



## ARKANSAS SECRETARY OF STATE

**MARK MARTIN**

May 10, 2018

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

Re: City of Bentonville Annexation Ordinance 2018-64 amending Ordinance 2018-31

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: 05/10/2018 (by Municipal Ordinance)

County: Benton

City: Bentonville

City Ordinance: 2018-64

Dated: 04/10/2018

County Court Order: CC-2018-02

Date Filed: 04/11/2018 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,

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)  
Tom-Tom (w/encl)  
Honorable Bob McCaslin, Mayor of Bentonville (w/encl)



# Arkansas Secretary of State

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

## Municipal Boundary Change Checklist

County: Benton City/Town: Bentonville

City Ordinance/Resolution No: 2018-64 *Amended 2018-31* Date approved: 04/10/2018

County Court Case No: CC 2018-02 Date Order Filed: 04/10/2018

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

Date Change Effective: 05/10/2018 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:  Title: Deputy County Clerk

Date: 04/12/2018

*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: 

**FILED**  
**MAY 10 2018**  
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

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

April 12, 2018

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

RE: Todd Elzey, et al  
City of Bentonville Annexation  
Benton County Court Case No. CC# 2018-02

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 Confirming Annexation entered on April 11, 2018
3. Ordinance No. 2018-64 adopted on April 10, 2018, 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*  
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	VOTER REGISTRAR	BENTONVILLE (479) 271-1013 FAX (479) 271-1019	SILOAM SPRINGS FAX (479) 524-8534	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
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2018 APR 11 AM 10:50

ORDINANCE NO. 2018-64

CLERK  
BENTON COUNTY, AR

**AN ORDINANCE AMENDING ORDINANCE NO. 2018-31 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 Todd Elzey, Brenda Elzey, and Martin Elzey praying that certain territory be annexed to, and made a part of the City of Bentonville, Arkansas, and

WHEREAS, on the 4th day of March, 2018, the County Court of Benton County, Arkansas, entered an amended order authorizing annexation pursuant to § 14-40-609 of the Arkansas Code, finding that the petition met the requirements for annexation under that provision and directed the Clerk to forward the order to the Mayor of the City of Bentonville; and

WHEREAS, the amended order entered by the County Judge provides that in order to accept the annexation proposed by the petitioners, the City of Bentonville is also required to accept as part of the territory to be annexed certain dedicated public roads and rights of way abutting or traversing the property proposed to be annexed, the legal descriptions for which are included as an attachment to the County Court's order, and

WHEREAS, the Council previously adopted Ordinance No. 2018-31 to accept the described annexation, but that ordinance was determined to have a defective legal description.

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

**F I L E D**

**MAY 10 2018**

**Arkansas  
Secretary of State**

**2018 1211**

Section 1. That the land described on the attached Exhibit "A," which includes both the territory sought to be annexed by the petitioners and the dedicated public roads and rights of way abutting or traversing the property proposed to be annexed, is territory contiguous to and adjoining the City of Bentonville, Arkansas, and the petition to annex that property is hereby granted and the property described in Exhibit "A" 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.

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

PASSED AND APPROVED THIS 10<sup>th</sup> DAY OF APRIL, 2018.

APPROVED: Bob McCaslin  
HON. BOB McCASLIN, Mayor

ATTEST: Linda Spence  
HON. LINDA SPENCE, City Clerk

Exhibit "A"

2018 APR 11 AM 10:50

Voluntary Annexation Petition  
Property petitioned for annexation  
plus abutting dedicated public roads and rights of way

CLERK  
BENTON COUNTY, AR

The NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 2, Township 19N, Range 31W, Benton County, Arkansas.

-AND THE FOLLOWING DESCRIBED PROPERTY  
(WHICH IS DEDICATED PUBLIC ROADS AND RIGHTS OF WAY)-

Part of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  in Section 2, Township 19N, Range 31W, Benton County, Arkansas, and more particularly described as follows.

Beginning at the NE Corner of said NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ .

Thence N87°30'49"W, 20.93';

Thence S01°58'14"W, 1335.41';

Thence S87°19'44"E, 16.08';

Thence N02°10'43"E, 1335.54' to the point of beginning.

2018 1213

**Legend**

- Elzey 2 ROW
- Proposed Annexation

**Current Bentonville City Limits**

**LABEL**  
BENTONVILLE



**"Exhibit B"**  
**Elzey 2 Annexation 2018 1214**  
1 inch = 667 feet



FILED

2018 APR 11 PM 3: 28

TENA O'BRIEN  
CO. & PROBATE CLERK  
BENTON COUNTY, ARK

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

CC 2018-02

ORDER CONFIRMING ANNEXATION

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

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

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

\_\_\_\_\_  
Date 04/11/2018

FILED

MAY 10 2018

Arkansas  
Secretary of State

2018 1248



FILED

2018 APR -5 AM 9:50

TENA O'BRIEN  
CO. & PROBATE CLERK  
BENTON COUNTY, ARK.

