

JOHN THURSTON

ARKANSAS SECRETARY OF STATE

January 14, 2020

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

Re: City of Bentonville Annexation Ordinance 2019-162

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: 12/12/2019

County: Benton
City Ordinance: 2019-162

County Court Order: 2019-16

City: Bentonville

Dated: 11/12/2019

Date Filed: 11-15-2019

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,

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 John Thurston Arkansas Secretary of State, 500 Woodlane Ave, Little Rock, AR 72201-1094

Municipal Boundary Change Checklist

Act 655 of 2017 and A.C.A. §14-40-103

| County: Benton | City/Town: Bentonville |
|--|---|
| City Ordinance/Resolution No: 2019-162 | Date approved: 11/12/2019 |
| County Court Case No: 2019-16 Type: Annexation by Petition of all Landowner | Date Order Filed: 09-26-2019 11-15-19 3219119 |
| Date Change Effective: 12/12/2019 Set by: (Required by Act 655 of 2017) | Nunicipal Ordinance |
| For Circuit Court Challenge: Date Order Filed: | OUpheld Overturned Other (attach explanation |
| Please indicate which ward(s) the territory will be as | signed to: |
| | (See A.C.A § 14-40-203) |
| Initiating party: | stated Committee Bade Office Office |
| • All Landowners • Majority Landowners • OMur | |
| Supporting Documentation attached (check all that app | |
| File marked copy of City Ordinance/Resolution (rec | quired) |
| File marked copy of County Court Order or certifie | ed annexation election results (required except for A.C.A. §14-40-501) |
| ✓ Copy of Arkansas GIS approved printed map and of | certification letter (required) |
| Proof of Publication for all Legal Notices (include He | earing, Election, and City Ordinance/Resolution notices) |
| File marked copy of Petition Part (if applicable) | |
| File marked copy of Complaint and final Circuit Co | urt Order (Court Challenge only) |
| Municipal Contact: | |
| Name: Linda Spence | Title: 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 cove | er page to the supporting document set and submit to the County Clerk's Office ective Date as required by Act 655 of 2017 |
| County Official: | |
| Signature: COWN STORT | Title: 1 ROUTU Clerk |
| Date: 1 (8 19 | |
| Pursuant to Act 655 of 2017, County Officials must submit a file- to: Arkansas Secretary of State, Attn: Municipal Boun | marked copy of municipal boundary change documents within 30 days of receipt ndary Filing, 500 Woodlane Ave Suite 256, Little Rock, AR 72201-1094 |
| Office of the Arkansas Secretary of State use only | FILED |
| Received by: | JAN 1 4 2020 Rev. 2/2019 |

Arkansas Secretary of State

2019 NOV 14 PM 2: 11

SETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

ORDINANCE NO. 2019-162

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 26th 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

2019 NOV 14 PM 2: 1

BETSY HARRELL CO & PROBATE CLERK BENTON COUNTY, AR

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 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 12th DAY OF November, 2019.

APPROVED:

HON. STEPHANIE ORMAN. Mayor

ATTEST:

HON. LINDA SPENCE, City Clerk

2019 NOV 15 PM 2: 06

BETSY HARRELL O & PROBATE CLERK RENTON COUNTY, AR

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

CC 2019-16

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

2019 SEP 26 PM 3: 33

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 2019-16

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;
- 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
- 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



2019 NOV 14 PM 2: 11

BETSY HARRELL CO & PROBATE CLERK BENTON COUNTY, AR

Jones Annexation EXHIBIT "A"

