



JOHN THURSTON
ARKANSAS SECRETARY OF STATE

December 10, 2019

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

Re: City of Bentonville Annexation Ordinance 2019-156

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: 11/21/2019

County: Benton

City Ordinance: 2019-156

County Court Order: 2019-14

City: Bentonville

Dated: 10/22/2019

Date Filed: 10/28/2019

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 that reads "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: 2019-156 Date approved: 10/22/2019

County Court Case No: 2019-14 Date Order Filed: ~~09/09/2019~~ 10/28/19 [Signature]

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

Date Change Effective: 11/21/2019 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 Ave

City: Bentonville St: AR Zip code: 71712

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: [Signature] Title: Deputy Clerk

Date: 10/28/2019

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

DEC 10 2019

**Arkansas
Secretary of State**

FILED

2019 OCT 25 AM 11:36

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

ORDINANCE NO. 2019-156

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 9th day of September, 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 3489

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.

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 22nd DAY OF October, 2019.

APPROVED: Stephanie Orman
HON. STEPHANIE ORMAN, Mayor

ATTEST: Linda Spence
HON. LINDA SPENCE, City Clerk

FILED
2019 OCT 25 AM 11:36
BETSY HARRELL
CO. & PROBATE CLERK
BENTON COUNTY, AR

FILED

2019 OCT 28 AM 11:19

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 2019-14

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

10/28/19

2019 3515

FILED

2019 SEP -9 PM 3: 03

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

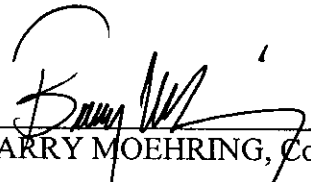
COUNTY COURT ORDER NO. CC 2019-14

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.

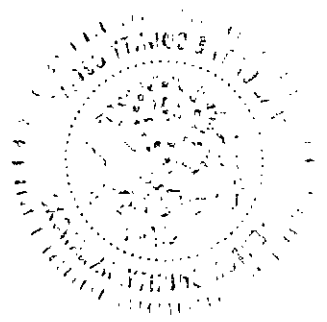
The County Clerk is directed to forward a copy of this order and the related Petition to the Mayor of the City of BENTONVILLE.



HON. BARRY MOEHRING, County Judge

09/09/19

Date



2019 2982

FILED

Clearwater Investing, INC Annexation
EXHIBIT "A"

2019 OCT 25 AM 11:36

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

Clearwater Investing, INC

18-08658-001

2019 3491

FILED

2019 OCT 25 AM 11:36

Clearwater Investing, INC. Annexation
Exhibit "B"

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

Part of the W ½ of the NE ¼ NE ¼ of Section 2, Township 19N, Range 31W
described as follows:

Beginning at the NW Corner of said 20 acres;

