



JOHN THURSTON
ARKANSAS SECRETARY OF STATE

November 6, 2019

The Hon. Betsy Harrell
Benton County Clerk
215 East Central, Suite 217
Bentonville, AR 72712-5373

Re: City of Bentonville Annexation Ordinance 2019-140

Dear Ms. Harrell,

This letter acknowledges receipt and filing of the following notice of municipal boundary change by the Office of the Arkansas Secretary of State:

Filing Type: Annexation pursuant to A.C.A §14-40-609 (annexation by petition of all landowners)

Effective Date: 10/24/2019

County: Benton

City Ordinance: 2019-140

County Court Order: 2019-11

City: Bentonville

Dated: 9/24/2019

Date Filed: 9/26/2019

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 change by the Arkansas Secretary of State.

If you have any questions or concerns regarding this filing, please do not hesitate to contact our Office at 501-683-3717.

Sincerely,

A handwritten signature in black ink, appearing to read "Shantell McGraw".

Shantell McGraw
Elections Division

cc: Arkansas Geographic Information Systems Office (w/encl)
Arkansas Department of Transportation Mapping Department (w/encl)
Department of Finance and Administration (w/encl)
Arkansas Public Service Commission (w/encl)
Arkansas Economic Development Institute (w/encl)
The Hon. Stephanie Orman, Mayor of Bentonville (w/encl)
The Hon. Linda Spence, Bentonville City Clerk (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: 2019-140 Date approved: 09/24/2019

County Court Case No: 2019-11 Date Order Filed: 08/01/2019 *glauliq sm 10/28/19*

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

Date Change Effective: 10/24/2019 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: Linda Spence Title: City Clerk

Street Address: 117 W. Central Avenue

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: *Cleemaster* Title: Deputy Clerk

Date: 09/27/2019

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: *[Signature]*

FILED

NOV 06 2019

Arkansas
Secretary of State

FILED

2019 SEP 26 PM 2:48

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

ORDINANCE NO. 2019-140

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 1st day of August, 2019, 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

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 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.

2019 3261

FILED

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

2019 SEP 26 PM
BETSY HARRE
CO & PROBATE C
BENTON COUNTY

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 24th DAY OF September, 2019.

APPROVED: Stephanie Orman
HON. STEPHANIE ORMAN, Mayor

ATTEST: Linda Spence
HON. LINDA SPENCE, City Clerk

2019 3262

FILED

2019 SEP 26 PM 3: 53

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

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

CC 2019-11

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

9/26/19

2019 3298

FILED

2019 AUG -1 PM 4: 34

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

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

COUNTY COURT ORDER NO. CC 2019-11

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

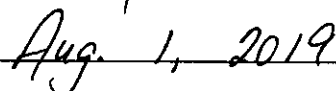
I, Barry Moehring, County Judge of Benton County, having reviewed the attached petition for annexation and verification of petition, hereby find that the petition:

- 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; and
- 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.

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



Date

City of Bentonville (Trail) Annexation
EXHIBIT "A"

FILED

2019 SEP 26 PM 2:48

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

City of Bentonville

18-07526-000

2019 3263

FILED

2019 SEP 26 PM 2:48

**BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR**

City of Bentonville (Trail) Annexation
Exhibit "B"

Part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 20, Township 20N, Range 30W, Benton County, Arkansas and more particularly described as follows.

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

Thence S02°45'16"W, 455.62';

Thence N86°42'37"W, 760.77';

Thence N13°34'03"E, 239.62';

Thence N23°24'10"E, 209.37';

Thence S88°47'00"E, 642.18' to the point of beginning.

Containing 7.23 Acres more or less.

