



JOHN THURSTON
ARKANSAS SECRETARY OF STATE

August 28, 2019

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

Re: City of Bentonville Annexation Ordinance 2019-93

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: 7/11/2019

County: Benton

City Ordinance: 2019-93

County Court Order: 2019-06

City: Bentonville

Dated: 06/11/2019

Date Filed: 6/12/19

A file marked copy of the ordinance, court order and exhibits submitted to our Office are enclosed. By copy of this letter (and its enclosures), the Secretary of State hereby notifies the appropriate mapping authorities for Arkansas. Please retain these copies as official record of the filing of the municipal change by the Arkansas Secretary of State.

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

Sincerely,

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

Shantell McGraw
Elections Division

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

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

June, 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: Glynn & Jennifer Bertrand
City of Bentonville Annexation
Benton County Court Case No. CC# 2019-06

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 April 24, 2019
3. Ordinance 2019-93 adopted on June 11, 2019, by the City of Bentonville.

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

Sincerely,

Betsy Harrell by cleemasters
Betsy Harrell

BH/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: 2019-93 Date approved: 06/11/2019

County Court Case No: 2019-06 Date Order Filed: 04/16/2019 424719 6/12/19

Type: Annexation by Petition of all Landowners A.C.A §14-40-609 SM 8/28/19

Date Change Effective: 07/11/2019 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: Cheemasters Title: Deputy Clerk

Date: 06/12/2019

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

AUG 28 2019

**Arkansas
Secretary of State**

FILED

2019 JUN 12 AM 9:23

ORDINANCE NO. 2019-93

BETSY HARRELL
CO. & PROBATE CLERK
BENTON COUNTY, AR

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 24th day of April, 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.

FILED

2019 JUN 12 AM 9:22

ORDINANCE NO. 2019-93

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

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.

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WHEREAS, on the 24th day of April, 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 2079

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.

BETSY HARRELL
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 11th DAY OF June, 2019.

APPROVED: Stephanie Orman
HON. STEPHANIE ORMAN, Mayor

ATTEST: Linda Spence
HON. LINDA SPENCE, City Clerk

FILED

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

2019 APR 24 PM 3:42

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

COUNTY COURT ORDER NO. CC 2019-06

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

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

- 1) is in writing;
- 2) contains an attestation signed before a notary or notaries by the property owner or owners of the relevant property or properties confirming their desire to be annexed;
- 3) contains an accurate description of the relevant property or properties;
- 4) contains a letter or title opinion from a certified abstractor or title company verifying that the petitioners are all owners of record of the relevant property or properties;
- 5) contains a letter or verification from a certified surveyor or engineer verifying that the relevant property or properties are contiguous with the annexing city or town and that no enclaves will be created if the property or properties are accepted by the city or town – additionally a copy of the letter from the State of Arkansas GIS office approving the legal description for the annexation was provided; and
- 6) includes a schedule of services of the annexing city or town that will be extended to the area within three (3) years after the date the annexation becomes final.

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



HON. BARRY MOEHRING, County Judge

Date 4/24/19



FILED

2019 JUN 12 PM 1:44

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 2019-06

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

6-12-19

Date



2019 2087

Bertrand Annexation
EXHIBIT "A"

Glynn and Jennifer Bertrand

15-15962-000

Bertrand Annexation
Exhibit "B"

Part of the SE ¼ of the SW ¼ of Section 25, Township 20N, Range 31W and more particularly described as follows:

Commencing at the NE Corner of said SE ¼ of the SW ¼ of Section 25, Township 20N, Range 31W.

Thence N 89° 12' 30" W, 658.80';

Thence S 0° 13' 12" E, 110';

Thence S 64° 13' 04" W, 35';

Thence S 13° 29' 07" W, 203.25';

Thence S 19° 21' 31" E, 67.21';

Thence S 52° 12' 09" E, 72.23';

Thence S 00° 13' 12" E, 132.32' to the Point of Beginning.

