



JOHN THURSTON

ARKANSAS SECRETARY OF STATE

June 11, 2019

The Hon. Betsy Harrell
Benton County Clerk
215 E. Central Ave.
Bentonville, AR 72712

Re: City of Bentonville Annexation Ordinance 2019-58

Dear Ms. Harrell,

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. §14-40-601 (annexation by majority of the landowners)

Effective Date: 5/23/19

County: Benton

City Ordinance: 2019-58

County Court Order: 2019-02

City: Bentonville

Dated: 4/23/19

Date Filed: 3/15/19

A file marked copy of the ordinances, court orders 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 filing, please contact our office at 501-682-3478.

Sincerely,

Elections Division
Room 26
501-682-3478

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 Honorable Stephanie Orman, 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: 2019-58 Date approved: 04/23/2019

County Court Case No: CC 2019-02 Date Order Filed: 03/15/2019

Type: Annexation by Petition majority of Landowners A.C.A §14-40-602

Date Change Effective: 05/23/2019 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: Stephanie Orman Title: Mayor

Street Address: 117 W Central Ave

City: Bentonville St: AR Zip code: 72712

Complete one form per ordinance/resolution, attach it as a cover page to the supporting document set and submit to the County Clerk's Office within 45 days of the Effective Date as required by Act 655 of 2017

County Official:

Signature:  Title: Deputy County Clerk

Date: 04/26/2019

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: 

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

April 26, 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: Suite Spaces, LLC and Tonia Birchfield
City of Bentonville Annexation
Benton County Court Case No. CC# 2019-02

Dear Secretary Thurston:

In accordance with law, I am enclosing a certified copy of each of the following:

1. Map (survey and vicinity map) of the area affected
2. Decree of Annexation entered on March 15, 2019
3. Ordinance No. 2019-58 adopted April 23, 2019 by the City of Bentonville.

Please record this annexation on your records and acknowledge receipt of these documents.

Sincerely,

Betsy Harrell
Betsy Harrell By T. Underwood

BH/Tku
Enclosures

Cc Roderick Grieve
Benton County Assessor

NWA Regional Planning Commission
1311 Clayton Street
Springdale, AR 72765

Benton County 9-1-1 Administration
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

FILED

2019 APR 25 AM 10:46

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

ORDINANCE NO. 2019-58

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 a majority 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 15th day of March, 2019, the County Court of Benton County, Arkansas, entered an order authorizing annexation pursuant to § 14-40-601 et seq. of the Arkansas Code, finding that the petition met the requirements for annexation by a majority of property owners under those provision and directed the Clerk to forward the order to the City of Bentonville; and

WHEREAS, thirty days have passed since the County Judge entered his order and the City is thus authorized to complete the annexation,

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," is territory contiguous to and adjoining the City of Bentonville, Arkansas, and the petition to annex that property is hereby accepted 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 1406

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 APR 25 AM 10:46
BETSY HARNELL
CO & PROBATE CLERK
BENTON COUNTY, AR

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 23rd DAY OF April, 2019.

APPROVED: Stephanie Orman
HON. STEPHANIE ORMAN, Mayor

ATTEST: Linda Spence
HON. LINDA SPENCE, City Clerk

FILED
JUN 11 2019
Arkansas
Secretary of State

EXHIBIT "A"

FILED

2019 APR 25 AM 10:46

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

1. **Parcel 15-15342-000**

SUITE SPACES LLC-3308 SW 14TH ST

2. **Parcel 15-15342-001**

BIRCHFIELD, TONIA CLOUD-3310 SW 14TH ST

EXHIBIT "B"

FILED

2019 APR 25 AM 10:46

Part of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township 20N, Range 31W, Benton County, Arkansas and more particularly described as follows.

BETSY HARRELL
CLERK & PROBATE CLERK
BENTON COUNTY, AR

Beginning at a point N 00° 50' E, 40' and S 89° 05' 48" E, 806.7' from the SW Corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 35, Township 20N, Range 31W.

Thence N 02° 02' 42" E, 455.09';

Thence S 89° 05' 00" E, 169.38';

Thence S 00° 50' 00" W, 455';

Thence N89°05'03"W, 179.00' to the point of beginning.

