



ARKANSAS SECRETARY OF STATE

MARK MARTIN

October 22, 2018

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

Re: City of Bentonville Annexation Ordinance 2018-128

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 (annexation by 100% of the landowners)

Effective Date: 10/11/2018 (municipal ordinance)

County: Benton

City: Bentonville

City Ordinance: 2018-128

Dated: 09/11/2018

County Court Order: CC 2018-06

Date Filed: 08/14/2018

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)
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: 2018-128 Date approved: 09/11/2018

County Court Case No: CC 2018-06 Date Order Filed: 08/14/2018

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

Date Change Effective: 10/11/2018 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:

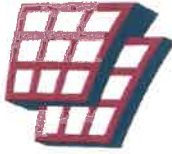
Signature: Title: Deputy Clerk

Date: 09/18/2018

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: _____



**ARKANSAS
GIS OFFICE**

FILED

2018 OCT 19 PM 1:08

TENA D'BRIEN
CC. & PROBATE CLERK
BENTON COUNTY, AR

June 4, 2018

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, AR located in Sections 26 and 35, Township 19 North, Range 31 West. This letter represents confirmation that you have properly coordinated with our office (Arkansas GIS Office) as specified in § 14-40-101 (Act 914 of 2015) of the 90th General Assembly.

Our office will wait completion of any additional steps necessary for the proposed boundary change, which normally comes from the Arkansas Secretary of State Elections Division after any appropriate filing by your County Clerk.

Thank you,

Jennifer Wheeler, GIS Analyst
/jjw

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

H:\City_Annexations\Cities\Bentonville\20180604\Doc\20180604_Bentonville_Annexation_Coordination_Letter.docx

Proposed Annex: City of Bentonville
June 2018

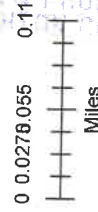
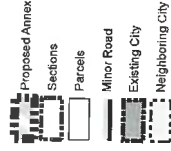
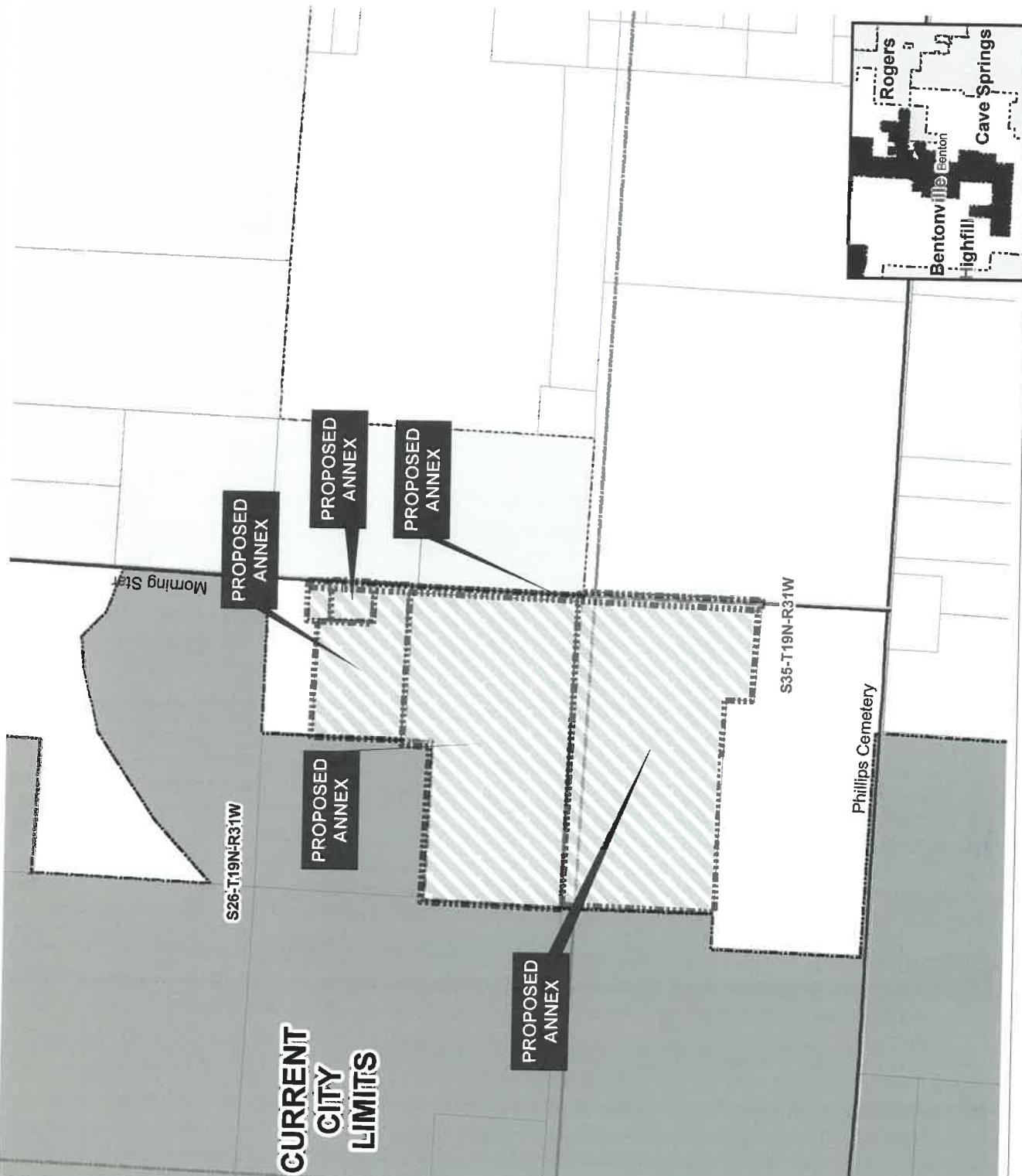
City: Bentonville
Mayor: Bob McCaslin