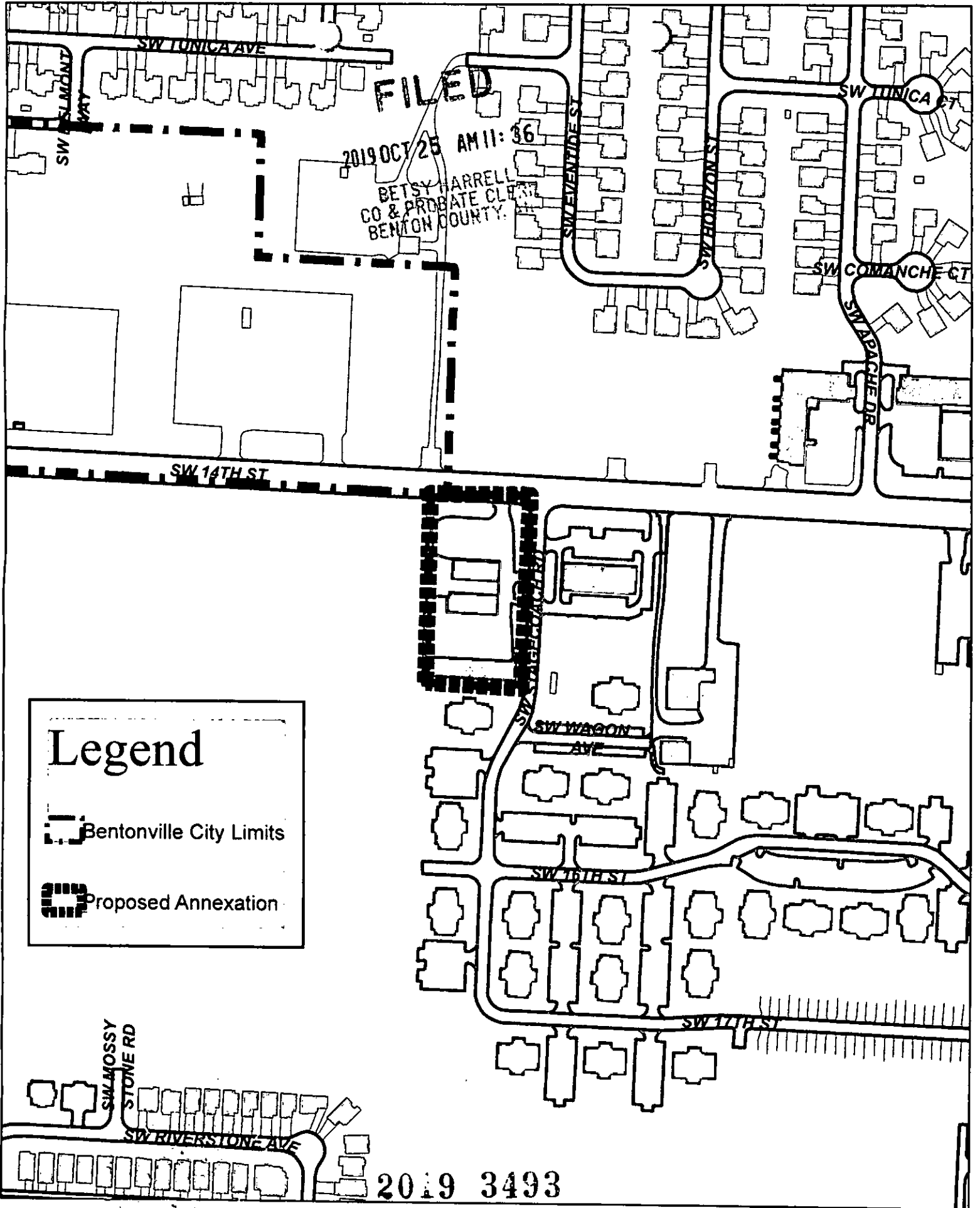
Thence South 400';

Thence East 200';

Thence North 400';

Thence 200' to the point of beginning, containing 1.84 acres, more or less, and
subject to Highway 102 Right of Way.

2019 3492



FILED

2019 OCT 25 AM 11:36

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY

Legend

- Bentonville City Limits
- Proposed Annexation

2019 3493



Proposed Annexation-CLEARWATER INVESTING, INC
Exhibit "A"



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

September 9, 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, 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

SILAM 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 SEP -6 AM 11:20

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR
CC 2019-14

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

THE COUNTY COURT OF BENTON COUNTY, ARKANSAS

CASE NO. 2019-14

FILED

2019 AUG 30 PM 1:34

IN RE: ANNEXATION OF PROPERTY CONTIGUOUS TO THE
CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

PETITION FOR ANNEXATION OF PROPERTY
CONTIGUOUS TO THE
CITY OF BENTONVILLE, ARKANSAS

COME NOW the petitioner, Clearwater Investment, Inc., owner of certain real properties located in Benton County, Arkansas, petition the Court as follows:

1. That the petitioner constitutes the sole ownership of one hundred percent (100%) of the real property that is the subject of this action.

2. That said property is contiguous to and adjoins the City of Bentonville, Arkansas.

A map of the subject property is attached hereto as "Exhibit A". A legal description of the subject property is included in the deed attached hereto as "Exhibit B".