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

Todd Elzey, et al, Petitioners

COUNTY COURT ORDER NO. CC 2018-02

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

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


- 1) is in writing;
- 2) contains an attestation signed before a notary or notaries by the property owner or owners of the relevant property or properties confirming their desire to be annexed;
- 3) contains an accurate description of the relevant property or properties;
- 4) contains a letter or title opinion from a certified abstractor or title company verifying that the petitioners are all owners of record of the relevant property or properties;
- 5) contains a letter or verification from a certified surveyor or engineer verifying that the relevant property or properties are contiguous with the annexing city or town and that no enclaves will be created if the property or properties are accepted by the city or town – additionally a copy of the letter from the State of Arkansas GIS office approving the legal description for the annexation was provided;
- 6) includes a schedule of services of the annexing city or town that will be extended to the area within three (3) years after the date the annexation becomes final; and
- 7) does not include in its description certain dedicated public roads and rights of way abutting or traversing the property to be annexed, the legal description(s) for which are included on the attached Exhibit "A" to this order, and which are depicted in the attached Exhibit "B" to this order, and any acceptance of this annexation by the City of 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.

**FILED**

MAY 10 2018

Arkansas  
Secretary of State

  
HON. BARRY MOEHRING, County Judge

April 4, 2018  
Date

\* Note - The reason for this amended order is the description of the Right of Way in Exhibit "A" had a typographical error which is corrected in the Exhibit "A" attached to this Amended Order.

FILED

2018 APR -5 AM 9:50

TENA FLOREN  
CL. & PROBATE CLERK  
BENTON COUNTY, ARK.

**Exhibit "A"**

**Annexation-Elzey 2  
Right-of-Way**

Part of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  in Section 2, Township 19N, Range 31W, Benton County, Arkansas, and more particularly described as follows.

Beginning at the NE Corner of said NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ .

Thence N87°30'49"W, 20.93';

Thence S01°58'14"W, 1335.41';

Thence S87°19'44"E, 16.08';

Thence N02°10'43"E, 1335.54' to the point of beginning.

\* Note - The reason for this amended order is the description of the Right of Way in Exhibit "A" had a typographical error which is corrected in the Exhibit "A" attached to this Amended Order.

2018 1147

FILED

**Legend**

- Elzey 2 ROW
- Proposed Annexation

**Current Bentonville City Limits**

**LABEL**

BENTONVILLE

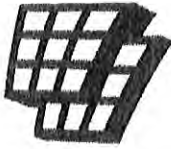


**"Exhibit B"**  
**Elzey 2 Annexation**

2018 1148

1 inch = 667 feet





**ARKANSAS  
GIS OFFICE**

**FILED**

2018 JAN 11 AM 9:34

TERA DUBEN  
CO & PROBATE CLERK  
BENTON COUNTY, AR

*CC 2018-02*

December 18, 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 "Elzey 2 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**

MAY 10 2018

Arkansas  
Secretary of State

H:\City\_Annexations\Cities\Bentonville\20170920\Doc\ 20171218\_Bentonville\_Annexation\_Coordination\_Letter.docx

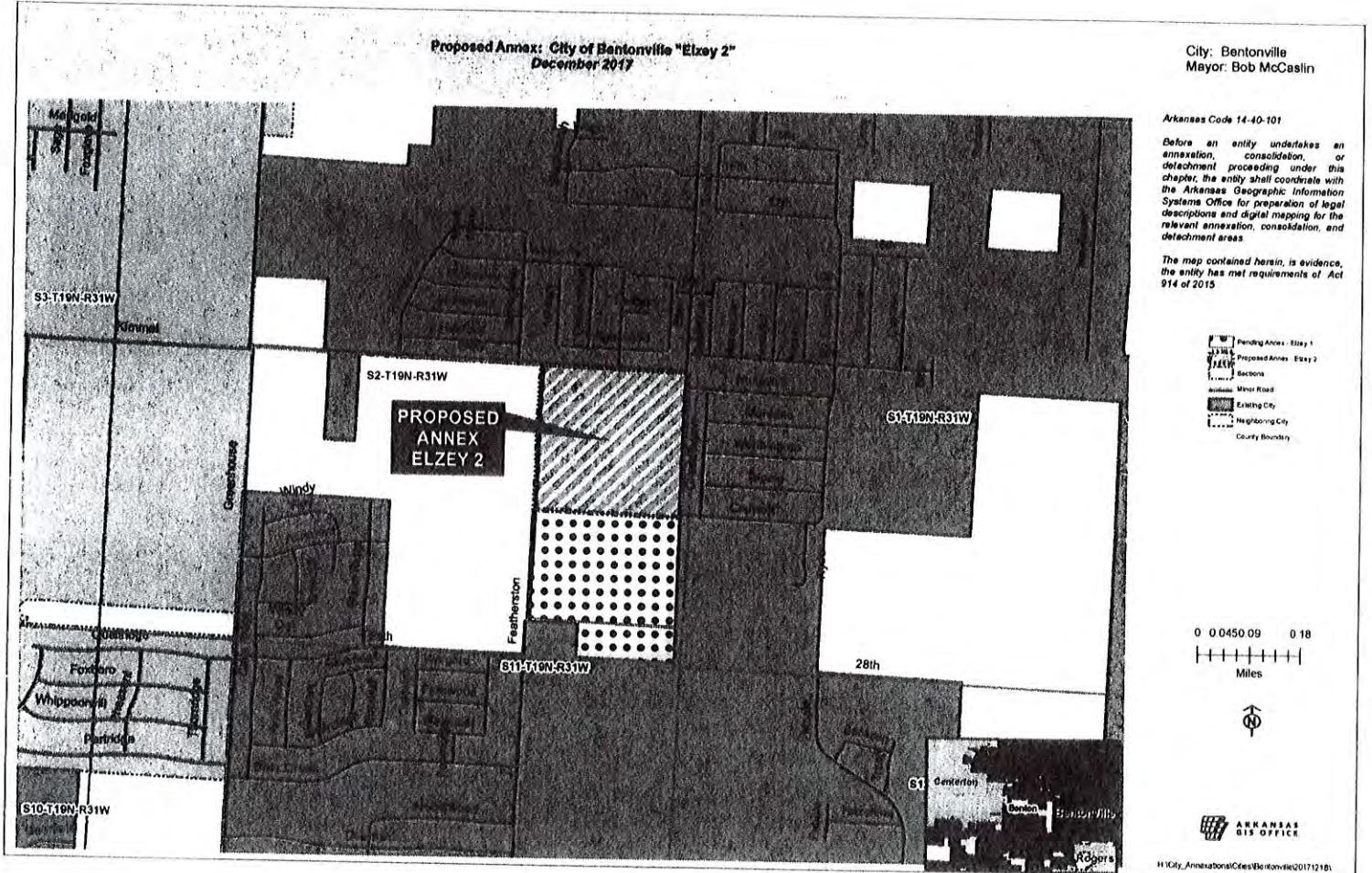
ARKANSAS GIS OFFICE · 1 CAPITOL MALL SUITE 6D · LITTLE ROCK · ARKANSAS · 72201