Thence S 66° 06' 53" W, 248.73';

Thence S 88° 52' 33" E, 227.43';

Thence N 00° 01' 22" E, 105.17' to the Point of Beginning.

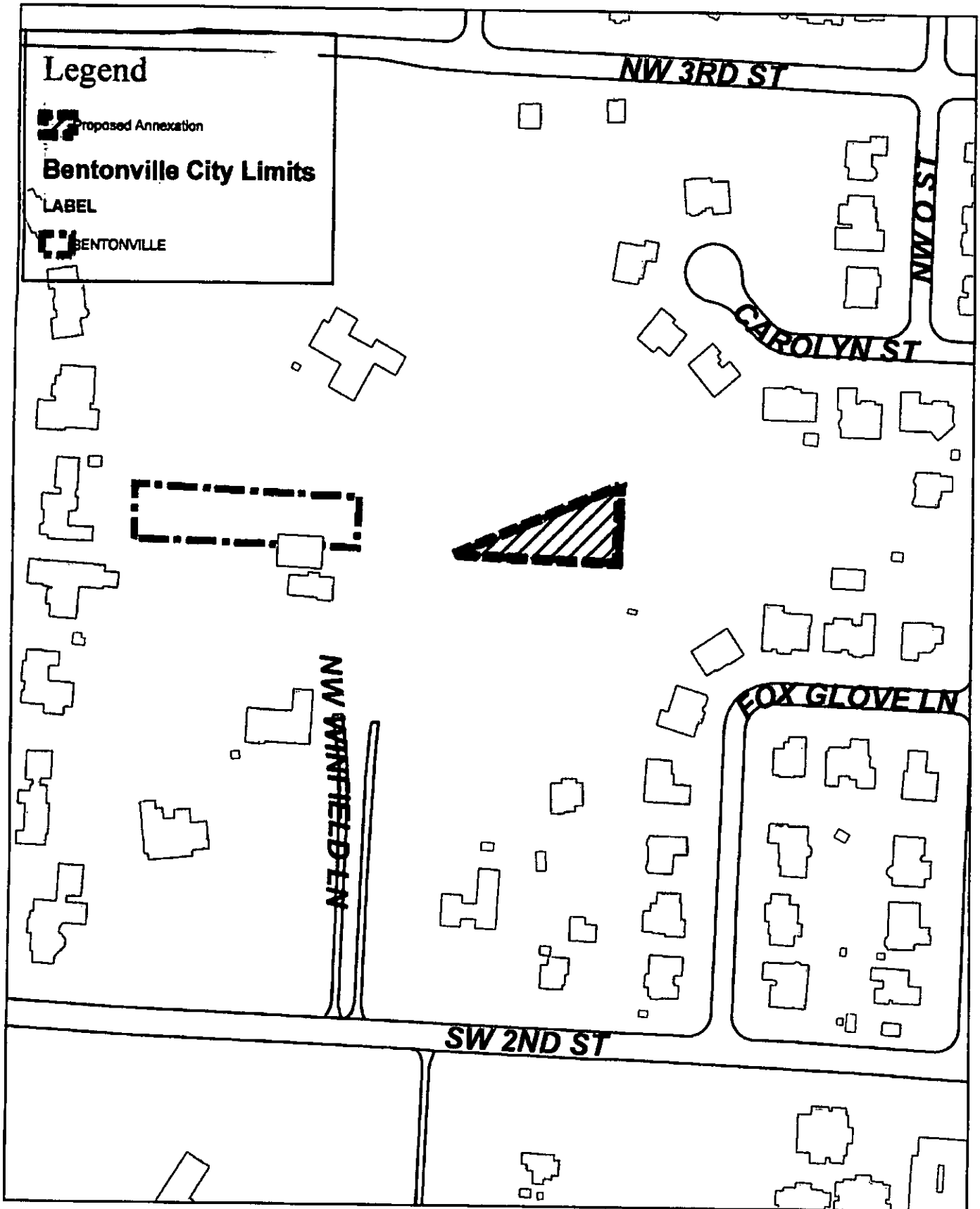


Exhibit "B"
Proposed Annexation
Betrand

1 inch = 164 feet



Bertrand Annexation
EXHIBIT "A"