4. The Petitioner respectfully requests that said property be released by the County and annexed to, added to, and included within the boundaries of the City of Bentonville, Arkansas, pursuant to A.C.A. 14-40-609. A letter certifying that the petitioner is the sole owner of the subject property is attached as "Exhibit C". An engineer's letter certifying that no islands or enclaves will be created by this annexation is attached as "Exhibit D".

5. The City of Bentonville will extend law enforcement, life safety, and water and sewer services to the subject properties.

6. The Petitioner requests that the subject be assigned a zoning designation of C-2.

7. That the Petitioner has coordinated this annexation request with the State of Arkansas GIS office as evidenced by the letter attached hereto as "Exhibit E".

WHEREFORE, premises considered, the Petitioner prays that this Court ascertain the propriety of this petition pursuant to A.C.A. 14-40-609, enter its order releasing the subject

properties for annexation into the City of Bentonville to forward same to the City of Bentonville

FILED

pursuant to A.C.A. 14-40-609, and for all other reasonable and proper relief. 2019 AUG 30 PM 1:34

CLEARWATER INVESTMENTS, INC. PETITIONER
BENJAMIN HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

BY: [Signature]
BILL WATKINS, Its Attorney
Arkansas Bar No. 84209
WATKINS, BOYER, GRAY & CURRY, PLLC
1106 West Poplar
Rogers, AR 72756
(479) 636-2168

VERIFICATION

I, KYLE BLEVINS, do hereby certify, upon oath, that I am the President of Clearwater Investments, Inc, and that the statements and averments contained in the foregoing Petition for Annexation are true and correct to the best of my knowledge and belief.

[Signature]
Kyle Blevins, President

Subscribed and sworn to before me this 29th day of August, 2019.