JONES, DANNY R & JO R

18-10167-001

2019 NOV 14 PH 2: 11

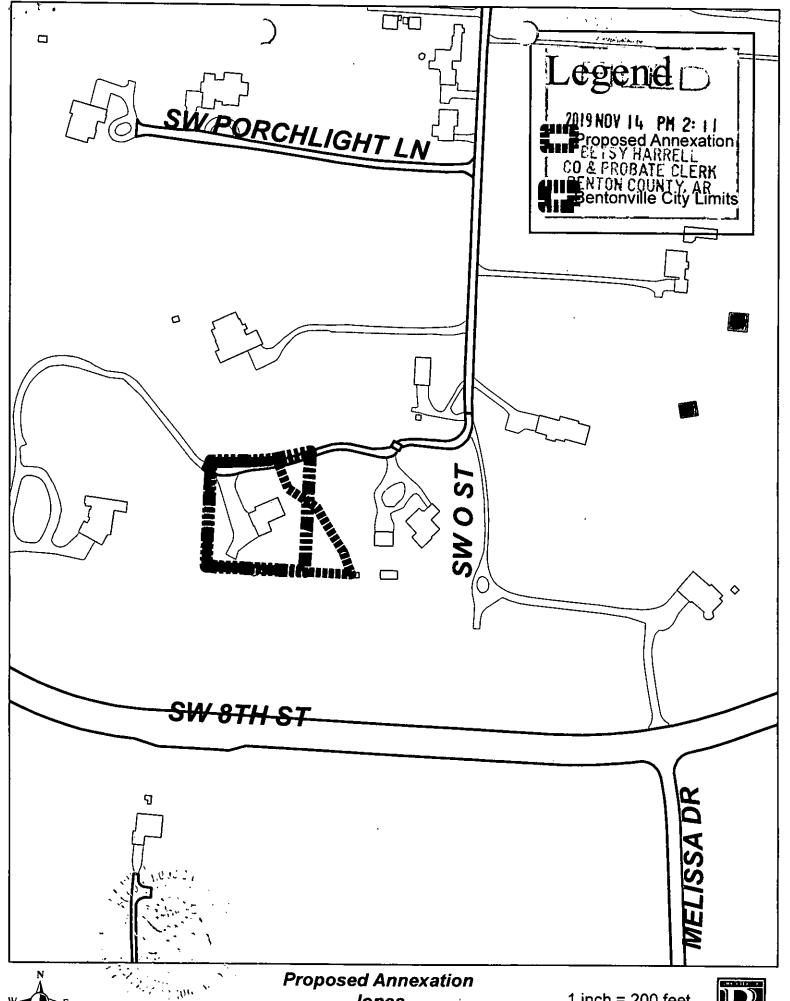
BETSY HARRELL CO & PROBATE CLERK BENTON COUNTY: AR

JONES ANNEXATION EXHIBIT "B"

Part of the SE ¼ of the NW ¼ of Section 36, Township 20N, Range 31W, Benton County, Arkansas, and further described as follows.

```
Commencing at the NW Corner of said SE ¼ of the NW ¼.
Thence N89°58′16″E, 370.08′;
Thence S0°08'09"E, 828.13';
Thence N89°46'47"E, 741.95';
Thence S0°13′27″E, 161.09′;
Thence N89°46'55"E, 207.99';
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Thence S0°12'06"E, 329.98';
Thence $89°46′58"W, 3.65':
Thence S89°46′58"W, 542.27' for the point of beginning.
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Thence S33°36'54"E, 53.36';
Thence S35°32'08"E, 52.90';
Thence S23°15'23"E, 50.12';
Thence S89°46′58"W, 305.26' to the point of beginning;
```

Containing 1.16 Acres more or less and all that part not currently in the City of Bentonville.



Jones EXHIBIT 2019 3681

1 inch = 200 feet





minimum STATE OF ARKANSAS incommunicate

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 26, 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 Cleenna store

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

BETSY HARRELL CO & PROBATE CLERK BENTON COUNTY, AR

2019 SEP 23 AM 8: 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, BETS/ HARRELL, County Clerk

HON. RODERICK GRIEVE, County Assessor

2019 SEP 23 AM 8: 14

BETSY HARRELL CO & PROBATE CLERK BENTON COUNTY, AR



Date: September 18, 2019

Subject: Proposed Annexation Checklist

CC 2019-16 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

 \checkmark (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 (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

2019 SEP 17 PM 1:51

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. 2019-16

PETITION FOR ANNEXATION – 100 % OF OWNERS PETITIONING

DATE: 8-26-19

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.

- That a letter or title opinion from a certified abstractor or title 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 hereign 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.

| 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. |
|--|
| BETSY HARRELL If the property being annexed is owned jointly, I attest that all owners of the property described a copy of this confirmation. BETSY HARRELL attest that all owners of the property described a copy of this confirmation. |
| If the property is owned by a trust, I attest either that I have the authority to sign this confirmation on behalf of the trust, or that all persons required to do so by the trust are signing a copy of this confirmation. |
| If the property is owned by a corporation, limited liability company or other entity I attest either that I have the authority to sign this confirmation on behalf of the entity, or that all persons required to do so by the entity's governing documents are signing a copy of this confirmation. |
| Signature of Property Owner or Legal Representative of Property Owner, Petitioner Title, if applicable (i.e. Trustee, (Managing Member, President, Secretary) |
| Parcel number of property to be annexed |
| ACKNOWLEDGMENT |
| State of Arkansas)) ss. County of Benton) |
| On this the 26 day of Ngust, 2019, before me, the undersigned officer, personally appeared Danny 2. Jones, 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. |
| My Commission Expires: |

ALISON K WORLEY
MY COMMISSION # 12703510
EXPIRES: February 17, 2028
Banton County

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 RELISY HARRELL a copy of this confirmation.