2019 3264

Legend



Proposed Annexation

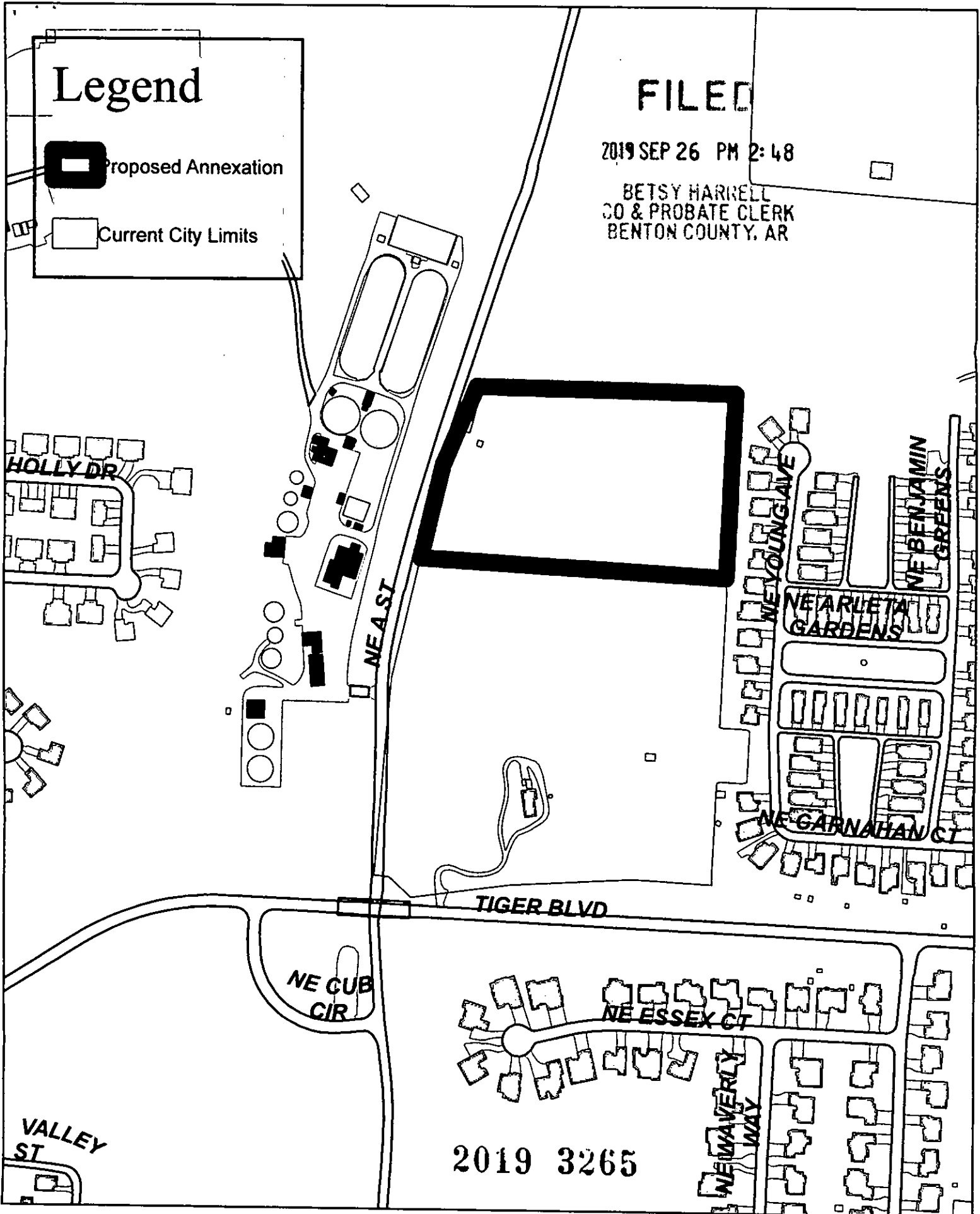


Current City Limits

FILED

2019 SEP 26 PM 2:48

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR



2019 3265



Proposed Annexation
City of Bentonville-Trail

1 inch = 300 feet



BENTON COUNTY

STATE OF ARKANSAS

BETSY HARRELL

COUNTY CLERK & VOTER REGISTRAR

215 EAST CENTRAL, SUITE 217

BENTONVILLE, AR 72712-5373

479-271-1013

Fax: 479-271-1019

PROBATE COURT CLERK

COURTHOUSE, 102 N.E. "A" STREET

BENTONVILLE, AR 72712-5350

479-271-5727

Fax: 479-271-1712

August 2, 2019

Honorable Stephanie Orman
City of Bentonville
117 W. Central Ave
Bentonville, AR 72712

Re: In the Matter of Annexing to the City of Bentonville, Arkansas Certain
Territory Contiguous To Said City of Bentonville, Arkansas

Dear Mayor Orman:

The County has received and processed a proposed annexation pursuant to ACA § 14-40-609 related to annexations by 100% of the property owners. I am transmitting to you a copy of the documents relating to the proposed annexation for consideration by the Bentonville City Council.