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

FILED

2018 JAN 11 AM 9:34

TELA OGBURN  
CO & PROBATE CLERK  
BENTON COUNTY, AR  
CC 2018 02



FILED

MAY 10 2018

Arkansas  
Secretary of State

2018 APR -4 AM 10: 5

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

TENA O'BRIEN  
CO. & PROBATE CLERK  
BENTON COUNTY, ARK.

CC 2018-02

AMENDED 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" and which are depicted in the attached Exhibit "B" to this verification.

  
\_\_\_\_\_  
HON. TENA O'BRIEN, County Clerk

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

\* Note - The reason for this amendment is the description of the Right of Way in Exhibit "A" had a typographical error which is corrected in the Exhibit "A" attached to this Amended Verification.

2018 APR -4 AM 10: 54

**Exhibit "A"**TENA O'BRIEN  
CO. & PROBATE CLERK  
BENTON COUNTY, ARK**Annexation-Elzey 2  
Right-of-Way**

Part of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  in Section 2, Township 19N, Range 31W, Benton County, Arkansas,  
and more particularly described as follows.

Beginning at the NE Corner of said NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ .

Thence N87°30'49"W, 20.93';

Thence S01°58'14"W, 1335.41';

Thence S87°19'44"E, 16.08';

Thence N02°10'43"E, 1335.54' to the point of beginning.

\* Note - The reason for this amendment is the description of the Right of Way in Exhibit "A" had a typographical error which is corrected in the Exhibit "A" attached to this Amended Verification.

**Legend**

- Elzey 2 ROW
- Proposed Annexation

**Current Bentonville City Limits**

**LABEL**

BENTONVILLE



**"Exhibit B"**  
**Elzey 2 Annexation**

1 inch = 667 feet



2018 APR - 4 AM 10:00  
 TERA O'BRIEN  
 CO. & PROBATE CLERK  
 BENTONVILLE, AR



FILED

2018 APR 12 AM 10:18

**Annexation-Elzey 2  
Right-of-Way  
Exhibit "A"**

TENA O'BRIEN  
CO. & PROBATE CLERK  
BENTON COUNTY, ARK.

Part of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  in Section 2, Township 19N, Range 31W, Benton County, Arkansas,  
and more particularly described as follows.

Beginning at the NE Corner of said NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ .

Thence N87°30'49"W, 20.93';

Thence S01°58'14"W, 1335.41';

Thence S87°19'44"E, 16.08';

Thence N02°10'43"E, 1335.54' to the point of beginning.

FILED

2018 JAN 11 AM 9:34

JERRY STERNICH  
CLERK  
& PROBATE CLERK  
BENTON COUNTY, AR

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

NO. CC 2018-02

PETITION FOR ANNEXATION – 100 % OF OWNERS PETITIONING

DATE: 12-8-17

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.

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.

CLERK  
2018 JAN 1 AM 9:34  
BENTON COUNTY, AR

LED







**Annexation-Elzey 2  
Exhibit "A"**

The NE ¼ of the SE ¼ of Section 2, Township 19N, Range 31W, Benton County, Arkansas.




CLERK OF COURT  
CO. & PROBATE CLERK  
BENTON COUNTY, AR

2018 JAN 1 AM 9:34

FILED



**Legend**

-  Elzey 2 ROW
-  Proposed Annexation
- Current Bentonville City Limits**
- LABEL**
-  BENTONVILLE



**"Exhibit B"**  
**Elzey 2 Annexation**

1 inch = 667 feet





EXHIBIT "C"



First National Title Company

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

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

Little Rock Title Comp:  
A Division of  
First National Title Comp  
Little Rock  
1001 W. Markham Street #  
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

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

January 10, 2018

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.

Sincerely,

*Steve Pangle*  
Steve Pangle

Benton County Manager

First National Title

2018 JAN 11 AM 9:35  
FILED  
CLERK  
BENTON COUNTY, AR

ANNEXATION  
EXHIBIT "C-1"

FILED

2018 JAN 11 AM 9:35

TELE. CLERK  
SC & PROBATE CLERK  
BENTON COUNTY, AR

Martin Elzey

18-08661-003

Todd & Brenda Elzey

18-08661-002

ANNEXATION

"EXHIBIT C-2"

FILED

2018 JAN 11 AM 9:35

JENNIFER  
CO & PROBATE CLERK  
BENTON COUNTY, AR

The NE ¼ of the SE ¼ of Section 2, Township 19N, Range 31W, Benton County, Arkansas.