Arkansas Code 14-40-101.

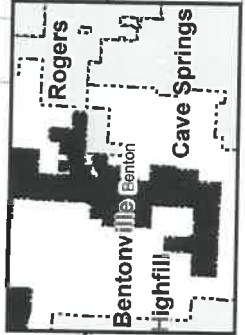
Before an entity undertakes an annexation, consolidation, or detachment proceeding under this chapter, the entity shall coordinate with the Arkansas Geographic Information Systems Office for preparation of legal descriptions and digital mapping for the relevant annexation, consolidation, and detachment areas.

The map contained herein, is evidence, the entity has met requirements of Act 914 of 2015

**CURRENT
CITY
LIMITS**



TENA O'BRIEN
CO. CLERK
PROBATE CLERK
JUNIOR COUNTY, ARK.



FILED
2018 OCT 19 PM 1:08

Proposed Annex: City of Bentonville
June 2018

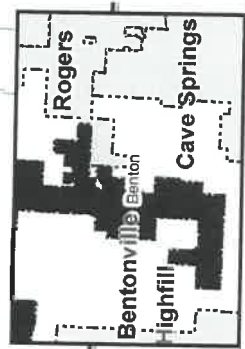
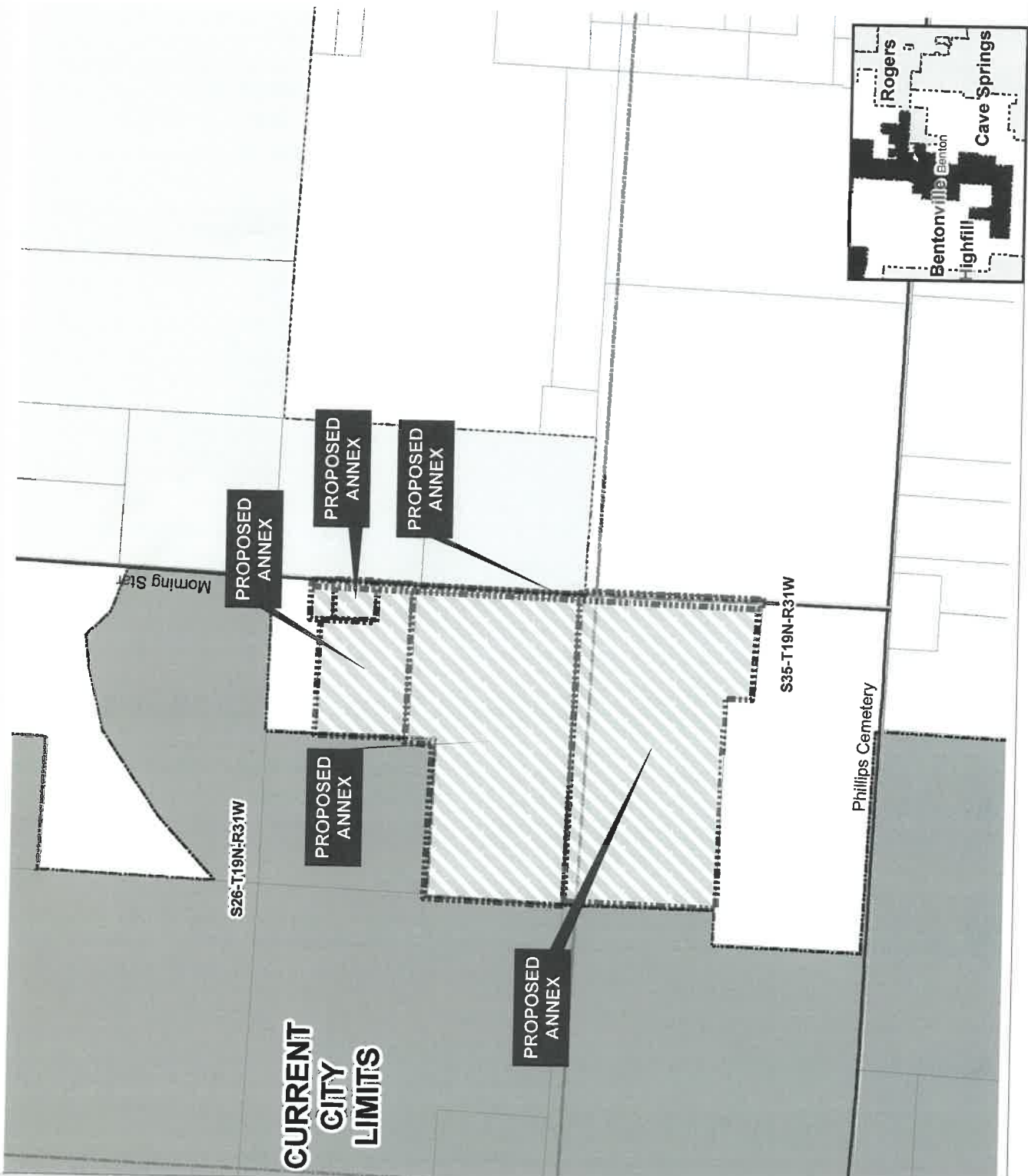
City: Bentonville
Mayor: Bob McCaslin

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

CURRENT CITY LIMITS



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



FILED

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TERA D'BRIEN
CLERK & PROBATE CLERK
BENTON COUNTY, ARK

**Ausmus Annexation
EXHIBIT "A"**

Ausmus, Elmon (North)
18-09195-000

Part of the SE ¼ of the SW ¼ of Section 26, Township 19N, Range 31W, Benton County, Arkansas, and more particularly described as follows:

Beginning at a point 166' South from the NE Corner of said SE ¼ of the SW ¼ of Section 26.

Thence S0°53'W, 100';

Thence N88°59'W, 171';

Thence N0°53'E, 100';

Thence S88°59'E, 171' to the point of beginning.

AND

Ausmus, Elmon (South)
18-09195-000

Part of the SE ¼ of the SW ¼ of Section 26, Township 19N, Range 31W, Benton County, Arkansas, and more particularly described as follows:

Beginning at a point 266' South from the NE Corner of said SE ¼ of the SW ¼ of Section 26.

Thence N88°59'W, 171';

Thence S0°53'W, 182';

Thence S88°59'E, 171';

Thence N0°53'E, 182' to the point of beginning.

AND

Vanderpool 18-09196-000
Callis 18-09197-001

Part of the SE ¼ of the SW ¼ of Section 26, Township 19N, Range 31W, Benton County, Arkansas, and more particularly described as follows:

Beginning at a point S88°59'E, 660' from the NW Corner of said SE ¼ of the SW ¼ of Section 26.