If your council and you approve the annexation, please ask your clerk or recorder to return to me one (1) certified copy of the plat of the annexed property and one (1) certified copy of the ordinance or resolution approving the annexation so that I can send those on to the Secretary of State as required by the statute.

Please feel free to contact me if you have questions.

Sincerely,

Betsy Harrell by Cleemasters

BETSY HARRELL, County Clerk

enc

ROGERS OFFICE
2111 W. WALNUT
(479) 636-3727
FAX (479) 636-4922

ROGERS ARCHIVES
2111 W. WALNUT
(479) 636-1037
FAX (479) 636-1053

SILOAM SPRINGS OFFICE
707 S. LINCOLN
479-271-1013
FAX (479) 524-8534

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

FILED
2019 AUG -1 PM 12:10
BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR
2019

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

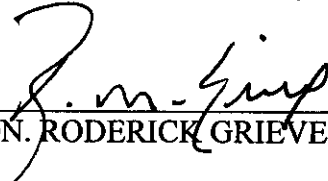
We, Betsy Harrell, County Clerk of Benton County, and Roderick Grieve, County Assessor of Benton County, attest as follows:

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.



HON. BETSY HARRELL, County Clerk



HON. RODERICK GRIEVE, County Assessor



FILED

2019 AUG -1 AM 8:16

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

Date: July 31, 2019
Subject: Proposed Annexation Checklist
CC 2019-11 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.

SEE ATTACHMENT
[Additionally, we note that the legal description in (B) 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 – GIS-Mapping Dept.
Benton County Assessor's Office
Phone: 479-271-1037, ext. 7004
Email: michael.million@bentoncountyar.gov

FILED

ATTACHMENT:

It appears that the annexation description and the property description both go to NE A street.

Roads appear to be covered by the descriptions and the GIS maps will be reviewed and revised to reflect this.

2019 AUG - 1 AM 8:16
BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

FILED

2019 JUL 29 PM 2: 20

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

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

NO. CC 2019-11

PETITION FOR ANNEXATION – 100 % OF OWNERS PETITIONING

DATE: July 9, 2019

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.

Refer to 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

6. That a letter or title opinion from a certified abstractor or title company certifying 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.

2019 JUL 26 PM 2: 20
BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

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 a desire that their property, which is included in the property described above, be annexed into the City of Bentonville.

City of Bentonville (Trail) Annexation
Exhibit "A"

FILED

2019 JUL 29 PM 2: 20

Part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 20, Township 20N, Range 30W, Benton County, Arkansas and more particularly described as follows. BETSY HARRELL
CLERK & PROBATE CLERK
BENTON COUNTY, AR

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

Thence S02°45'16"W, 455.62';

Thence N86°42'37"W, 760.77';

Thence N13°34'03"E, 239.62';

Thence N23°24'10"E, 209.37';

Thence S88°47'00"E, 642.18' to the point of beginning.

Containing 7.23 Acres more or less.