EXHIBIT "D"

FILED

Greetings:

2018 JAN 11 AM 9:35

This letter is given in connection with what is understood to be an effort to voluntarily annex certain real property (Elzey 2 Annexation) into the City of Bentonville. I am a licensed Professional Engineer in the State of Arkansas. Based on my review, I verify that the real property described in Exhibit D-1 to this letter is contiguous with the City of Bentonville and that no enclaves will be created if the described property is accepted by the City of Bentonville.

LINA D. GIBSON  
PROBATE CLERK  
BENTON COUNTY, AR

Sincerely,

Travis Matlock, P.E.



1/8/18

**Annexation-Elzey 2  
Exhibit "D-1"**

The NE ¼ of the SE ¼ of Section 2, Township 19N, Range 31W, Benton County, Arkansas.

FILED

2018 JAN 11 AM 9:35

JENA UPRICH  
S&P PROBATE CLERK  
BENTON COUNTY, AR



# ARKANSAS SECRETARY OF STATE

## MARK MARTIN

April 03, 2018

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

Re: City of Bentonville Annexation Ordinance 2018-21

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: 03/15/2018

County: Benton

City: Bentonville

City Ordinance: 2018-21

Dated: 02/13/2018

County Court Order: CC-2018-02

Date Filed: 1/18/2018

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: 2018-21 Date approved: 02/13/2018

County Court Case No: CC-2018-02 Date Order Filed: 1/18/2018 to 2/20/2018

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

Date Change Effective: 03/15/2018 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: Ms. Linda Spence Title: Bentonville City Clerk

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: \_\_\_\_\_ Title: Benton County Clerk

Date: 03/05/2018

*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**  
APR 03 2018  
Arkansas  
Secretary of State

FILED

2018 FEB 16 AM 11:16

**ORDINANCE NO. 2018-31**

CLERK  
BENTON COUNTY, AR

**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 **Todd Elzey, Brenda Elzey, and Martin Elzey** praying that certain territory be annexed to, and made a part of the City of Bentonville, Arkansas, and

**WHEREAS**, on the **18<sup>th</sup>** day of **January**, **2018**, the County Court of Benton County, Arkansas, entered an order authorizing annexation pursuant to § 14-40-609 of the Arkansas Code, finding that the petition met the requirements for annexation under that provision and directed the Clerk to forward the order to the Mayor of the City of Bentonville; and

**WHEREAS**, the order entered by the County Judge provides that in order to accept the annexation proposed by the petitioners, the City of Bentonville is also required to accept as part of the territory to be annexed certain dedicated public roads and rights of way abutting or traversing the property proposed to be annexed, the legal descriptions for which are included as an attachment to the County Court's order,

**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," which includes both the territory sought to be annexed by the petitioners and the dedicated public roads and rights of way abutting or traversing the property proposed to be annexed, is territory contiguous to and adjoining the City of Bentonville, Arkansas, and the petition to annex that property is hereby granted and the

FILED

APR 03 2018

2018 0792

Arkansas  
Secretary of State



property described in Exhibit "A" is hereby accepted as part of and annexed to and made a part of the City of Bentonville.

FILED  
2018 FEB 16 AM 11:16

**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.

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

**PASSED AND APPROVED THIS 13th DAY OF FEBRUARY, 2018.**

APPROVED: Bob McCaslin  
HON. BOB McCASLIN, Mayor

ATTEST: Linda Spence  
HON. LINDA SPENCE, City Clerk

2018 FEB 16 AM 11:16

**Exhibit "A"**  
**Annexation-Elzey 2**  
**Right-of-Way**

CLERK  
BENTON COUNTY, AR

Part of the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  and part of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  all in Section 2, Township 19N, Range 31W, Benton County, Arkansas, and more particularly described as follows.

Beginning at the NW Corner of said NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ .

Thence S87°41'42"E, 20.00';  
Thence S02°24'01"W, 1337.54';  
Thence N88°39'04"W, 20.00';  
Thence N02°24'01"E, 1337.88';  
Thence S87°41'42"E, 20.00' to the point of beginning.

**Exhibit "A"**  
**Annexation- Elzey 2**

The NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 2, Township 19N, Range 31W, Benton County, Arkansas.

**Exhibit "C-2"**  
**Annexation- Elzey 2**

The NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 2, Township 19N, Range 31W, Benton County, Arkansas.

**Exhibit "D-1"**  
**Annexation-Elzey 2**

The NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 2, Township 19N, Range 31W, Benton County, Arkansas.

