



JOHN THURSTON  
ARKANSAS SECRETARY OF STATE

August 29, 2019

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

Re: City of Bentonville Annexation Ordinance 2019-105

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: 8/8/2019

County: Benton

City Ordinance: 2019-105

County Court Order: 2019-08

City: Bentonville

Dated: 7/9/2019

Date Filed: 7/11/2019

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)

# 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

July 12, 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: Sunrise Homes LLC  
City of Bentonville Annexation  
Benton County Court Case No. CC# 2019-08

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 May 28, 2019
3. Ordinance 2019-105 adopted on July 9, 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 Courtney Leemasters*  
Betsy Harrell

BH/tku  
Enclosures

cc: Roderick Grieve  
Benton County Assessor

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

Benton County 9-1-1 Administration

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



# 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: 2019-105 Date approved: 07/09/2019

County Court Case No: 2019-08 Date Order Filed: 07/11/2019 S-28-19 7/11/19

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

Date Change Effective: 08/08/2019 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: 72712

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

**County Official:**

Signature:  Title: Deputy Clerk

Date: 07/12/2019

*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:

**FILED**  
JUL 25 2019  
Arkansas Secretary of State

**FILED**  
AUG 29 2019  
Arkansas Secretary of State

FILED

2019 JUL 10 AM 10:34

BETSY HARRELL  
CO & PROBATE CLERK  
BENTON COUNTY, AR

ORDINANCE NO. 2019-105

**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 28th day of May, 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 2270

FILED

2019 JUL 10 AM 10:34

BETSY HARRELL  
CO & PROBATE CLERK  
BENTON COUNTY, AR

**Section 2.** That the above described territory shall be annexed to and made a part of Ward 3 of the City of Bentonville, and the same shall henceforth be a part of said ward as fully as existing parts of said ward.

**Section 3.** That the above described territory shall be zoned A-1, to be used in accordance with City zoning laws and the laws of the State of Arkansas.