Thence S0°53'W, 600';

Thence S88°59'E, 660';

Thence N0°53'E, 152';

FILED

2018 OCT 19 PM 1:08

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

Thence N88°59'W, 171';
Thence N0°53'E, 282';
Thence S88°59'E, 171';
Thence N0°53'E, 166';
Thence N88°59'W, 660' to the point of beginning.

AND
AUSMUS/JOHNSON
18-09198-000

Part of the SE ¼ of the SW ¼ of Section 26, Township 19N, Range 31W, Benton County, Arkansas, and more particularly described as follows:
Beginning at the SW Corner of said SE ¼ of the SW ¼ of Section 26.
Thence N0°53'E, 600';
Thence S88°59'E, 660';
Thence N0°53'E, 120';
Thence S88°59'E, 660';
Thence S0°53'W, 720';
Thence N88°59'W, 1320' to the point of beginning.

AND
OTTO
18-09333-000

Part of the NE ¼ of the NW ¼ of Section 35, Township 19N, Range 31W, and more particularly described as follows:
Beginning at the NW Corner of said NE ¼ of the NW ¼ of Section 35.
Thence S89°09'36"E, 1324.02';
Thence South 764.13';
Thence N88°04'59"W, 429.55';
Thence N0°26'22"E, 118.39';
Thence N89°44'44"W, 902.58';
Thence N0°37'42"E, 646.83' to the point of beginning.

FILED

2018 OCT 19 PM 1:08

Less and Except

Vanderpool

18-09196-000

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

Part of the SE ¼ of the SW ¼ of Section 26, Township 19N, Range 31W, Benton County, Arkansas, and more particularly described as follows:

Beginning at a point S88°59'E, 660' from the NW Corner of said SE ¼ of the SW ¼ of Section 26.

Thence S01°53'54"W, 211.72';

Thence S88°13'59"E, 489.74';

Thence N01°36'53"E, 41.86';

Thence S87°56'20"E, 169.93';

Thence N02°13'03"E, 170.66';

Thence N88°13'35"W, 660.41' to the point of beginning.

FILED

2018 OCT 19 PM 1:08

Ausmus Annexation
ROW
Exhibit

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

Part of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 26, Township 19N, Range 31W, Benton County, Arkansas **AND** Part of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 35, Township 19N, Range 31W, and more particularly described as follows:

Commencing at the NE Corner of said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 26, Township 19N, Range 31W, Benton County, Arkansas.

- Thence S02°13'03"W, 170.66' to the point of beginning.
- Thence S02°13'03"W, 1161.66';
- Thence S86°55'57"E, 15.23';
- Thence S01°45'19"W, 763.63';
- Thence N86°52'01"W, 41.63';
- Thence N02°01'09"E, 1924.77';
- Thence S87°56'20"E, 26.89' to the point of beginning.

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

September 18, 2018

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

RE: Pamela Ausmus, et al
City of Bentonville Annexation
Benton County Court Case No. CC# 2018-06

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 Annexation entered on August 14, 2018
3. Ordinance No. 2018-128 adopted on September 11, 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
(479) 271-5704

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

SILAM SPRINGS
(479) 238-0120
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

FILED

2018 SEP 17 PM 4: 27

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 2018-06

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

Sept. 17, 2018

2018 3358

2018 SEP 12 PM 2:05

TENA O'BRIEN
CLERK & PROBATE CLERK
BENTON COUNTY, ARK.**ORDINANCE NO. 2018-128****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 all of the owners of the hereinafter described territory, said owners being listed in Exhibit "A" to this ordinance, praying that said territory be annexed to, and made a part of the City of Bentonville, Arkansas, and

WHEREAS, on the 14 day of August, 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 "B," which includes both the territory sought to be annexed by the petitioners and the dedicated public roads and rights of way

2018 SEP 12 PM 2:05

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 "B" 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 11th DAY OF SEPTEMBER, 2018.