2019 1408

SW VICTORIA PL

FILED

2019 APR 25 AM 10:46

BETSY HARNELL
CO & PROBATE CLERK
BENTON COUNTY, AR

SW ELM TREE RD

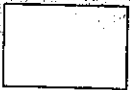
SW 14TH ST

Legend



Proposed Annexation

Bentonville City Limits



BENTONVILLE



Exhibit "B" 2019 1409
Suite Spaces LLC.-Tonia C. Birchfield Annexation 1 inch = 125 feet



FILED

2019 MAR 15 PM 4:27

NORTHWEST ARKANSAS Democrat Gazette

1000

BETSY
CO & PROB
BENTON C

IN THE COUNTY COURT OF BENTON COUNTY, ARKANSAS
 IN THE MATTER OF ANNEXING TO THE CITY OF BENTONVILLE, ARKANSAS, CERTAIN PROPERTY CONTIGUOUS TO SAID CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, SUITE SPACES, LLC and TONIA C BIRCHFIELD
 PETITIONER(S)
 NOTICE OF HEARING
 Notice is hereby given that there has been filed in the County Court of Benton County, Arkansas, the Petition of Suite Spaces, LLC and Tonia C Birchfield asking for annexation to the City of Bentonville of the following described lands situated in Benton County, Arkansas, and contiguous to said City of Bentonville:
 Part of the SE 1/4 of the SW 1/4 of Section 35, Township 20N, Range 31W, Benton County, Arkansas and more particularly described as follows,
 Beginning at the point N 00° 50' E, 40' and S 89° 05' 48" E, 806.7' from the SW Corner of the SE 1/4 of the SW 1/4 of said Section 35, Township 20N, Range 31W.
 Thence N 02° 02' 42" E, 455.09';
 Thence S 89° 05' 00" E, 169.38';
 Thence S 00° 50' 00" W, 455';
 Thence N 89° 05' 03" W, 179.00' to the point of the beginning.
 A map of said land proposed for annexation is on file with said Petition in the Office of the Clerk of said Court.
 The Court has fixed the 15th day of March, 2019, at 10:00 o'clock a.m. as the date for a hearing on said Petition to be held in the Quorum Court Room, County Administration Building, 215 East Central Avenue, Bentonville, Arkansas. All interested persons desiring to be heard are now notified to be present at said Court at the time and date so fixed.
 Petitioners
 Suite Spaces, LLC
 Tonia C Birchfield
 74842496 Feb. 21, 28 & Mar. 7, 2019

AFFIDAVIT OF PUBLICATION

I, Cathy Staggs, do solemnly swear that I am the Accounting Manager of the Northwest Arkansas Democrat-Gazette, printed and published in Washington County and Benton County, Arkansas, and of bona fide circulation, that from my own personal knowledge and reference to the files of said publication, the advertisement of:

City of Bentonville
Annexation CC 2019-02

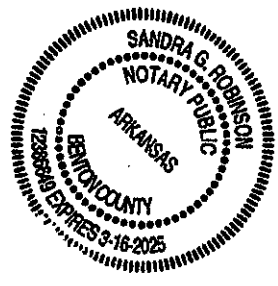
Was inserted in the Regular Edition on:
February 21, 28 & March 7, 2019

Publication Charges: \$292.50

Cathy Staggs
Cathy Staggs

Subscribed and sworn to before me
This 15th day of March, 2019.

Sandra G. Robinson
Notary Public
My Commission Expires: 3-16-25



****NOTE****
Please do not pay from Affidavit.
Invoice will be sent.

FILED

2019 MAR 15 AM 10:47

IN THE COUNTY COURT OF BENTON COUNTY, ARKANSAS

BETSY HARRELL
CO. & PROBATE CLERK
BENTON COUNTY, AR

IN THE MATTER OF ANNEXING TO
THE CITY OF BENTONVILLE, ARKANSAS,
CERTAIN PROPERTY CONTIGUOUS TO SAID CITY OF
BENTONVILLE ANNEXATION IN BENTON
COUNTY, ARKANSAS