**Section 4:** That this ordinance shall become effective 30 days from its passage and approval.

**PASSED AND APPROVED THIS 9<sup>th</sup> DAY OF JULY, 2019.**

APPROVED: Stephanie Orman  
HON. STEPHANIE ORMAN, Mayor

ATTEST: Linda Spence  
HON. LINDA SPENCE, City Clerk

2019 2271

FILED

2019 JUL 11 PM 3:06

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 2019-08

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

07/11/19

2019 2320

FILED

2019 MAY 28 AM 10: 52

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 2019-08

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

5/28/19  
\_\_\_\_\_  
Date



2019 1745

FILED

2019 JUL 10 AM 10:35

BLISS HARRELL  
CO & PROBATE CLERK  
BENTON COUNTY, AR

**Sunrise Homes, LLC. Annexation**  
**EXHIBIT "A"**

**FEATHERSTON FARMS LIMITED PARTNERSHIP**

**The South 40 Acres of Parcel 18-08687-000**

2019 2272



FILED

2019 JUL 10 AM 10:35

GLISSY HARRELL  
CO & PROBATE CLERK  
BENTON COUNTY, AR

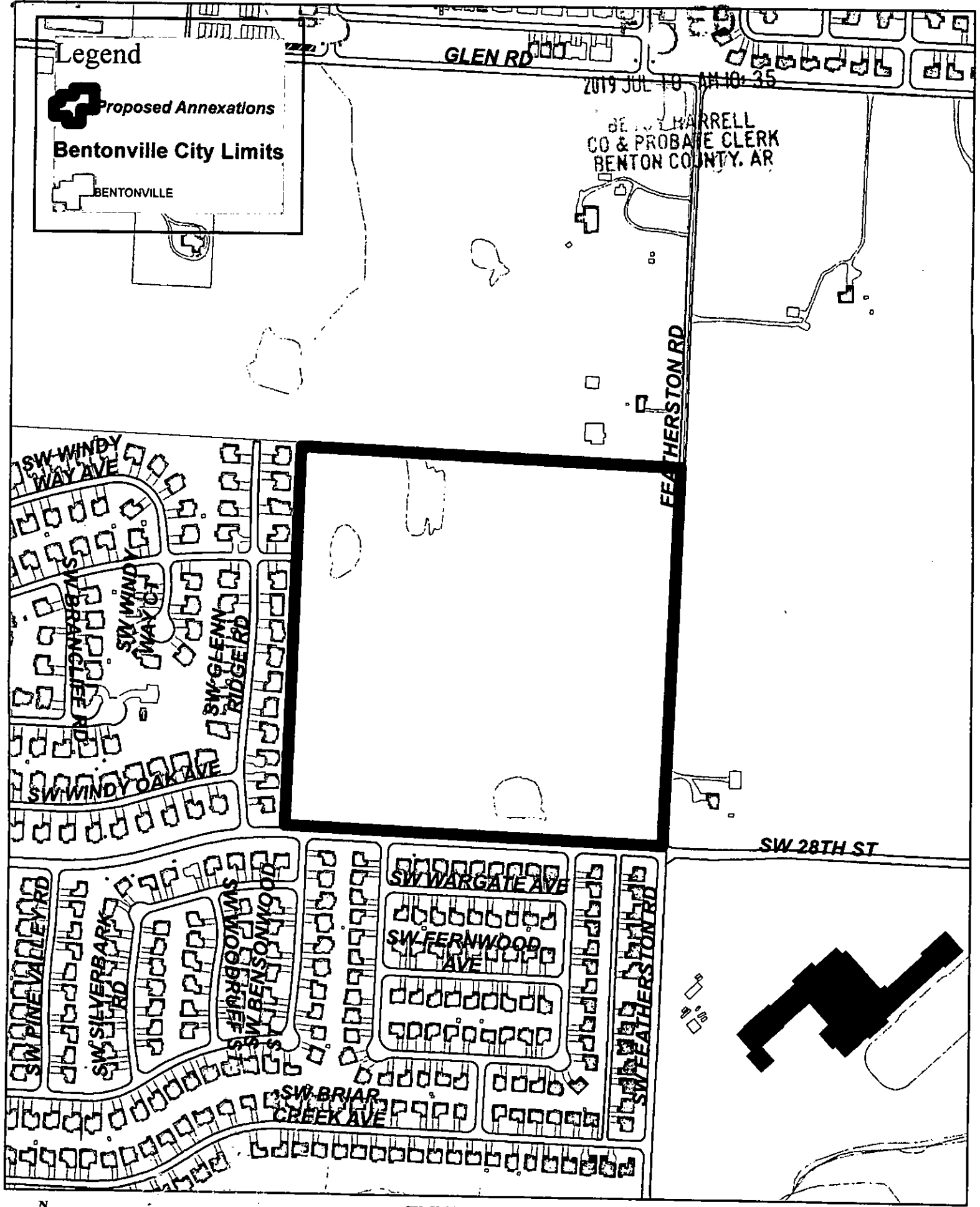
**Sunrise Homes, LLC. Annexation**

**Exhibit "B"**

**The South 40 Acres of Parcel 18-08687-000**

The SW ¼ of the SE ¼ of Section 2, Township 19N, Range 31W, which is all in Benton County, Arkansas.

2019 2273



2019 2274

**EXHIBIT "B"**  
**Proposed Annexation**  
**Sunrise Homes**

1 inch = 417 feet

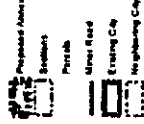


City: Bentonville  
Mayor: Stephanie Orman

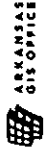
Arkansas Code 14-40-101

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, if the entity has met requirements of Act 914 of 2015