FILED

2019 JUN 12 AM 9:22

BETSY HARRELL
CO. & PROBATE CLERK
15-18962-000
SEYDOR COUNTY, AR

Glynn and Jennifer Bertrand

Bertrand Annexation
Exhibit "B"

FILED

2019 JUN 12 AM 9: 23

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

Part of the SE ¼ of the SW ¼ of Section 25, Township 20N, Range 31W and more particularly described as follows:

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Thence N 00° 01' 22" E, 105.17' to the Point of Beginning.

2019 2082

FILED

NW 3RD ST

2019 JUN 12 AM 9:23

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

NW 10TH ST


CAROLYN ST

FOX GLOVE LN

SW 2ND ST

NW WINFIELD LN

Legend

 Proposed Annexation

Bentonville City Limits

LABEL

 BENTONVILLE

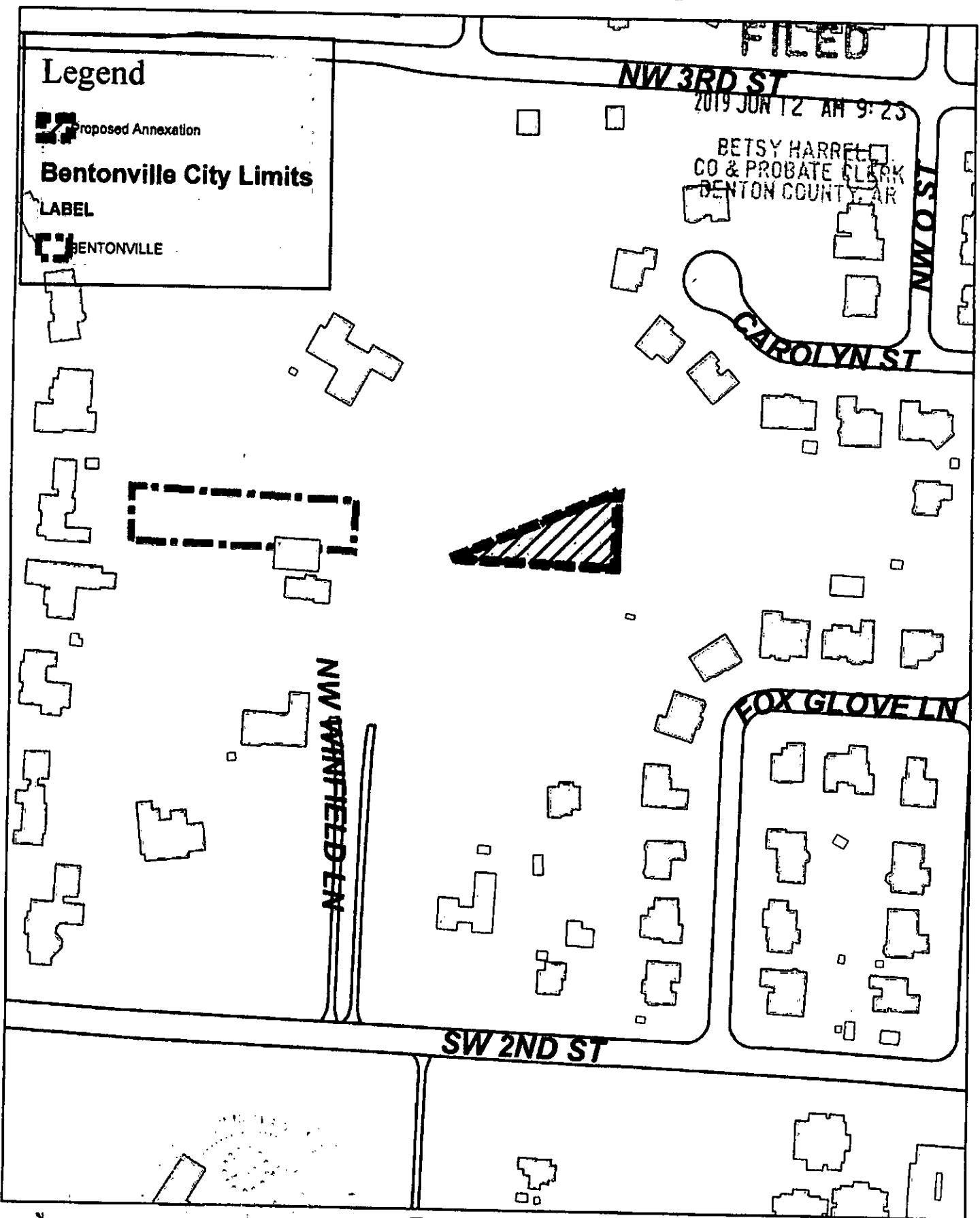


Exhibit "B"
Proposed Annexation
Betrand

1 inch = 164 feet



2019 2083

FILED

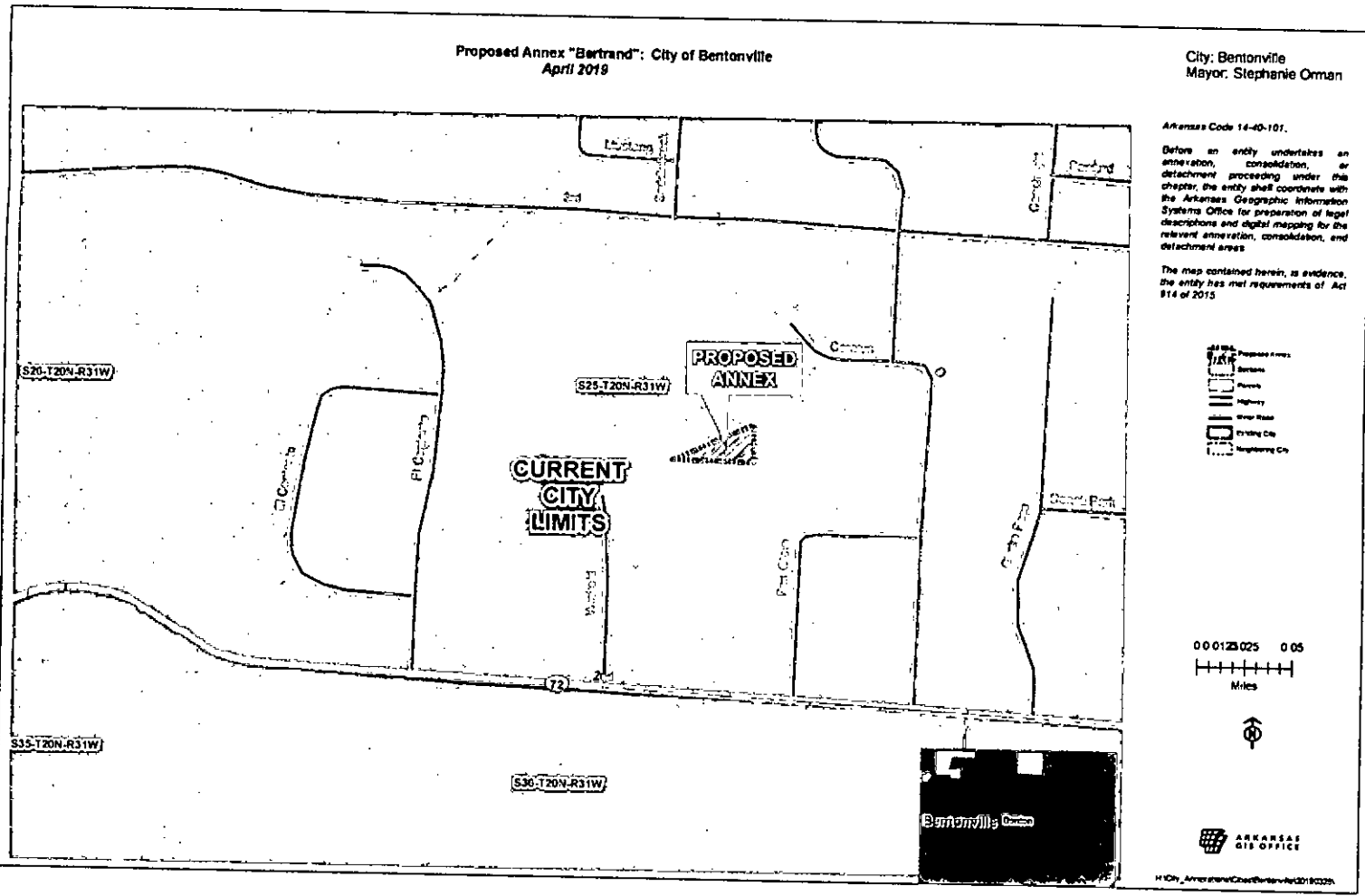
2019 APR 16 PM 2:23

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

Proposed Annex "Bertrand": City of Bentonville
April 2019

City: Bentonville
Mayor: Stephanie Orman

Arkansas Code 14-40-101.
Before an entity undertakes an annexation, consolidation, or detachment proceeding under this chapter, the entity shall coordinate with the Arkansas Geographic Information Systems Office for preparation of legal descriptions and digital mapping for the relevant annexation, consolidation, and detachment areas.