[Signature]
NOTARY PUBLIC

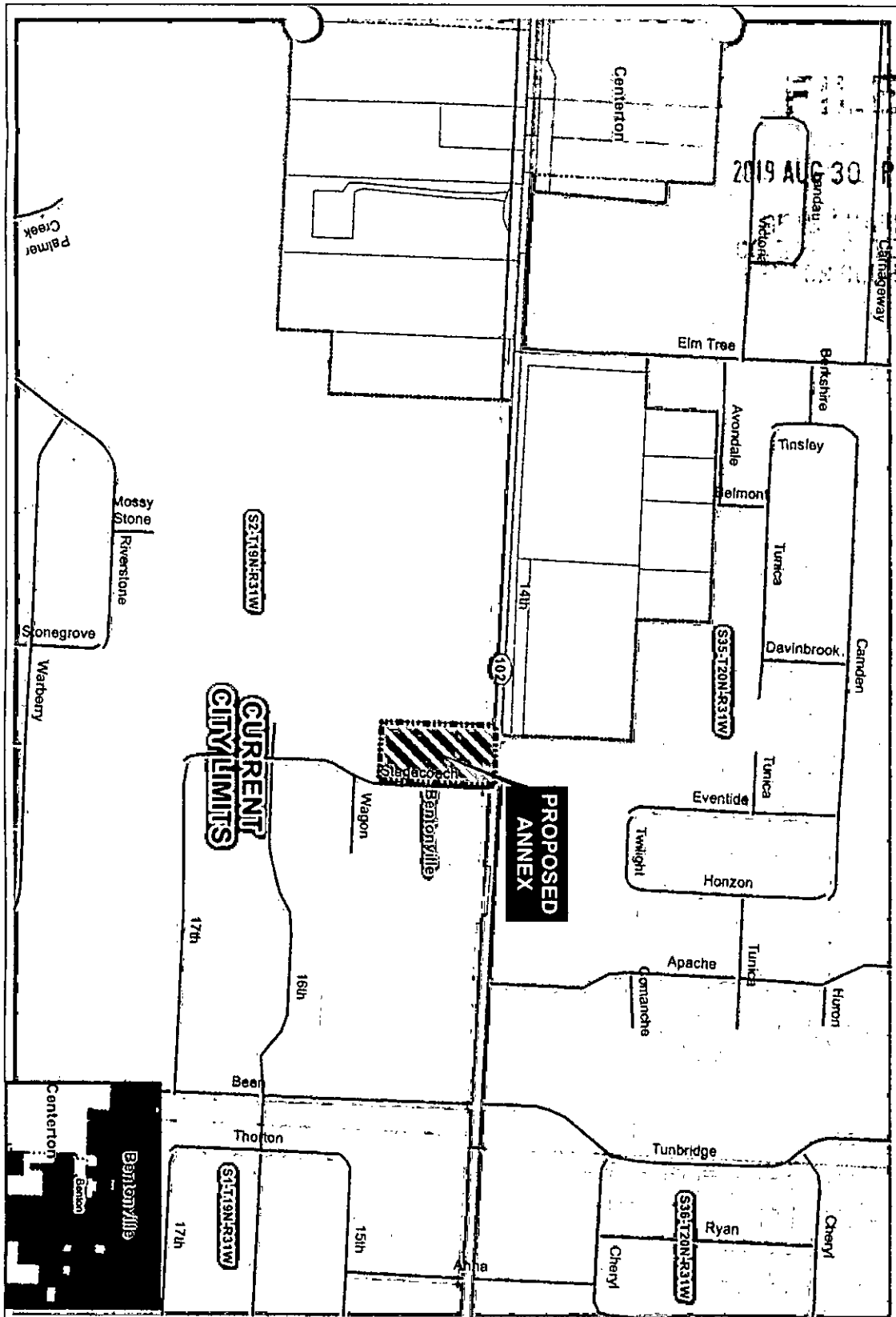
My Commission Expires:
01-18-2022



Proposed Annex: City of Bentonville
August 2019

City: Bentonville
Mayor: Stephanie Oman

2019 AUG 30 PM 1:34
RELL
CLERK
CITY: AR



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
- City Limits
- Section
- Parcel
- Highway
- Water Road
- Existing City
- Highway

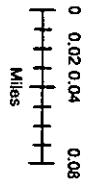


EXHIBIT
A

H:\City Administration\Clear Bentonville\20190820



get

WARRANTY DEED

With Relinquishment of Dower and Curtesy

KNOW ALL MEN BY THESE PRESENTS:

THAT we, Leroy Norton and Nada Norton, husband and wife hereinafter called GRANTOR, for and in consideration of the sum of One and No/100 DOLLARS, and other valuable consideration in hand paid by Daniel H. Lamp and Shirley A. Lamp, husband and wife, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto Daniel H. Lamp and Shirley A. Lamp, husband and wife hereinafter called GRANTEE's, and unto their heirs and assigns forever, the following lands lying in Benton County, Arkansas, to-wit

Part of the $W\frac{1}{2}$ of the $NE\frac{1}{4}$ of the $NE\frac{1}{4}$ of Section 2, Township 19 North, Range 31 West described as follows: Beginning at the NW corner of said 20 acres; thence South 400 feet; thence East 200 feet; thence North 400 feet; thence West 200 feet to the point of beginning, containing 1.84 acres, more or less, and SUBJECT to Highway 102 Right of Way.

FILED

19 AUG 30 PM 1:34

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

ARKANSAS DOCUMENTARY

0386493 0339998

0382.50 0135674 0223258

FILED FOR RECORD
At 1:50 o'clock A M

JAN 19 1994

SUE HODGES
Clerk and Recorder
BENTON COUNTY, ARK.

I certify this to be a true & correct copy of the original document.

Signature _____

Under penalty of false swearing, I certify the correct amount of documents placed on this instrument.

Daniel H. Lamp
GRANTEE OR AGENT
Rt #1 Box 402 Bentonville, Ar. 72712
GRANTEE ADDRESS

To have and to hold the same unto the said GRANTEE'S, and unto their heirs and assigns forever, with all appurtenances thereunto belonging

And we hereby covenant with said GRANTEE'S that we will forever warrant and defend the title to the said lands against all claims whatever

That the undersigned Grantor(s) hereby convey all rights of dower, curtesy and homestead in and to said lands for and in consideration of the sum of money.

WITNESS our hands, and seal S on this 15th day of August, 19 90

(L.S.) Leroy Norton (L.S.)

