW to Annexation AM10-25