The map contained herein, as evidence, the entity has met requirements of Act 814 of 2015.



FILED

2019 APR 16 PM 2: 22

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

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

NO. CC 2019-06

PETITION FOR ANNEXATION – 100 % OF OWNERS PETITIONING

DATE: 3-20-2019

Come now the undersigned petitioners, and state as follows:

1. That we, owning 100% of the property in the following described area, do hereby petition, pursuant to A.C.A. §14-40-609, the City Council of Bentonville, Arkansas, to annex the following lands to the City of Bentonville, Arkansas.

Refer to Exhibit "A"

2. We further state that this petition is signed by one hundred percent (100%) of the real estate owners owning one hundred percent (100%) of the acreage in said area and that the area to be annexed does not contain property whose owners do not wish to have their property annexed.

3. That said property description herein is contiguous to and adjoining the present City of Bentonville city limits, as shown on the map attached hereto as Exhibit "B".

4. That no enclaves will be created if this petition is accepted and the territory annexed into the City of Bentonville.

5. That the following schedule of services shall be extended to the area by the City of Bentonville within three (3) years after the date the annexation becomes final:

All properties annexed into the City of Bentonville are provided with Police, Fire and EMS services.

Additional services such as water and sewer may be provided if readily available. Such services are provided in accordance with existing ordinances and terms of service, including but not limited to the payment of required fees, the necessary permits, inspections and approvals.

FILED

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

2019 APR 16 PM 2: 22
DEIST GARRELL
COURT & 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.

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 APR 16 PM 2: 22

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

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]

Jennifer Bertrand

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

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

15-15962-000
Parcel number of property to be annexed

PHONE #
479-381-3904
1714 SW 2nd St.
Bentonville, AR 72712

ACKNOWLEDGMENT

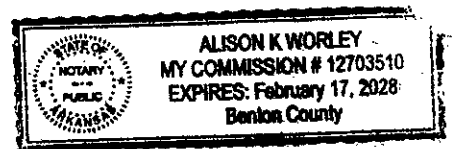
State of Arkansas)
)
County of Benton) ss.

On this the 20 day of March, 2019, before me, the undersigned officer, personally appeared Glynn & Jennifer Bertrand 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.