2018 0794

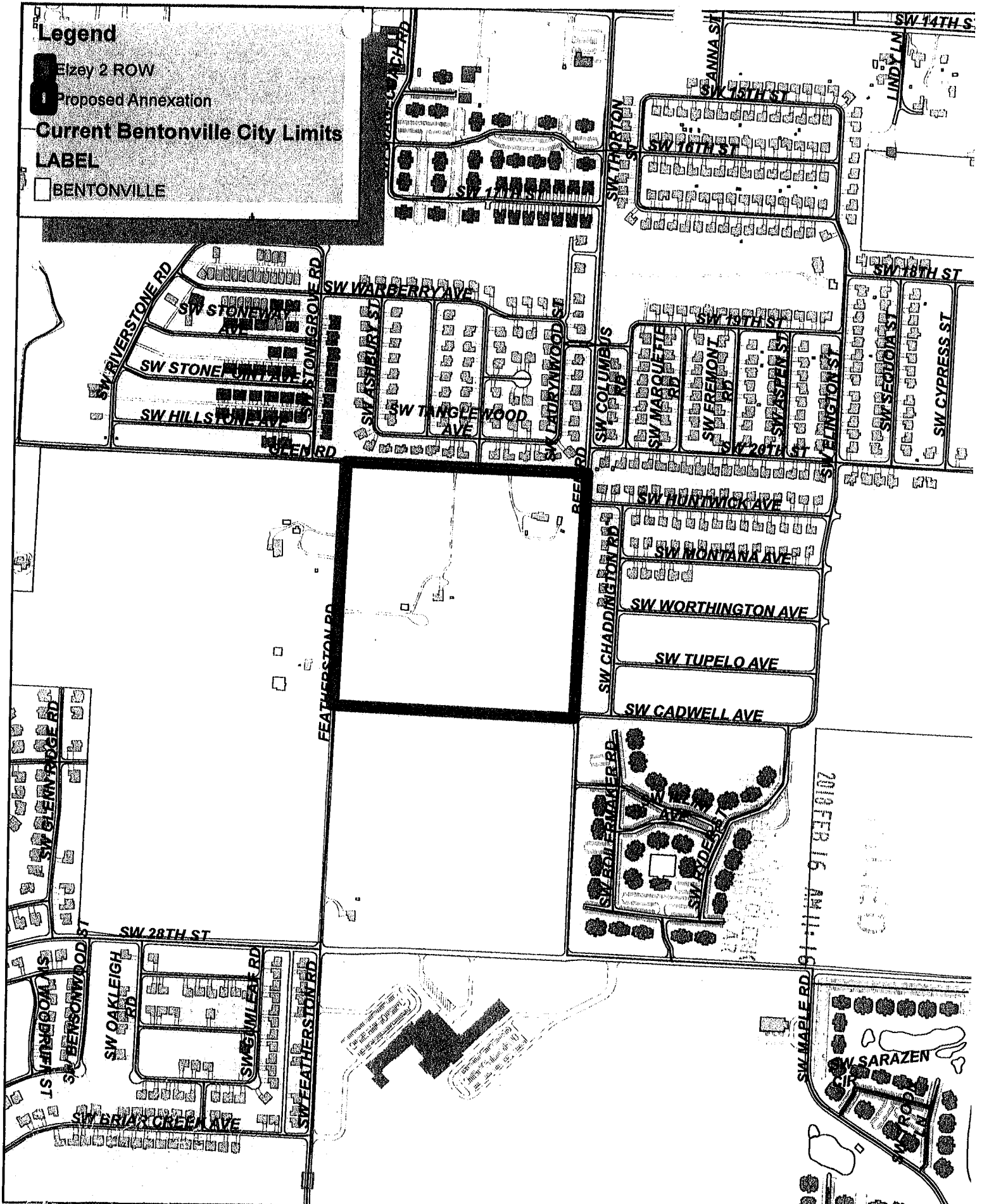
**Legend**

- Elzey 2 ROW
- Proposed Annexation

**Current Bentonville City Limits**

**LABEL**

BENTONVILLE



Elzey 2 ROW  
 Proposed Annexation  
 BENTONVILLE

2010 FEB 16 AM 11:16



2018 0795

**"Exhibit B"  
Elzey 2 Annexation**

1 inch = 667 feet



FILED

2018 FEB 20 PM 4:05

TERA O'BRIEN  
CL. & PROBATE CLERK  
BENTON COUNTY, ARK.

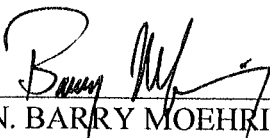
IN THE MATTER OF ANNEXING TO THE  
CITY OF BENTONVILLE, ARKANSAS  
CERTAIN TERRITORY CONTIGUOUS TO SAID  
CITY OF BENTONVILLE, ARKANSAS

CC 2018-02

ORDER CONFIRMING ANNEXATION

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

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

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

2-20-18  
Date

FILED

APR 03 2018

Arkansas  
Secretary of State

2018 0806

FILED

2018 JAN 18 PM 4:16

TENA O'BRIEN  
CO. & PROBATE CLERK  
BENTON COUNTY, ARK

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

Todd Elzey, et al, Petitioners

COUNTY COURT ORDER NO. CC 2018-02

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

1-18-18  
 Date

FILED

APR 03 2018

Arkansas  
Secretary of State

2018 0178

FILED

*Exhibit "A"*

2018 JAN 18 PM 4: 16

**Annexation-Elzey 2  
Right-of-Way**

TERA O'BRIEN  
CO. & PROBATE CLERK  
BENTON COUNTY, AR 2018 JAN 11 AM 9: 34

*CC 2018-02*

Part of the NE ¼ of the SE ¼ and part of the NW ¼ of the SE ¼ all in Section 2, Township 19N,  
Range 31W, Benton County, Arkansas, and more particularly described as follows.

Beginning at the NW Corner of said NW ¼ of the SE ¼.