(L.S.) Nada Norton (L.S.)

(L.S.) (L.S.)

STATE OF ARKANSAS)
COUNTY OF BENTON) ss.

ACKNOWLEDGMENT

BE IT REMEMBERED, That on this day came before the undersigned, a Notary Public acting, Leroy Norton and Nada Norton within and for the County aforesaid, duly commissioned and as the Grantor S, in the foregoing Deed, and stated that they had executed the same for the consideration and purposes therein mentioned and set forth.

Witness my hand and seal as such notary public this 15th day of August, 19 90
My Commission expires July 11, 1991
John R. Meade
Notary Public



1102

FILED



Advance Title

2019 AUG 30 PM 1:34
PCI Advance Title, LLC.
624 W. Walnut
Rogers, AR 72756
479.631.8274

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

Date: August 21, 2019

Watkins, Boyer, Gray & Curry, PLLC
Attn: Bill Watkins
1106 W Poplar
Rogers, AR 72726
479.636.2168

Subject: Opinion Letter for Ownership of Property

To Whom It May Concern,

Upon review of Parcel 18-08658-001, which has a legal description being: Part of the Ne $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Fractional Section 2, Township 19 North, Range 31 West in Benton County, Arkansas, more precisely described as follows: Starting at the NE Corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Fractional Section 2 for the true POINT OF BEGINNING; thence South 87°13'37" East, 200.00 feet; thence South 02°19'46" West, 400.00 feet; thence North 87°13'37" West 200.00 feet; thence North 02°19'46" East 400.00 feet to the true Point of beginning containing 1.836 acres more or less and being subject to the right-of-way of Arkansas State Highway #102., Benton County, Arkansas: the current owner(s) of record is Clearwater Investments, Inc., by Quit Claim Deed filed for record August 15, 2019 as instrument number L201942252.

Sincerely,


Authorized Countersignature

Larry Murphy
Title Operations
PCI Advance Title, LLC
479-631-8274





Bates & Associates, Inc. FILED

Civil Engineering & Surveying

7230 S. Pleasant Ridge Dr / Fayetteville, AR 72703
PH: 479-442-9350 * FAX: 479-521-9350

2019 AUG 20 PM 1:34

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

August 28, 2019

Bill Watkins
Watkins, Boyer, Gray & Curry, PLLC
1106 W. Poplar
Rogers, AR 72756

Re: City of Bentonville Annexation

Dear Mr. Watkins,

The property owner is requesting to Annex into the City of Bentonville. Currently, the property is surrounded by the city of Bentonville on all four sides. This letter is to certify the following:

1. Parcel number 18-08658-001 is currently in Benton County
2. The property is contiguous to the City of Bentonville
3. The annexation will not create any islands or enclaves within the county

If you have any questions or require additional information, please feel free to contact me at your convenience.

Sincerely,

Bates & Associates, Inc.