BENTON COUNTY. AR

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

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

Signature of Property Owner or Legal Representative of Property Owner,

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

A KENE JONES

18-10167-001

Parcel number of property to be annexed

<u>ACKNOWLEDGMENT</u>

| State of Arkansas |) | |
|-------------------|---|-----|
| |) | SS. |
| County of Benton |) | |

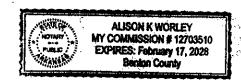
etizioner

On this the 26 day of killy, 2019, before me, the undersigned officer, personally appeared Jolle Jolle, 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.

Olison Livilia

My Commission Expires:

2/17/28



JONES ANNEXATION EXHIBIT "A"

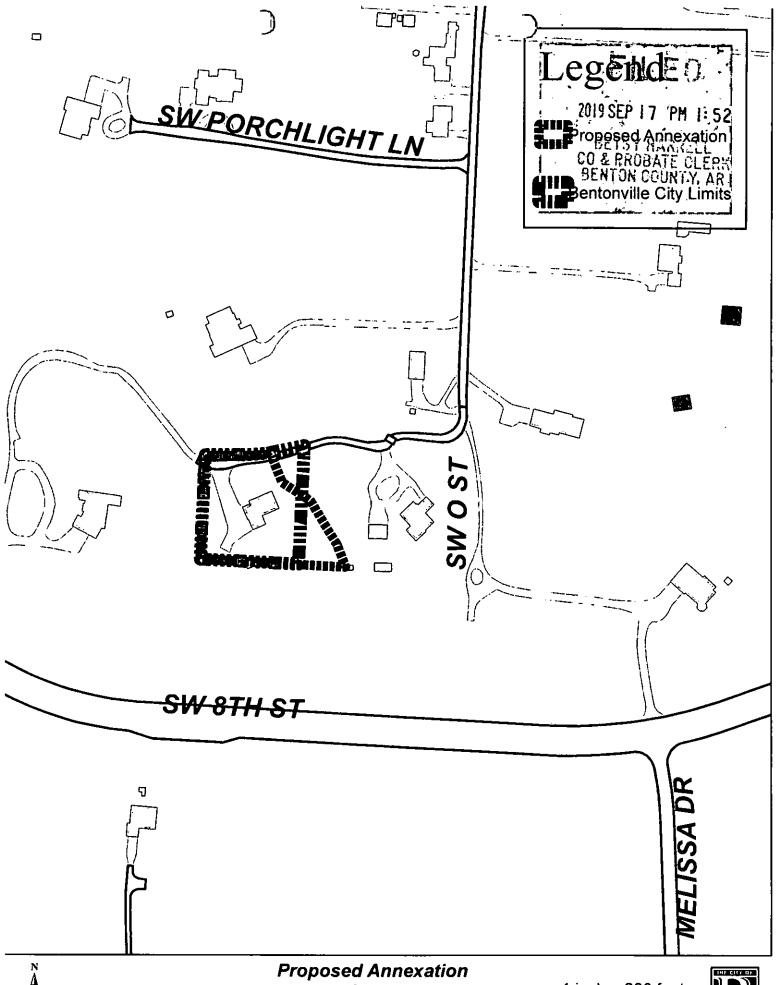
2019 SEP 17 PM 1: 52

BETSY HARRELL CO & PROBATE CLERK BENTON COUNTY, AR

Part of the SE ¼ of the NW ¼ of Section 36, Township 20N, Range 31W, Benton County, Arkansas, and further described as follows.

```
Commencing at the NW Corner of said SE ¼ of the NW ¼.
Thence N89°58′16″E, 370.08′;
Thence S0°08'09"E, 828.13':
Thence N89°46'47"E, 741.95';
Thence S0°13'27"E, 161.09';
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Thence S23°15'23"E, 50.12';
Thence S89°46'58"W, 305.26' to the point of beginning;
```

Containing 1.16 Acres more or less and all that part not currently in the City of Bentonville.