Thence S87°41'42"E, 20.00';

Thence S02°24'01"W, 1337.54';

Thence N88°39'04"W, 20.00';

Thence N02°24'01"E, 1337.88';

Thence S87°41'42"E, 20.00' to the point of beginning.

Exhibit "B"

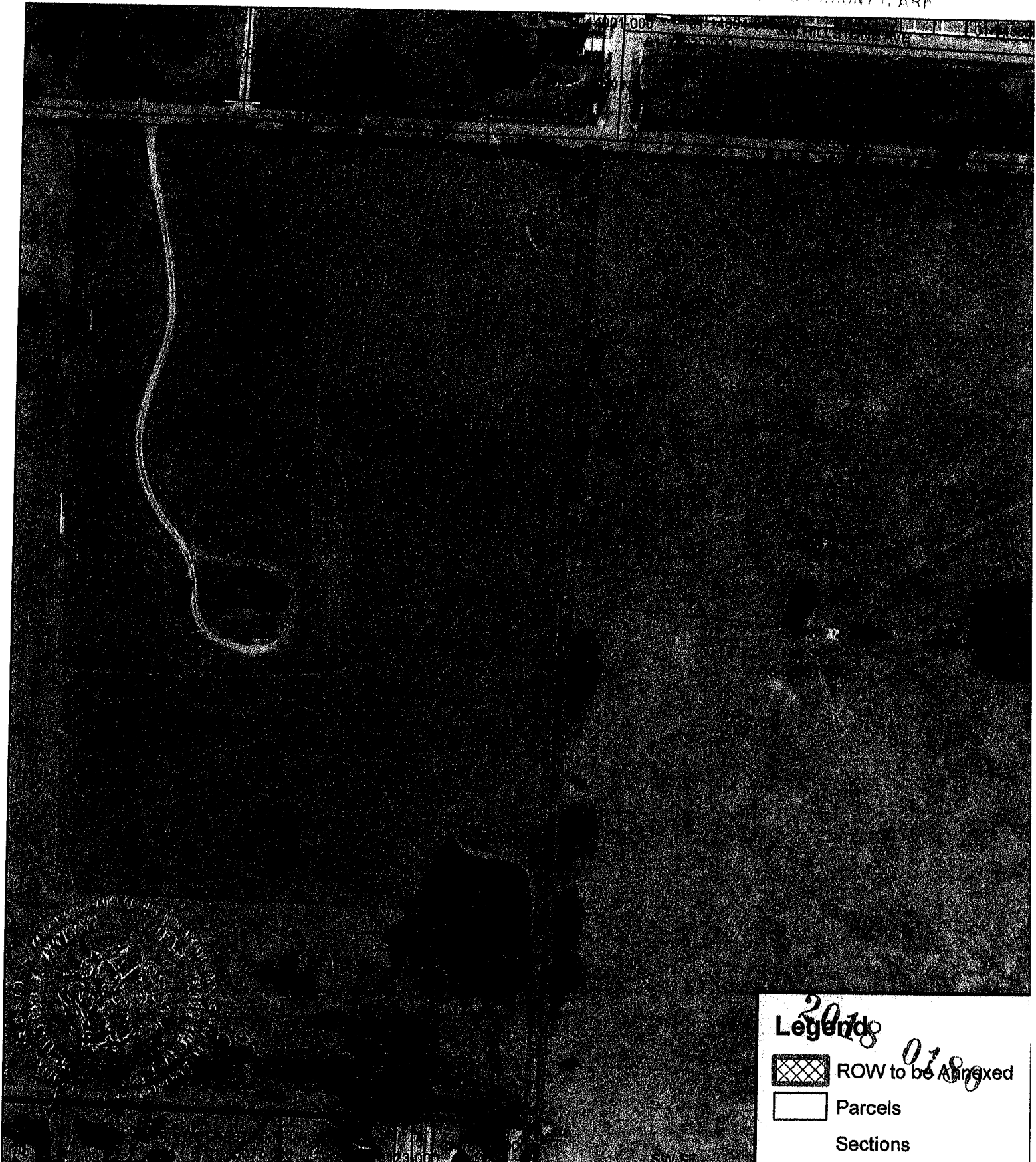
CC 2018-02

FILED

2018 JAN 18 PM 4:16

# Abutting ROW to Annexation

TENA O'BRIEN  
CLERK OF THE CLERK  
SEMINOLE COUNTY, ARK



2018 0180



**ARKANSAS  
GIS OFFICE**

FILED

2018 JAN 11 AM 9:34

CLERK OF COURT  
PUBLIC & PRIVATE CLERK  
BENTON COUNTY, AR

CC 2018-02

December 18, 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 "Elzey 2 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**

APR 03 2018

**Arkansas  
Secretary of State**

H:\City\_Annexations\Cities\Bentonville\20170920\Doc\ 20171218\_Bentonville\_Annexation\_Coordination\_Letter.docx