Legend



Proposed Annexation

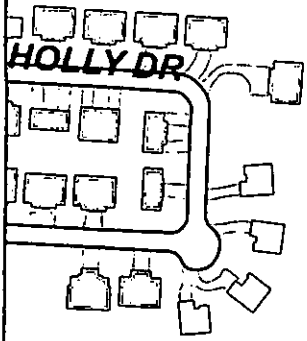


Current City Limits

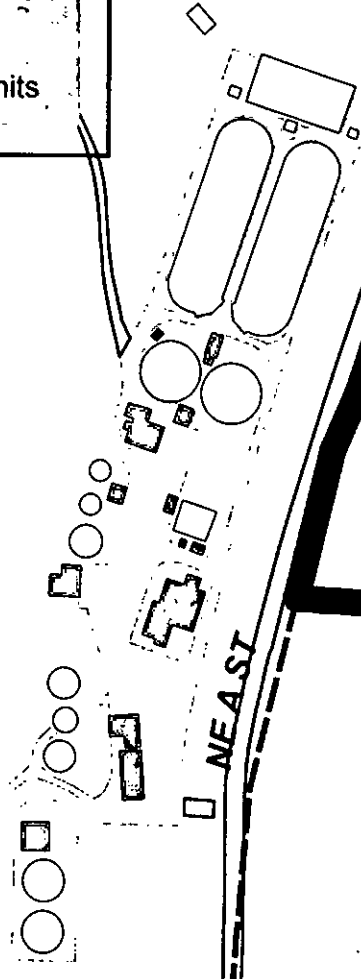
FILED

2019 JUL 29 PM 2:20

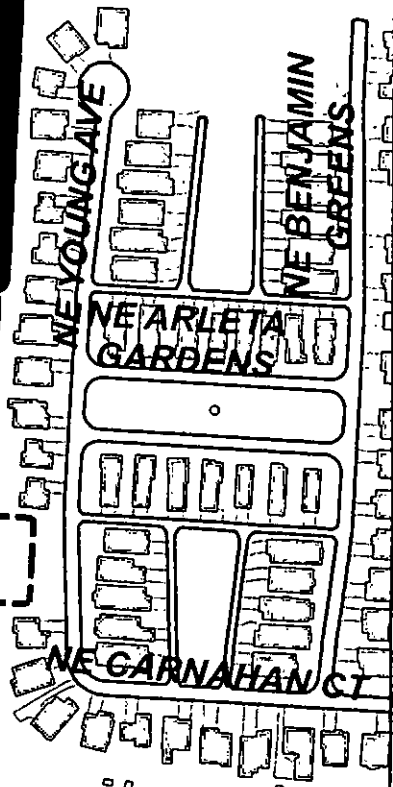
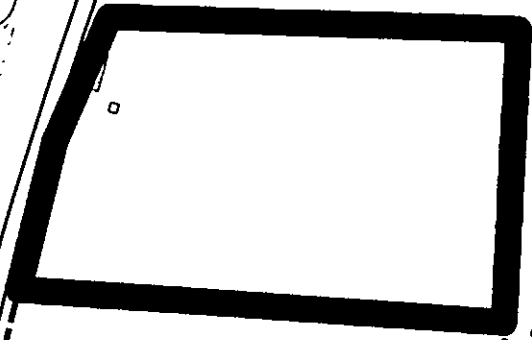
BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR



HOLLY DR



NE EAST



NE YOUNG AVE

NE BENJAMIN GREENS

NE ARLETA GARDENS

NE GARNAHAN CT

TIGER BLVD

NE CUB CIR



NE ESSEX CT

NE WAVERLY WAY

VALLEY ST



EXHIBIT "B"
Proposed Annexation
City of Bentonville-Trail

1 inch = 300 feet



City of Bentonville (Trail) Annexation
EXHIBIT "C-1"

FILED

2019 JUL 29 PM 2: 20

BETSY HARRELL
CO. & PROBATE CLERK
BENTON COUNTY, AR

City of Bentonville

City of Bentonville (Trail) Annexation
Exhibit "C-2"

FILED

2019 JUL 29 PM 2:21

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

Part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 20, Township 20N, Range 30W, Benton County, Arkansas and more particularly described as follows.

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

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Thence N13°34'03"E, 239.62';
Thence N23°24'10"E, 209.37';
Thence S88°47'00"E, 642.18' to the point of beginning.
Containing 7.23 Acres more or less.

EXHIBIT "D"

FILED

Greetings:

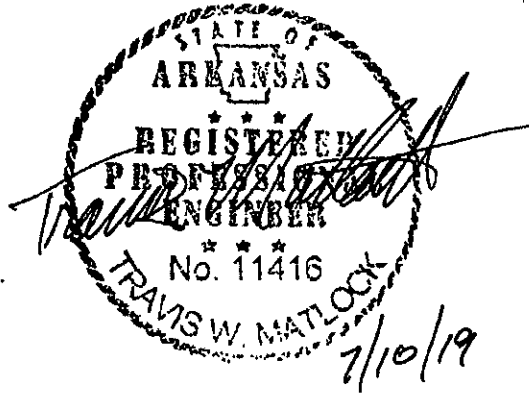
2019 JUL 29 PM 2: 21

This letter is given in connection with what is understood to be an effort to voluntarily annex certain real property (City of Bentonville Trail 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.

BETSY HARRELL
CO. & PROBATE CLERK
BENTON COUNTY, AR

Sincerely,

Travis Matlock, P.E.