NO. CC 2019-02

SUITE SPACES, LLC and TONIA C BIRCHFIELD

PETITIONERS

DECREE OF ANNEXATION

On this 15th day of March, 2019, a day of the regular term of the County Court of Benton County, Arkansas, there is presented to the court by the petitioners, or Jim Wheelless, their agent a Petition for annexation of certain territory, hereinafter more particularly described, to the City of Bentonville, Arkansas, and the Court being fully advised of the facts and the law, doth hereby find, judge and decree as follows:

1. The Court finds that the Petition for annexation was filed in the office of the Clerk of this Court more than thirty (30) days prior to this date.
2. The Court doth find that a majority of the total number of real estate owners in the area affected by the Petition has signed said Petition and that such majority owns more than one-half of the acreage affected.
3. The Court further finds that the territory sought to be annexed was accurately described in said Petition, or as amended, and that said territory is contiguous to the boundaries of the City of Bentonville, Arkansas.
4. The Court further finds that attached to and made a part of said Petition is an accurate map of the territory sought to be annexed to the City of Bentonville, Arkansas.

FILED

5. The Court further finds that the prayer of the Petition is right and proper.

2019 MAR 15 AM 10:47
BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

WHEREFORE, THE COURT DOTH HEREBY ORDER, JUDGE AND DECREE that the following described territory be and the same is hereby annexed to and made a part of the City of Bentonville, Arkansas, to-wit:

Part of the SE ¼ of the SW ¼ of Section 35, Township 20N, Range 31W, Benton County, Arkansas and more particularly described as follows,

Beginning at the point N 00° 50' E, 40' and S 89° 05' 48" E, 806.7' from the SW Corner of the SE ¼ of the SW ¼ of said Section 35, Township 20N, Range 31W.

Thence N 02° 02' 42" E, 455.09';

Thence S 89° 05' 00" E, 169.38';


Thence S 00° 50' 00" W, 455';

Thence N89°05'03" W, 179.00' to the point of the beginning

THE COURT DOTH FURTHER ORDER that the County Clerk, after properly recording this Order, deliver one certified copy thereof to the City of Bentonville,

After thirty (30) days from entry of this Order, if no challenge to this Order has been initiated in the Circuit Court, the City of Bentonville may adopt an ordinance or resolution accepting the property annexed by this Order. Upon doing so, the City of Bentonville shall return one certified copy of its ordinance or resolution to the County Clerk.

Thereafter, the County Clerk shall deliver one copy each of this Order and the ordinance or resolution of the City of Bentonville accepting this annexation to the Secretary of State.



BARRY MOEHRING, COUNTY JUDGE

FILED

JUN 11 2019

Arkansas
Secretary of State

FILED

2019 JAN 30 PM 2: 26

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

IN THE COUNTY COURT OF BENTON COUNTY, ARKANSAS

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

NO. CC 2019-02

SUITE SPACES, LLC and TONIA CLOUD BIRCHFIELD

PETITIONERS

PETITION FOR ANNEXATION

Come now the undersigned Petitioners, and state as follows:

1. That Petitioners are a majority of the real estate owners (meaning a majority of the total number of owners who own more than one half ($\frac{1}{2}$) of the acreage affected) of property in Benton County, Arkansas, proposed to be annexed, which is described as follows:

Part of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township 20N, Range 31W, Benton County, Arkansas and more particularly described as follows.

Beginning at a point N 00° 50' E, 40' and S 89° 05' 48" E, 806.7' from the SW Corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 35, Township 20N, Range 31W.

Thence N 02° 02' 42" E, 455.09';

Thence S 89° 05' 00" E, 169.38';

Thence S 00° 50' 00" W, 455';

Thence N89°05'03"W, 179.00' to the point of beginning.

2. That the described property is contiguous to and adjoining the present City of Bentonville city limits, as shown on the map attached hereto as Exhibit "A."

3. That Petitioners authorize Jim Wheelless to act on their behalf to complete this annexation process.

4. 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.

5. That the Arkansas Geographic Information System Office has been consulted concerning this proposed annexation and has issued a letter confirming that consultation which is attached hereto as Exhibit "B."

WHEREFORE, Petitioners pray that the land described be annexed into the City of Bentonville, and for all other proper relief.