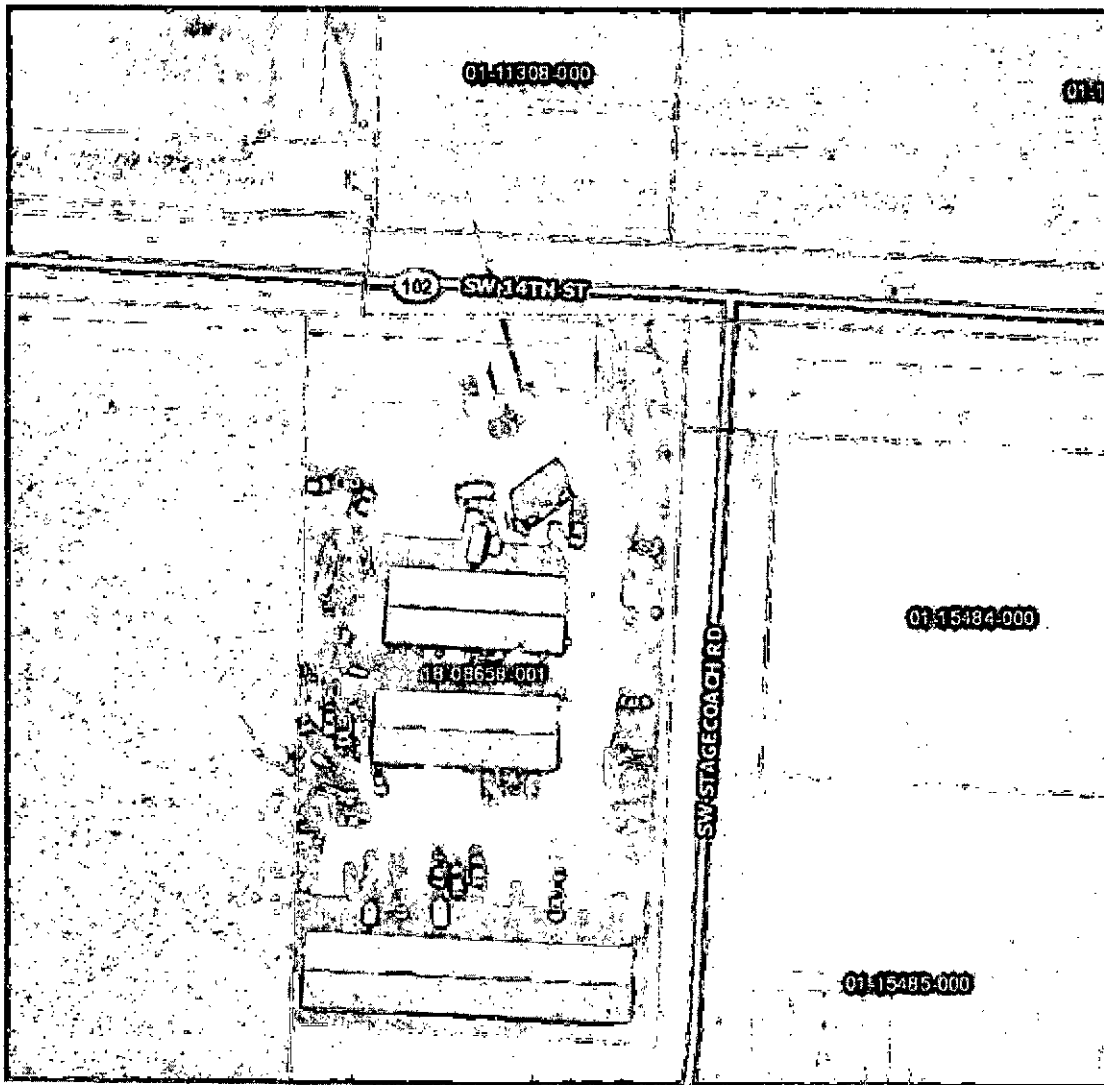
Geoffrey H. Bates, P.E. #9810
President of Engineering



FILED

2019 AUG 30 PM 1:34

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR



SUBJECT PARCEL



**ARKANSAS
GIS OFFICE**

FILED

2019 AUG 30 PM 1:34

A Division of the Department of Transformation and Shared Services

BETSY HARRELL
CO. & PROBATE CLERK
BENTON COUNTY, AR

Atty. Bill Watkins
Watkins, Boyer, Gray & Curry, PLLC
1106 W Poplar St
Rogers, AR 72756

RE: City of Bentonville Annexation Coordination Requirement

Mr. Watkins,

Thank you for coordinating with our office as you seek to annex property into the City of Bentonville located in Section 2, 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.

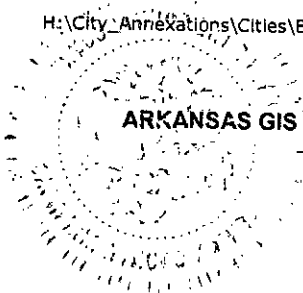
Our office will wait for completion of any additional steps necessary for the proposed boundary change, which normally comes from the Arkansas Secretary of State Elections Division after any appropriate filing by your County Clerk.

Thank you,

Jennifer Wheeler, GIS Analyst
/jw

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

H:\City_Annexations\Cities\Bentonville\20190820\Doc\20190820_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