Alison K Worley

NOTARY PUBLIC

My Commission Expires:
2/17/28



FILED

2019 APR 16 PM 2: 22

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

Exhibit "A"
Bertrand Annexation

Part of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 25, Township 20N, Range 31W and more particularly described as follows:

Commencing at the NE Corner of said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 25, Township 20N, Range 31W.

Thence N 89° 12' 30" W, 658.80';

Thence S 0° 13' 12" E, 110';

Thence S 64° 13' 04" W, 35';

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Thence S 66° 06' 53" W, 248.73';

Thence S 88° 52' 33" E, 227.43';


Thence N 00° 01' 22" E, 105.17' to the Point of Beginning.

Legend

 Proposed Annexation

Bentonville City Limits

LABEL

 BENTONVILLE

FILED
NW 3RD ST

2019 APR 16 PM 2:22

BETSY HARRELL
CO. & PROBATE CLERK
BENTON COUNTY, AR

NW 1ST ST

CAROLYN ST

NW WINFIELD LN

FOX GLOVE LN

SW 2ND ST

Exhibit "B"

**Proposed Annexation
Betrand**

1 inch = 164 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
Conway, AR 72034

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

FILED

First National
Title Company

2019 APR 16 PM 2:22
Greenbrier
1111 Main Rd. S.W.
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

April 9, 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

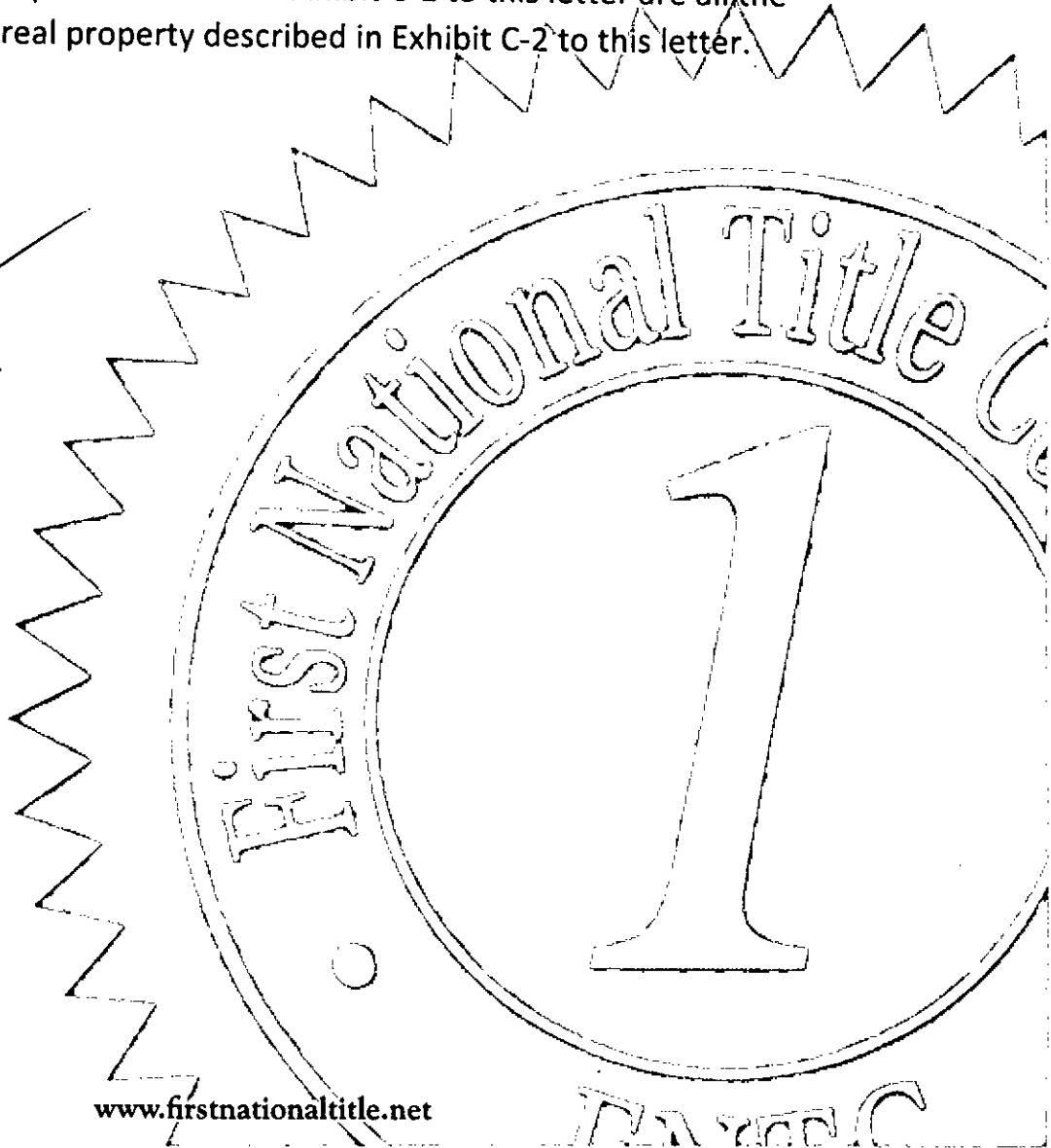


EXHIBIT C

Betrand Annexation
EXHIBIT "C-1"

Glynn and Jennifer Betrand

FILED

2019 APR 16 PM 2:22

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR
15-15962-000

FILED

2019 APR 16 PM 2: 22

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

Bertrand Annexation
Exhibit "C-2"

Part of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 25, Township 20N, Range 31W and more particularly described as follows:

Commencing at the NE Corner of said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 25, Township 20N, Range 31W.

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Thence S 88° 52' 33" E, 227.43';

Thence N 00° 01' 22" E, 105.17' to the Point of Beginning.

FILED

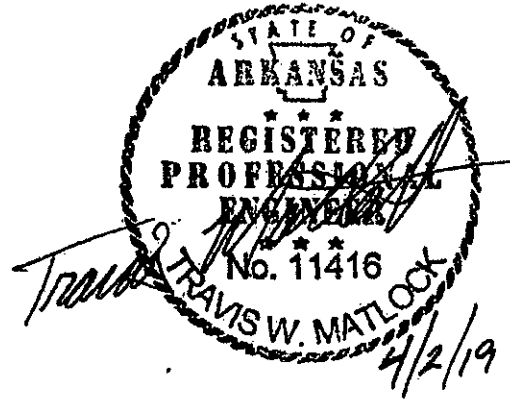
2019 APR 16 PM 2:23

Greetings:

This letter is given in connection with what is understood to be an effort to voluntarily annex certain real property (Bertrand 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
CLERK OF PROBATE
BENTON COUNTY, AR

Sincerely,



Travis Matlock, P.E.

FILED

2019 APR 16 PM 2: 23

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

Bertrand Annexation
Exhibit "D-1"

Part of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 25, Township 20N, Range 31W and more particularly described as follows:

Commencing at the NE Corner of said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 25, Township 20N, Range 31W.

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Thence N 00° 01' 22" E, 105.17' to the Point of Beginning.



**ARKANSAS
GIS OFFICE**

FILED

2019 APR 16 PM 2: 23

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

April 1, 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 the Bertrand Annexation located in Section 25, 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.

Please note that while our data indicates this area is already within the City of Bentonville, we understand that your office, along with the Benton County Assessor's Office, have determined this to be an enclave that the land owner wishes to annex into the City of Bentonville.

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

Thank you,

Jennifer Wheeler, GIS Analyst
/jw

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

H:\City_Annexations\Cities\Bentonville\20190328\Doc\20190328_Bentonville_Annexation_Coordination_Letter.docx