City of Bentonville (Trail) Annexation
Exhibit "D-1"

FILED

2019 JUL 29 PM 2: 21

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

Part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 20, Township 20N, Range 30W, Benton County, Arkansas and more particularly described as follows.

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

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Thence N13°34'03"E, 239.62';

Thence N23°24'10"E, 209.37';

Thence S88°47'00"E, 642.18' to the point of beginning.

Containing 7.23 Acres more or less.

FILED

2019 JUL 29 PM 2:21

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

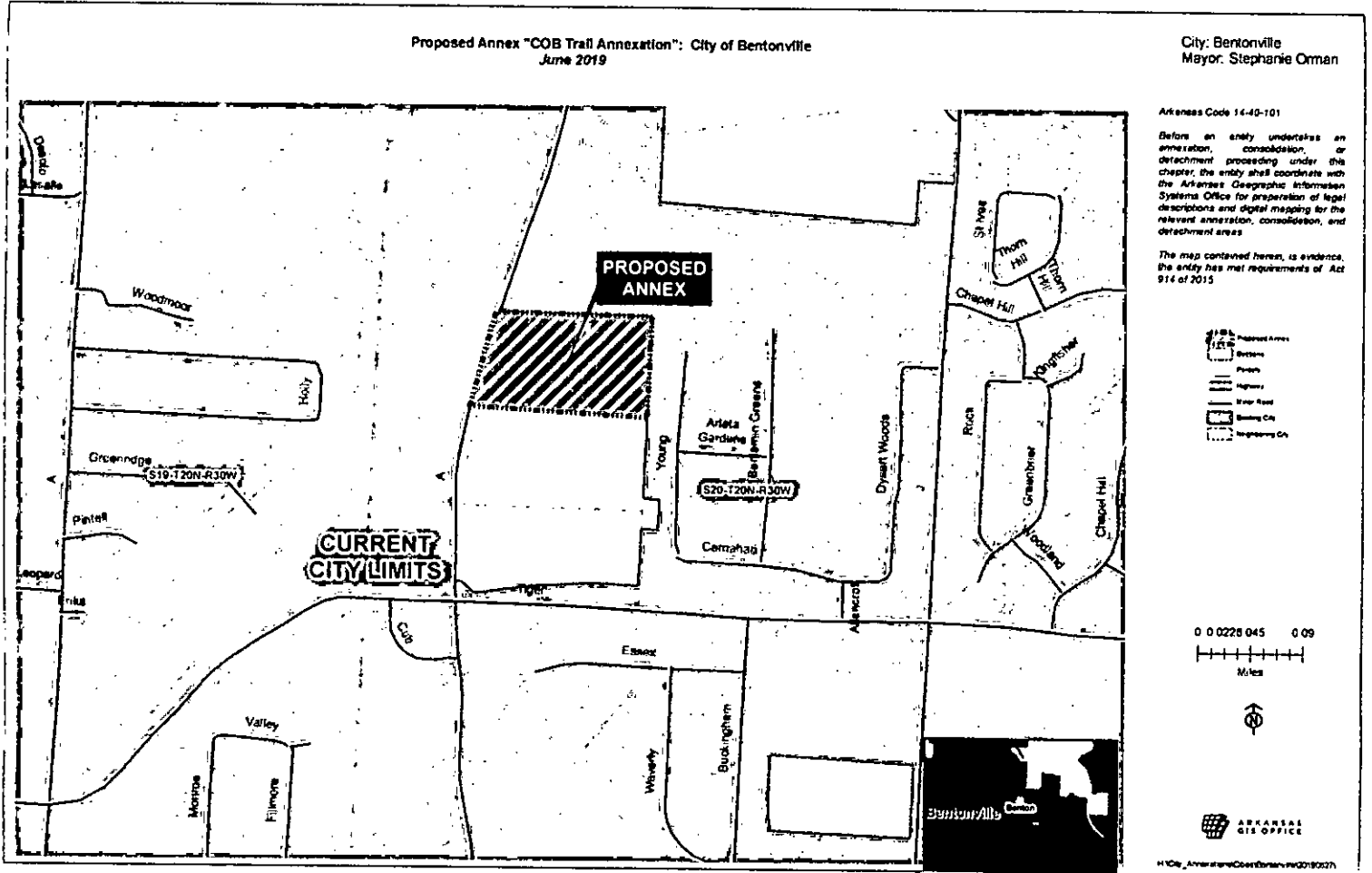
Proposed Annex "COB Trail Annexation": City of Bentonville
June 2019

City: Bentonville
Mayor: Stephanie Orman

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.