FILED

2019 JAN 30 PM 2:26

BETSY HARRELL
CO. & PROBATE CLERK
BENTON COUNTY, AR

FILED

JUN 11 2019

**Arkansas
Secretary of State**

FILED

2019 JAN 30 PM 2: 26

I confirm my desire that property owned by me, which is to be included in a petition to annex property, be annexed into the City of Bentonville.

If the property being annexed is owned jointly, I attest that all owners of the property are signing a copy of this confirmation.

BETSY WISNICKI
CO & PROBATE CLERK
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,
Petitioner

MEMBER

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

15-15342-000

Parcel number of property to be annexed

ACKNOWLEDGMENT

State of Arkansas)
) ss.
County of Benton)

On this the 28 day of Jan, 2019, before me, the undersigned officer, personally appeared Christopher Lambert, 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.

Brenda Cloer

NOTARY PUBLIC

My Commission Expires:

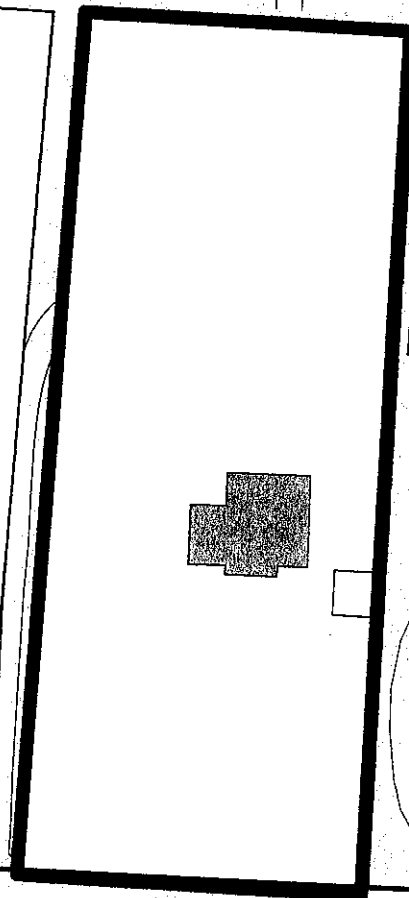
8/26/2025



FILED

2019 JAN 30 PM 2:26

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR



SW 14TH ST

Legend

 Proposed Annexation

 Bentonville City Limits

 BENTONVILLE

Exhibit "A"
Proposed Annexation
Oldham

1 inch = 97 feet





EXHIBIT "B"
**ARKANSAS
GIS OFFICE**

FILED

2019 JAN 30 PM 2:26

BETSY HARRILL
CO & PROBATE CLERK
BENTON COUNTY, AR

November 28, 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 described as the "Oldham Annexation" located in Section 35, 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
/jw

FILED

JUN 11 2019

**Arkansas
Secretary of State**

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

H:\City_Annexations\Cities\Bentonville\20181128\Doc\20181128_Bentonville_Annexation_Coordination_Letter.docx

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

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

**Proposed Annex "Oldham Annexation": City of Bentonville
November 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 if the entity has met requirements of Act 914 of 2015



FILED
 2019 JUN 30 PM 2:26
 BETSY HARRELL
 CO & PROBATE CLERK
 BENTON COUNTY, AR



H:\City_Annexations\GIS\Bentonville\20181128

FILED
 JUN 11 2019
 Arkansas
 Secretary of State

FILED

Oldham Annexation
Exhibit "A"

2019 JAN 30 PM 2:26

Part of the SE ¼ of the SW ¼ of Section 35, Township 20N, Range 31W, Benton County, Arkansas and more particularly described as follows.

BETSY HARRELL
CO. & PROBATE CLERK
BENTON COUNTY, AR

Beginning at a point N 00° 50' E, 40' and S 89° 05' 48" E, 806.7' from the SW Corner of the SE ¼ of the SW ¼ of said Section 35, Township 20N, Range 31W.

Thence N 02° 02' 42" E, 455.09';

Thence S 89° 05' 00" E, 169.38';

Thence S 00° 50' 00" W, 455';

Thence N89°05'03"W, 179.00' to the point of beginning.