FILED

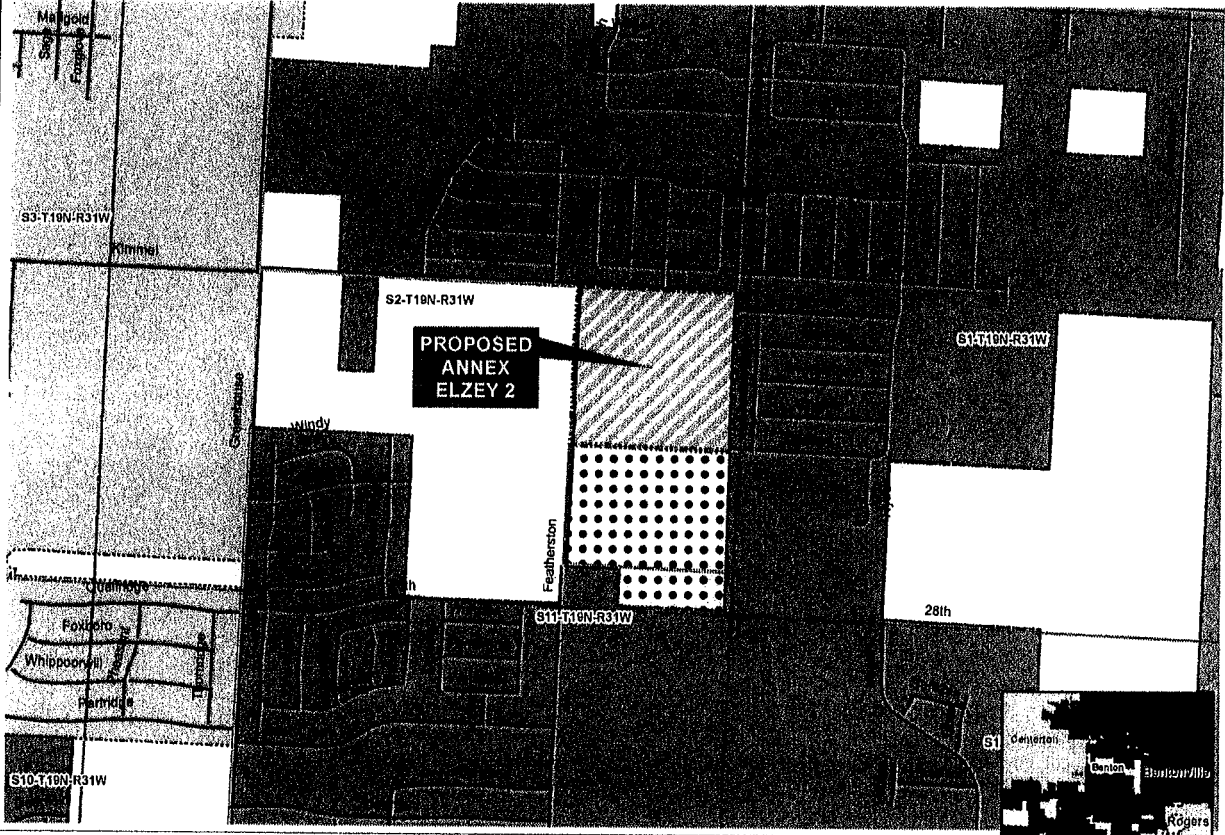
2018 JAN 11 AM 9:34

CO. CLERK  
BENTON COUNTY, AR  
CC 2018-02

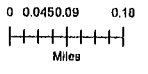
Proposed Annex: City of Bentonville "Elzey 2"  
December 2017

City: Bentonville  
Mayor: Bob McCaslin

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 - Elzey 1
- Proposed Annex - Elzey 2
- Sections
- Minor Road
- Existing City
- Neighboring City
- County Boundary



ARKANSAS  
GIS OFFICE

H:\City\_Annexations\GIS\Bentonville\20171216

FILED

APR 03 2018

Arkansas  
Secretary of State

**Annexation-Elzey 2  
Right-of-Way**

FILED  
2018 JAN 11 AM 9:34

TERESA C. GIBSON  
CLERK  
BENTON COUNTY, AR  
*CC 2018 02*

Part of the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  and part of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  all in Section 2, Township 19N,  
Range 31W, Benton County, Arkansas, and more particularly described as follows.

Beginning at the NW Corner of said NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ .

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Thence N88°39'04"W, 20.00';

Thence N02°24'01"E, 1337.88';

Thence S87°41'42"E, 20.00' to the point of beginning.

FILED

2018 JAN 11 AM 9:34

CLERK  
BENTON COUNTY, AR

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

NO. CC 2018-02

PETITION FOR ANNEXATION – 100 % OF OWNERS PETITIONING

DATE: 12-8-17

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.

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.

2018 JAN 11 AM 9:34  
COMMUNITY AR

2018 JAN 11 AM 9:34

LED





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.

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 L. 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

9601 Glen Road, Bentonville

Parcel number of property to be annexed

479-273-1265

ACKNOWLEDGMENT

State of Arkansas )  
) ss.  
County of Benton )

FILED  
2016 JAN 11 AM 9:34  
NOTARY PUBLIC  
BENTON COUNTY, AR

On this the 27<sup>th</sup> day of October, 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



**Annexation-Elzey 2  
Exhibit "A"**

The NE ¼ of the SE ¼ of Section 2, Township 19N, Range 31W, Benton County, Arkansas.