COB Trail Annexation
Exhibit "A"

FILED

2019 JUL 29 PM 2: 21

Part of the NW ¼ of the SW ¼ of Section 20, Township 20N, Range 30W, Benton County, Arkansas and more particularly described as follows.

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

Beginning at the NE Corner of said NW ¼ of the SW ¼.

Thence S02°45'16"W, 455.62';
Thence N86°42'37"W, 760.77';
Thence N13°34'03"E, 239.62';
Thence N23°24'10"E, 209.37';
Thence S88°47'00"E, 642.18' to the point of beginning.
Containing 7.23 Acres more or less.

FILED

2019 JUL 29 PM 2:20

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

July 24th, 2019

Hon. Betsy Harrell, County Clerk
Benton County Administration Building
215 East Central
Bentonville, AR 72712

Re: City of Bentonville Annexation (Trail)

Dear Ms. Harrell:

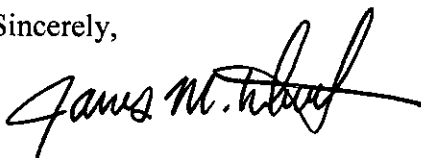
This letter accompanies the voluntary annexation petition being filed today by me on behalf of the City of Bentonville. In addition to the petition, accompanying this letter, please find:

- 1) a copy of the Arkansas GIS Office approval of the legal description as provided for in § 14-40-101 of the Arkansas Code.

Item 1) is not required by the 100% annexation statute, but does show up elsewhere in the Code so we thought it appropriate to provide it.

I am aware the County Judge has authority to require adjoining road right-of-way be added to this annexation. My review indicates there is no adjoining road right-of-way with respect to this proposed annexation.

Sincerely,



James M. Wheeless, GIS Coordinator
City of Bentonville

enc

From: Jennifer Wheeler <Jennifer.Wheeler@arkansas.gov>
Sent: Tuesday, July 02, 2019 3:06 PM
To: Jim Wheelless
Subject: FW: Question->

Jim—here's Rachel's response.

From: Rachel Kluender <rachel.kluender@sos.arkansas.gov>
Sent: Tuesday, July 02, 2019 3:01 PM
To: Jennifer Wheeler <Jennifer.Wheeler@arkansas.gov>
Cc: Shelby Johnson <shelby.johnson@arkansas.gov>; Jonathan Duran <Jonathan.Duran@arkansas.gov>
Subject: RE: Question->

Hi Jennifer,

Our policy would be the same as the one we adopted for other nonstandard annexations, or apparently unlawful annexations that could be potentially challenged in court by the appropriate parties with standing: we would do what we could to encourage the municipality to follow the code but ultimately will file any complete annexation package that is sent to us, as long as all the requisite documents are included.

In the case of enclaves, the language prohibiting the *creation* of them only says that "Whenever practicable," the annexation of contiguous lands should not create enclaves (§14-40-504(b), §14-40-302(d)(1)). While it's arguable that annexation of part of an existing enclave, leaving a smaller enclave, could be construed as "creating" an enclave, a municipality should be prepared to explain to potentially interested parties why annexation of the whole was "impracticable."

That said, I am not aware of any statute prohibiting annexation of part of an enclave, and I have been unable to find any case law on point either. So as long as the city followed the proper protocol with respect to notice, vote/petition, certification by county, etc., we would file it.

Let me know if that doesn't answer your question!

Rachel

Rachel Kluender
Staff Attorney
Arkansas Secretary of State
Suite 256 - State Capitol
500 Woodlane Street
Little Rock, AR 72201
Telephone: (501) 682-3401

From: Jennifer Wheeler <Jennifer.Wheeler@arkansas.gov>
Sent: Tuesday, July 2, 2019 2:09 PM
To: Rachel Kluender <rachel.kluender@sos.arkansas.gov>
Cc: Shelby Johnson <shelby.johnson@arkansas.gov>; Jonathan Duran <Jonathan.Duran@arkansas.gov>
Subject: FW: Question->

Rachel,

The City of Bentonville owns some property in an existing enclave that they want to annex . We were told some time ago by the SoS that if there is an annexation in an enclave, then all of the enclave should be annexed and not just part of it. We got the impression that if a city did this, there could be some issues down the road pertaining to SoS' filing of the annex. Given some of the other discussions we've had in the recent past, I am willing to bet that this is not the current SoS stance on the matter. Assuming the SoS will not make an issue of Bentonville partially annexing an enclave, do you know of any reason some other party might be able to find fault with a partial annexation of an enclave?