APPROVED: _____

Bob McCaslin
HON. BOB McCASLIN, Mayor

ATTEST: _____

Linda Spence
HON. LINDA SPENCE, City Clerk

FILED

2018 SEP 12 PM 2: 05

JENA O'BRIEN
CLERK & PROPRATE CLERK
BENTON COUNTY, ARK

**Ausmus Annexation
Exhibit "A"**

Elmon L. Jr. & Pamela R. Ausmus 18-09195-000

Robert L. Callis 18-09197-001

Pamela Rae Ausmus & Lyndell Johnson Rev. Trust 18-09198-000

Roy Paul & Linda Fay Otto Joint Revocable Trust 18-09333-000

FILED

2018 SEP 12 PM 2:05

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

**Ausmus Annexation
Exhibit "B"**

Ausmus, Elmon (North)
18-09195-000

Part of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 26, Township 19N, Range 31W, Benton County, Arkansas, and more particularly described as follows:
Beginning at a point 166' South from the NE Corner of said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 26.

Thence S0°53'W, 100';

Thence N88°59'W, 171';

Thence N0°53'E, 100';

Thence S88°59'E, 171' to the point of beginning.

AND

Ausmus, Elmon (South)
18-09195-000

Part of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 26, Township 19N, Range 31W, Benton County, Arkansas, and more particularly described as follows:
Beginning at a point 266' South from the NE Corner of said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 26.

Thence N88°59'W, 171;

Thence S0°53'W, 182';

Thence S88°59'E, 171;

Thence N0°53'E, 182' to the point of beginning.

AND

Vanderpool 18-09196-000
Callis 18-09197-001

Part of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 26, Township 19N, Range 31W, Benton County, Arkansas, and more particularly described as follows:

2018 3266

2018 SEP 12 PM 2: 05

TEKA O'BRIEN
S. & PROPR. CLERK
BENTON COUNTY, ARK.

Beginning at a point S88°59'E, 660' from the NW Corner of said SE ¼ of the SW ¼ of Section 26.

Thence S0°53'W, 600';

Thence S88°59'E, 660';

Thence N0°53'E, 152';

Thence N88°59'W, 171';

Thence N0°53'E, 282';

Thence S88°59'E, 171';

Thence N0°53'E, 166';

Thence N88°59'W, 660' to the point of beginning.

AND

AUSMUS/JOHNSON

18-09198-000

Part of the SE ¼ of the SW ¼ of Section 26, Township 19N, Range 31W, Benton County, Arkansas, and more particularly described as follows:

Beginning at the SW Corner of said SE ¼ of the SW ¼ of Section 26.

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Thence S88°59'E, 660';

Thence N0°53'E, 120';

Thence S88°59'E, 660';

Thence S0°53'W, 720';

Thence N88°59'W, 1320' to the point of beginning.

AND

OTTO

18-09333-000

Part of the NE ¼ of the NW ¼ of Section 35, Township 19N, Range 31W, and more particularly described as follows:

Beginning at the NW Corner of said NE ¼ of the NW ¼ of Section 35.

Thence S89°09'36"E, 1324.02';

2018 SEP 12 PM 2:05

Thence South 764.13';
 Thence N88°04'59"W, 429.55';
 Thence N0°26'22"E, 118.39';
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TERA O'BRIEN
 CO. & PROBATE CLERK
 BENTON COUNTY, ARK.

Less and Except

Vanderpool

18-09196-000

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Thence S88°13'59"E, 489.74';

Thence N01°36'53"E, 41.86';

Thence S87°56'20"E, 169.93';

Thence N02°13'03"E, 170.66';

Thence N88°13'35"W, 660.41' to the point of beginning.

Ausmus Annexation

(And the following described property which is dedicated public roads and Right-of-Ways)

Part of the SE ¼ of the SW ¼ of Section 26, Township 19N, Range 31W, Benton County, Arkansas **AND** Part of the NE ¼ of the NW ¼ of Section 35, Township 19N, Range 31W, and more particularly described as follows:

Commencing at the NE Corner of said SE ¼ of the SW ¼ of Section 26, Township 19N, Range 31W, Benton County, Arkansas.