FILED

2016 JAN 11 AM 9:34

CLERK  
BENTON COUNTY, AR



**Legend**

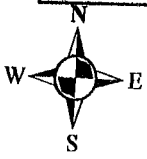
Elzey 2 ROW

Proposed Annexation

Current Bentonville City Limits

LABEL

BENTONVILLE



**"Exhibit B"**  
**Elzey 2 Annexation**

1 inch = 667 feet



Benton  
216 W Sevier Street  
Benton, AR 72015

Bentonville  
300 SW 28th Street  
Bentonville, AR 72712

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

Fayetteville  
1420 Augustine Lane, Suite 1  
Fayetteville, AR 72703

Sheridan  
206 N Rose Street  
Sheridan, AR 72150

Harrison  
218 E. Ridge Ave.  
Harrison, AR 72601



EXHIBIT "C-1"

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

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

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

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

.....  
F i r s t N a t i o n a l  
.....  
T i t l e C o m p a n y  
.....

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

January 10, 2018

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.

Sincerely,

Steve Pangle

Benton County Manager

First National Title

2018 JAN 11 AM 9:35  
CORPORATE CLERK  
BENTON COUNTY, AR

2018 JAN 11 AM 9:35

FILED

ANNEXATION  
EXHIBIT "C-1"

FILED

2018 JAN 11 AM 9:35

CLERK OF COURT  
CLERK & PROBATE CLERK  
BENTON COUNTY, AR

Martin Elzey

18-08661-003

Todd & Brenda Elzey

18-08661-002

**ANNEXATION**

**"EXHIBIT C-2"**

FILED

2018 JAN 11 AM 9:35

JOHN DENEN  
CLERK & PROBATE CLERK  
BENTON COUNTY, AR

The NE ¼ of the SE ¼ of Section 2, Township 19N, Range 31W, Benton County, Arkansas.

EXHIBIT "D"

FILED

Greetings:

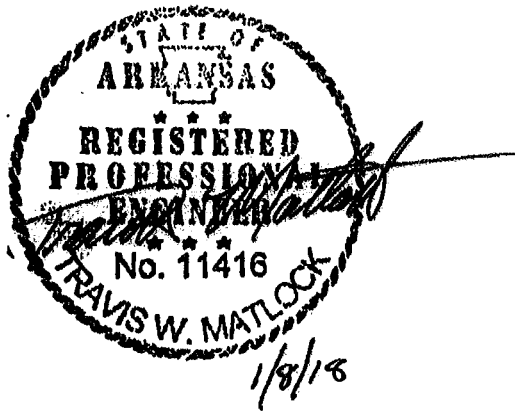
2018 JAN 11 AM 9:35

This letter is given in connection with what is understood to be an effort to voluntarily annex certain real property (Elzey 2 Annexation) into the City of Bentonville. I am a licensed Professional Engineer in the State of Arkansas. Based on my review, I verify that the real property described in Exhibit D-1 to this letter is contiguous with the City of Bentonville and that no enclaves will be created if the described property is accepted by the City of Bentonville.

ROBERTA J. WALKER  
CLERK  
BENTON COUNTY, AR

Sincerely,

Travis Matlock, P.E.



**Annexation-Elzey 2  
Exhibit "D-1"**

The NE ¼ of the SE ¼ of Section 2, Township 19N, Range 31W, Benton County, Arkansas.

FILED

2018 JAN 11 AM 9:35

CLERK OF PROBATE  
BENTON COUNTY, AR

FILED

2018 JAN 18 AM 10: 14

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

TENA O'BRIEN  
CO. & PROBATE CLERK  
BENTON COUNTY, ARK

CC 2018-02

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" and which are depicted in the attached Exhibit "B" to this verification.

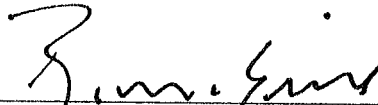
FILED

APR 03 2018

Arkansas  
Secretary of State



HON. TENA O'BRIEN, County Clerk



HON. RODERICK GRIEVE, County Assessor

*Exhibit "A"*

FILED

2018 JAN 18 AM 10:14

**Annexation-Elzey 2  
Right-of-Way**

JANA O'BRIEN  
CLERK  
BENTON COUNTY, ARK  
JAN 11 AM 9:34

CC 2018-02  
CLERK  
BENTON COUNTY, AR

Part of the NE ¼ of the SE ¼ and part of the NW ¼ of the SE ¼ all in Section 2, Township 19N, Range 31W, Benton County, Arkansas, and more particularly described as follows.

Beginning at the NW Corner of said NW ¼ of the SE ¼.

Thence S87°41'42"E, 20.00';

Thence S02°24'01"W, 1337.54';

Thence N88°39'04"W, 20.00';

Thence N02°24'01"E, 1337.88';

Thence S87°41'42"E, 20.00' to the point of beginning.



# Exhibit "B"

## CC 2018-02

### Abutting ROW to Annexation




FILED

2018 JAN 18 AM 10:14

TEHA O'BRIEN  
CO. & PROBATE CLERK  
JULY, ARK



#### Legend

-  ROW to be Annexed
-  Parcels
-  Sections

FILED

2018 JAN 18 AM 10:14

TENA O'BRIEN  
CO. & PROBATE CLERK  
BENTON COUNTY, ARK



Date: January 16, 2018  
Subject: Proposed Annexation Checklist  
CC 2018-02 Bentonville, AR

✓ (A) is in writing;

✓ (B) contains an attestation signed before a notary or notaries by the property owner or owners of the relevant property or properties confirming the desire to be annexed;

✓ (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"] **PREPARED BY CITY.**

Please contact me if you have any questions.

A handwritten signature in black ink, appearing to read "Michael D. Million".

Michael D. Million  
Manager – Mapping Dept.  
Benton County Assessor's Office  
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Email: michael.million@bentoncountyar.gov