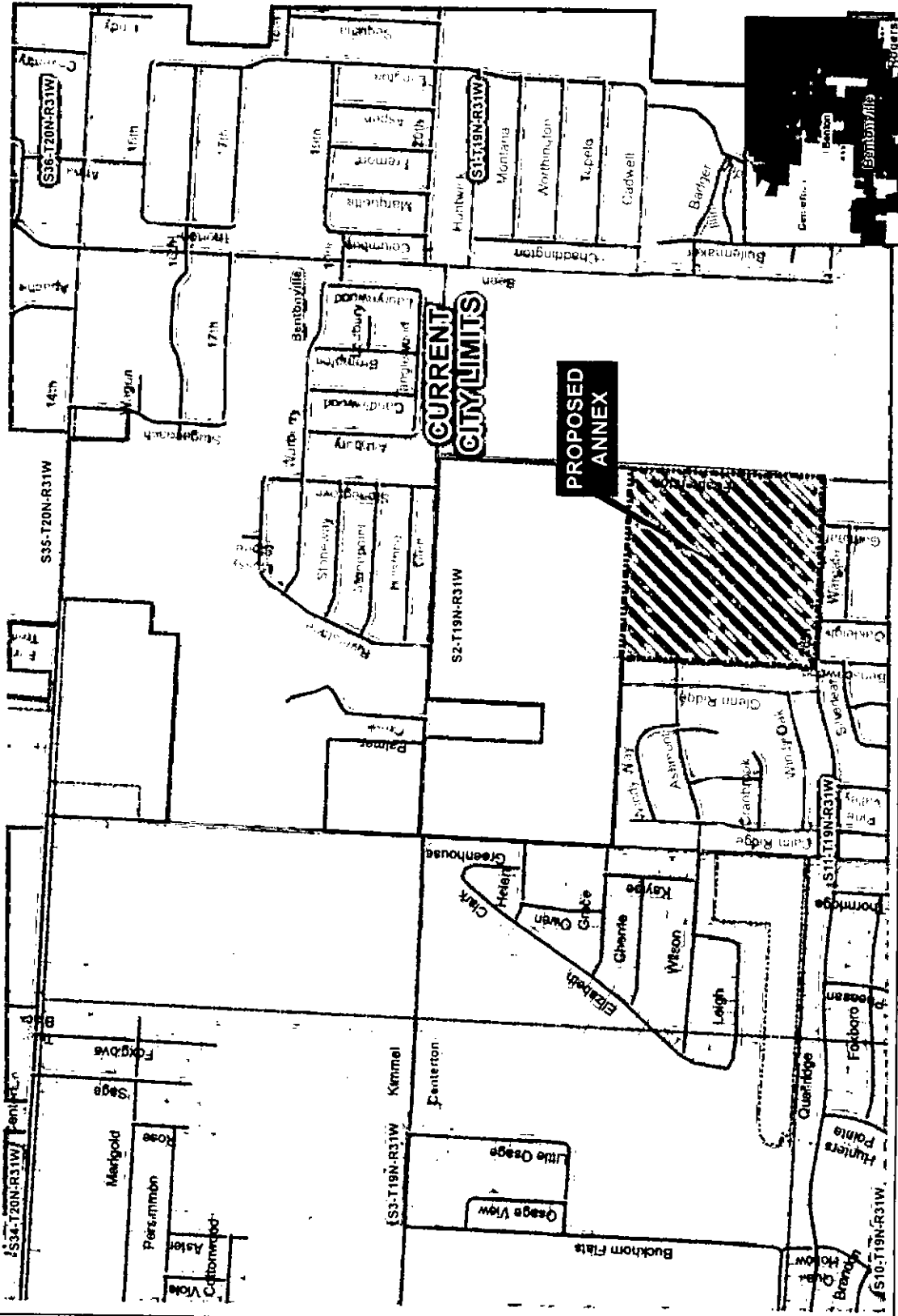


**FILED**  
2019 MAY 16 PM 1:29  
BETSY HARRELL  
CO & PROBATE CLERK  
BENTON COUNTY, AR



H:\City\_Annexations\CaseBenton\20190429