Thank you,

Jennifer Wheeler – GIS Analyst

Arkansas GIS Office
1 Capitol Mall Ste 6D
Little Rock, AR 72201
501.682.2929 Office
501.454.9524 Mobile
501.407.0790 Fax
jennifer.wheeler@arkansas.gov Email
<http://www.gis.arkansas.gov> Web

From: Jim Wheeless <JWheeless@bentonvillear.com>
Sent: Tuesday, July 02, 2019 1:30 PM
To: Jennifer Wheeler <Jennifer.Wheeler@arkansas.gov>
Subject: FW: Question->

From: Jennifer Wheeler [<mailto:Jennifer.Wheeler@arkansas.gov>]
Sent: Friday, February 23, 2018 11:33 AM
To: Jim Wheeless
Subject: RE: Question->

I have heard from the SoS that if part of an enclave is going to be annexed in, that all of it has to be annexed. But, again, we do not deny annexations. If we think there is an issue, we will note it on the letter/map and let the decision-makers take it from there. As I understand it, if the county judge and the mayor agree on annexing only part of the enclave, that has to be made explicitly clear in the language of the ordinance and the court order.

Jennifer Wheeler – GIS Analyst

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From: Jim Wheeless [<mailto:JWheeless@bentonvillear.com>]

Sent: Friday, February 23, 2018 11:25 AM

To: Jennifer Wheeler

Subject: RE: Question->

Let me rephrase. Can you clarify your guidelines for the "continuation of enclaves"?

Mike Million from the Benton County Assessor's Office has send that has been grounds for denial from your office before.

Thanks in advance for your help in this matter.

Jim

From: Jennifer Wheeler [<mailto:Jennifer.Wheeler@arkansas.gov>]

Sent: Friday, February 23, 2018 11:03 AM

To: Jim Wheeless

Subject: RE: Question->

Jim,

I am not qualified to answer this question for you. This is not a decision our office would be involved with. You may want to ask the City Attorney. If they don't know, I would suggest either the Municipal League or the Secretary of State's Office—legal division.

Jennifer Wheeler – GIS Analyst

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From: Jim Wheeless [<mailto:JWheeless@bentonvillear.com>]
Sent: Friday, February 23, 2018 10:57 AM
To: Jennifer Wheeler <Jennifer.Wheeler@arkansas.gov>
Subject: Question->