FILED

2018 SEP 12 PM 2: 06

Thence S02°13'03"W, 170.66' to the point of beginning.
Thence S02°13'03"W, 1161.66';
Thence S86°55'57"E, 15.23';
Thence S01°45'19"W, 763.63';
Thence N86°52'01"W, 41.63';
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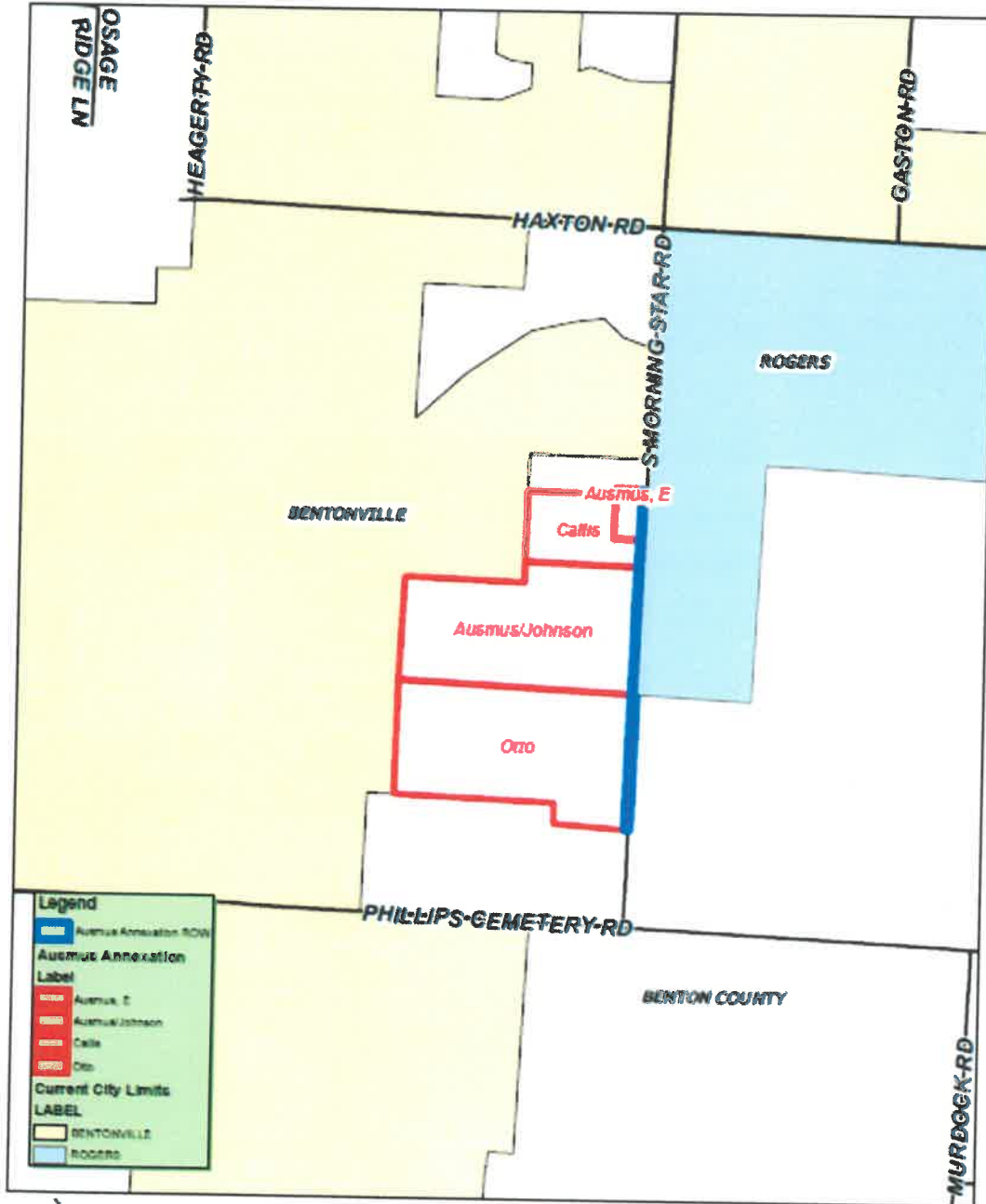
TERA O'BRIEN
CO. & PROBATE CLERK
BENTON COUNTY, ARK.

2018 3269

2018 SEP 12 PM 2: 06

**Ausmus Annexation
Exhibit "B"
(Vicinity Map)**

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



Legend	
	Ausmus Annexation ROW
Ausmus Annexation Label	
	Ausmus, E
	Ausmus/Johnson
	Otto
Current City Limits LABEL	
	BENTONVILLE
	ROGERS



Exhibit "B"
Ausmus Annexation

1 inch = 667 feet