N E Proposed Annexation
Jones
EXHIBIT 'B'

1 inch = 200 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



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

Little Rock Title Company
A Division of
A Division of
The Transport National Title Company
The Transport National Title Rock
Tool W. Markham Street #100
Little Rock, AR 72201

2019 SEP 17 PM 1:52
8 Wilson Farm Road, Sulte A
Greenbrier, AR 72058
BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

First National Title Company

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

September 16, 2019

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 www.firstnationaltitle.net

JONES ANNEXATION EXHIBIT "C-1"

2019 SEP 17 PM 1:52

BETSY HARRELL CO & PROBATE CLERK BENTON COUNTY, AR

JONES, DANNY R & JO R

18-10167-001

JONES ANNEXATION EXHIBIT "C-2"

2019 SEP 17 PM 1:52

BETSY HARRELL CO & PROBATE CLERK

Part of the SE ¼ of the NW ¼ of Section 36, Township 20N, Range 31 MTB INTOWNTY, AR County, Arkansas, and further described as follows.

```
Commencing at the NW Corner of said SE ¼ of the NW ¼.
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```

Containing 1.16 Acres more or less and all that part not currently in the City of Bentonville.

EXHIBIT "D"

Greetings:

2019 SEP 17 PM 1:52

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

Sincerely,

REGISTERSD No. 11416 9-3-19

Travis Matlock, P.E.

JONES ANNEXATION EXHIBIT "D-1"

FILED

2019 SEP 17 PM 1:52

Part of the SE ¼ of the NW ¼ of Section 36, Township 20N, Range 31¼ Senting RELL County, Arkansas, and further described as follows.

BENTON COUNTY, AR

```
Commencing at the NW Corner of said SE ¼ of the NW ¼.
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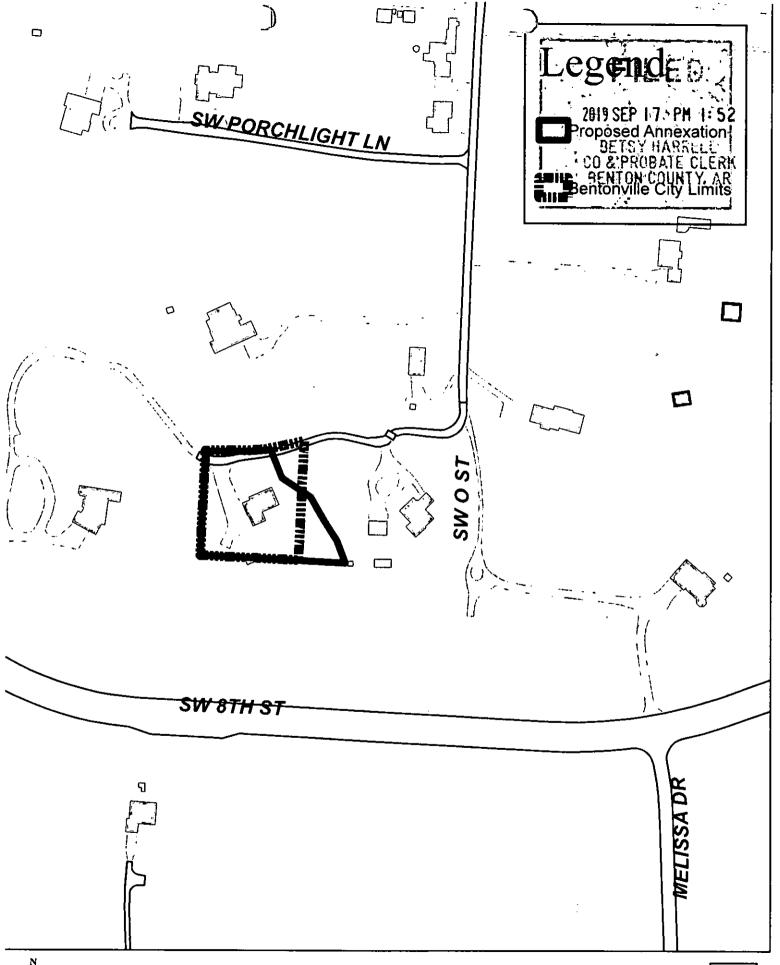




Exhibit "D-2"
JONES ANNEXATION

1 inch = 200 feet



ANNEXATION-JONES

2019 SEP 17 PM 1: 52

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Thence S89°46′58"W, 542.27' for the point of beginning.
Thence N0°03'37"W, 215.94';
Thence N86°40'43"E, 90.72';
Thence N82°45'08"E, 46.54';
Thence S24°43'20"E, 62.59',
Thence $60°23'24"E, 71.37';
Thence $33°36'54"E, 53.36';
Thence $35°32'08"E, 52.90';
Thence $23°15'23"E, 50.12';
Thence S89°46′58"W, 305.26' to the point of beginning;
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A Division of the Department of Transformation and Shared Services & PROBATE CLERK
BENTON COUNTY, AR

September 3, 2019

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

RE: City of Bentonville Annexation Coordination Requirement

Mr. Wheeless,

Thank you for coordinating with our office as you seek to annex property into the City of Bentonville, AR described as the "Jones Annexation" and located in Section 36, Township 20 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

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

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BETSY HARRELL CO & PROBATE CLERK BENTON COUNTY, AR