Proposed Annex "Sunrise Homes LLC.": City of Bentonville  
April 2019



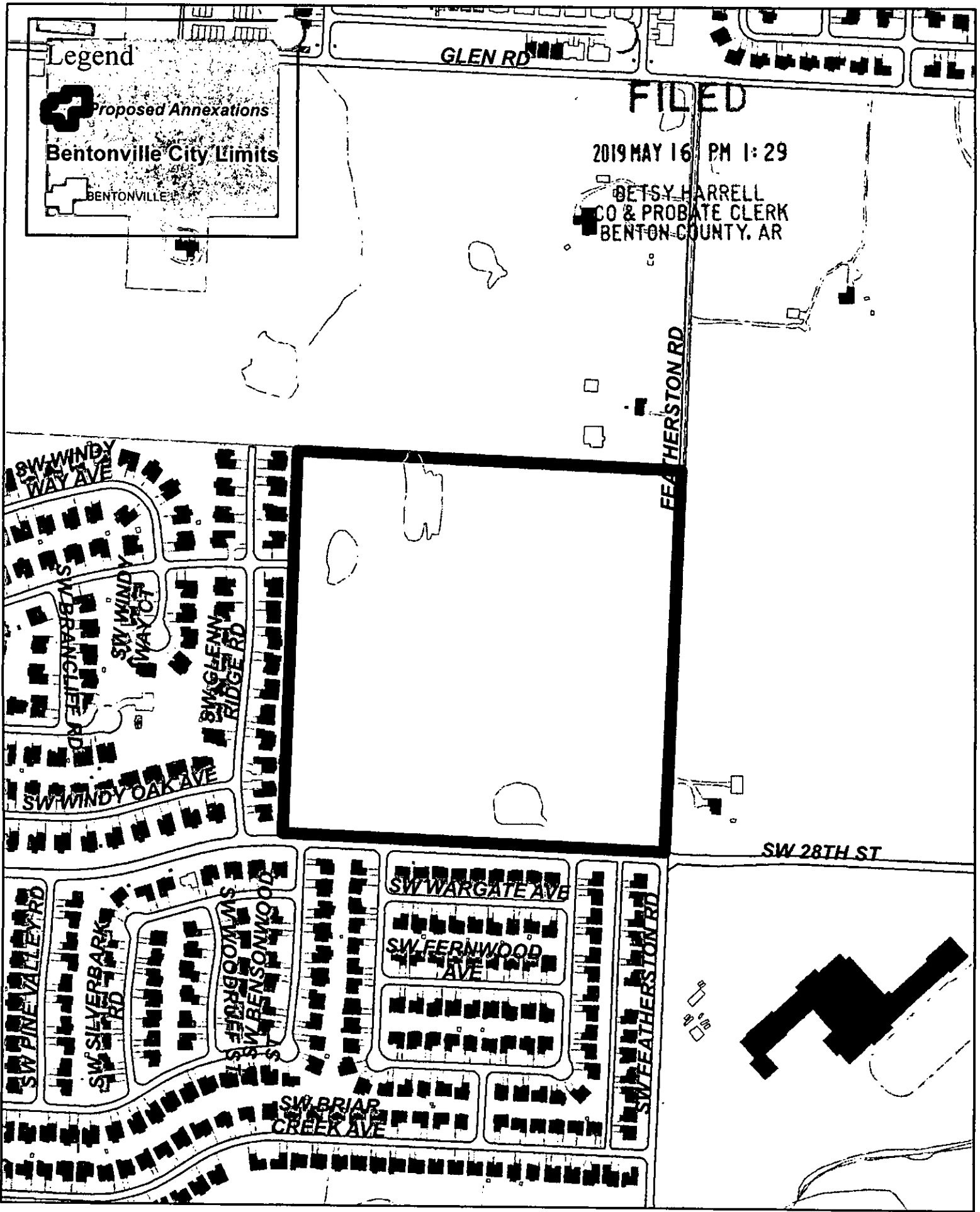
**FILED**

2019 MAY 16 PM 1:29

BETSY HARRELL  
CO & PROBATE CLERK  
BENTON COUNTY, AR

Exhibit "A"  
Sunrise Homes LLC.

The SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 2, Township 19N, Range 31W, which is all in Benton County,  
Arkansas



**EXHIBIT "B"**  
**Proposed Annexation**  
**Sunrise Homes**

1 inch = 417 feet



Benton  
216 W Sevier Street  
Benton, AR 72015

Fayetteville  
1420 Augustine Lane, Suite 1  
Fayetteville, AR 72703

Bentonville  
300 SW 28th Street  
Bentonville, AR 72712

Sheridan  
206 N Rose Street  
Sheridan, AR 72150

Eureka Springs  
70 S. Main Street, Suite 2  
Eureka Springs, AR 72632



EXHIBIT "C"

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

Little Rock Title Company  
A Division of  
First National Title Company  
1001 W. Markham Street #100  
Little Rock, AR 72201

FILED

First National Title Company  
12019 MAY 16 PM 1:29  
Greenbrier, AR 72058

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

BETSY HARRELL  
CO & PROBATE CLERK  
BENTON COUNTY, AR

May 13, 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



**FILED**

SUNRISE HOMES LLC. ANNEXATION  
EXHIBIT "C-1"

2019 MAY 16 PM 1:29

BETSY HARRELL  
CO & PROBATE CLERK  
BENTON COUNTY, AR

FEATHERSTON FARMS LIMITED PARTNERSHIP

18-08687-000

SUNRISE HOMES LLC. ANNEXATION  
EXHIBIT "C-2"

**FILED**

2019 MAY 16 PM 1:29

The SW ¼ of the SE ¼ of Section 2, Township 19N, Range 39W, which all in  
Benton County, Arkansas

BETSY HARPER  
CO & PROBATE CLERK  
BENTON COUNTY, AR



EXHIBIT "D"

FILED

Greetings:

2019 MAY 16 PM 1:29

This letter is given in connection with what is understood to be an effort to voluntarily annex certain real property (Sunrise Lakes 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,

STATE OF ARKANSAS  
REGISTERED PROFESSIONAL ENGINEER  
No. 11416  
TRAVIS W. MATLOCK  
6/8/19

Travis Matlock, P.E.

**FILED**

**SUNRISE HOMES, LLC. ANNEXATION 09 MAY 16 PM 1:30**

**EXHIBIT "D-1"**

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

The SW ¼ of the SE ¼ of Section 2, Township 19N, Range 31W, which is in  
Benton County, Arkansas



FILED

2019 MAY 16 PM 1:28

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. 2019-08

PETITION FOR ANNEXATION - 100 % OF OWNERS PETITIONING

DATE: 4-29-2019

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.

6. That 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 is attached hereto as Exhibit "C" and is made part of this petition as if set out word for word herein.

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.

**FILED**

**2019 MAY 16 PM 1:29**

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

FILED

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.

2019 MAY 16 PM 1:29

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

BETSY HARRELL  
CLERK OF PROBATE  
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.

*Sam Featherston*

Signature of Property Owner or  
Legal Representative of Property Owner,  
Petitioner

*Mgr*

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

PART OF 18-08687-000  
Parcel number of property to be annexed

ACKNOWLEDGMENT

State of Arkansas     )  
                                  )     ss.  
County of Benton     )

On this the 29<sup>th</sup> day of April, 2019, before me, the undersigned officer, personally appeared Sam Featherston, 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.

*Liz Amos*  
NOTARY PUBLIC

My Commission Expires:  
5/22/28

Liz Amos  
Notary Public  
Benton County, Arkansas  
Commission #12704722  
Commission Expires May 22, 2028

FILED

2019 MAY 16 PM 1:29

BETSY HARRELL  
CO & PROBATE CLERK  
BENTON COUNTY, AR



**ARKANSAS  
GIS OFFICE**

April 29, 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 described as "Sunrise Homes LLC" and 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 90<sup>th</sup> 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

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