Jennifer,

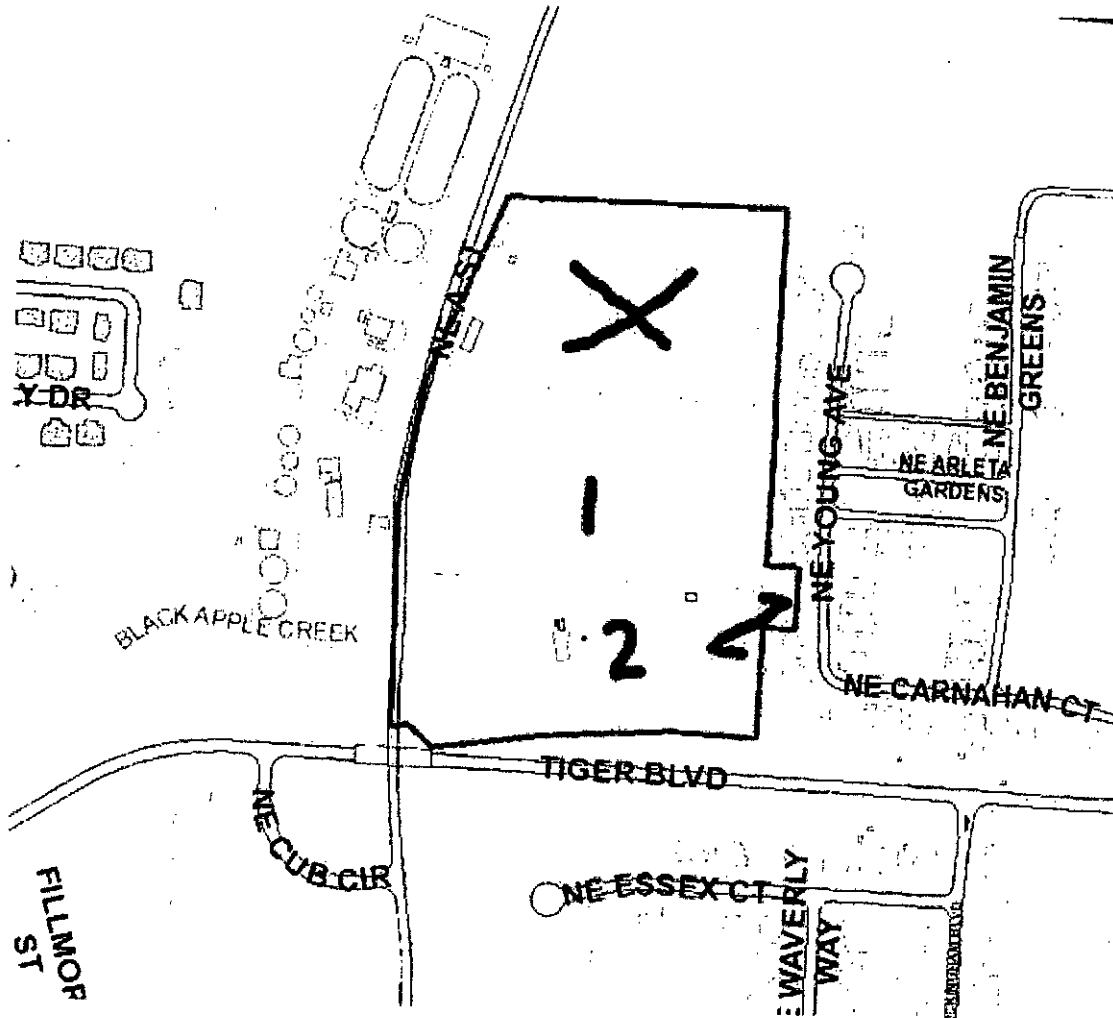
I need a clarification.

Below is a screen shot from our online GIS. The red "X" represents a piece of property belonging to the City of Bentonville. This area is basically a 'hole' in our City Limits.

My question to you is can we annex this property or do we need to get the signatures from the two adjacent parcels to the south (labeled 1 & 2).

Thanks for your guidance and clarification.

Rectangle Query Filter Distance Plot Coordinates



Jim Wheelless
GIS Coordinator-City of Bentonville
305 SW A Street
Bentonville, AR 72712
(479) 271-5926 (Phone)
(479) 271-5916 (Fax)
jwheelless@bentonvillear.com



**ARKANSAS
GIS OFFICE**

FILED

2019 JUL 29 PM 2: 21

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

June 27, 2019

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 Section 20, Township 20 North, Range 30 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
/jw

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

H:\City_Annexations\Cities\Bentonville\20190627\Doc\20190627_Bentonville_Annexation_Coordination_Letter.docx

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

STATE OF ARKANSAS

BETSY HARRELL

COUNTY CLERK & VOTER REGISTRAR

215 EAST CENTRAL, SUITE 217
BENTONVILLE, AR 72712-5373
479-271-1013
Fax: 479-271-1019

September 27, 2019

PROBATE COURT CLERK

COURTHOUSE, 102 N.E. "A" STREET
BENTONVILLE, AR 72712-5350
479-271-5727
FAX: 479-271-1712

Honorable John Thurston
Secretary of State
Room 256 State Capitol
Little Rock, AR 72201-1094

RE: The City of Bentonville
City of Bentonville Annexation
Benton County Court Case No. CC# 2019-11

Dear Secretary Thurston:

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 1, 2019
3. Ordinance 2019-140 adopted on September 24, 2019, by the City of Bentonville.

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

Sincerely,

Betsy Harrell by Cleemasters

Betsy Harrell

BH/cnl
Enclosures

cc: Roderick Grieve
Benton County Assessor

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

Benton County 9-1-1 Administration

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