



# ARKANSAS SECRETARY OF STATE

## MARK MARTIN

FILED

2017 APR 26 AM 9:47

TENA O'BRIEN  
CO & PROBATE CLERK  
BENTON COUNTY, AR

April 20, 2017

The Honorable Tena O'Brien  
Benton County Clerk  
215 East Central St, Suite 217  
Bentonville, AR 72712-5373

Re: City of Bentonville Annexation Ordinance 2017-63

Dear Ms. O'Brien,

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 § 14-40-609 (petition by 100% of the landowner)

Effective Date: 04/11/2017

County: Benton

City: Bentonville

County Ordinance: 2017-63

Dated: 04/11/2017

County Court Order: CC-2017-04

Date Filed: 3/15/2017

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 boundary change by the Arkansas Secretary of State.

If you have any questions or concerns regarding this pending filing please contact our office at 501-682-3401.

Sincerely,

Cynthia Fisher  
Arkansas Secretary of State Legal Division  
500 Woodlane St, Room 256  
Little Rock, AR 72201  
501-682-3401

cc: Arkansas Geographic Information Systems Office (w/ encl)  
Arkansas Highway and Transportation Department Mapping Department (w/ encl)  
Department of Finance and Administration (w/encl)  
Arkansas Public Service Commission (w.encl)  
UALR Institution for Economic Advancement (w/encl)  
Tom-Tom (w/encl)  
Honorable Bob McCaslin, Mayor of Bentonville

Room 256 State Capitol • Little Rock, Arkansas 72201-1094  
501-682-1010 • Fax 501-682-3510  
e-mail: [arsos@sos.arkansas.gov](mailto:arsos@sos.arkansas.gov) • [www.sos.arkansas.gov](http://www.sos.arkansas.gov)





Arkansas Secretary of State  
Mark Martin

State Capitol 500 Woodlane Ave Suite 256 • Little Rock, AR 72201-1094

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2017 APR 26 AM 9:47

Municipal Boundary Change Form

TEHA O'BRIEN  
CO & PROBATE CLERK  
BENTON COUNTY, AR

County: Benton City/Town: Bentenville

City Ordinance/Resolution No: 2017-63 Date approved: 4-11-17

County Court Case No: CC2017-04 Date of Order: 3-15-17

Filing Type: 14-40-609 100%

(List of municipal boundary changes with associated Arkansas Code sections reference on back)

Date Change Effective: 4-11-17 Emergency clause:  Yes  No

For Circuit Court Challenge: Date 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 (not required for A.C.A. § 14-40-1801)
- File marked copy of County Court Order (not required for A.C.A. § 14-40-501)
- Proof of Publication for all Legal Notices (Hearing, Election, City Ordinance/Resolution)
- Copy of Arkansas GIS approved printed map and certification letter
- File marked copy of Petition Part or File marked copy of the certified special election results (if applicable)
- File marked copy of Complaint and final Circuit Court Order (Court Challenge only)

Municipal Contact:

Name: Bob McCaslin Title: Mayor

Street Address: 117 W Central Ave

City: Bentenville St: AR Zip code: 72712

City/County Official:

Signature: [Signature] Title: Deputy Clerk

Date: 4-13-17

(Submit form and supporting documents to Arkansas Secretary of State, 500 Woodlane Ave Suite 256, Little Rock, AR 72201-1094)

Office of the Arkansas Secretary of State use only

Received by: [Signature]

FILED

APR 20 2017

Arkansas  
Secretary of State

Please complete this form and attach it as a cover page to each ordinance and supporting document set

# BENTON COUNTY

STATE OF ARKANSAS

**TENA O'BRIEN**

COUNTY CLERK & VOTER REGISTRAR  
215 EAST CENTRAL, SUITE 217  
BENTONVILLE, AR 72712-5373

PROBATE COURT CLERK  
COURTHOUSE, 102 N.E. "A" STREET  
BENTONVILLE, AR 72712-5350

April 13, 2017

Honorable Mark Martin  
Secretary of State  
Room 256 State Capitol  
Little Rock, AR 72201-1094

Dear Secretary Martin:

RE: PMD Enterprises  
City of Bentonville Annexation  
Benton County Court Case No. CC# 2017-04

Dear Secretary Martin:

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 March 15, 2017
3. Ordinance No. 2017-63 adopted on April 11, 2017, by the City of Bentonville

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

Sincerely,

*Tena O'Brien*

Tena O'Brien

By: T. Underwood

COUNTY CLERK (479) 271-1013  
FAX (479) 271-1019

VOTER REGISTRAR (479) 271-5704

BENTONVILLE (479) 271-1013  
FAX (479) 271-1019

SILOAM SPRINGS (479) 238-0120  
FAX (479) 524-8534

PROBATE COURT CLERK (479) 271-5727  
FAX (479) 271-1712

ROGERS (479) 636-3727  
FAX (479) 636-4922  
ARCHIVIST (479) 636-1037  
FAX (479) 636-1053

FILED

2017 APR 12 PM 1:13

ORDINANCE NO. 2017-63

TEENA STORRIEN  
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 **PMD Enterprises, Phillip & Dayna Martz**, owner(s) of the hereinafter described territory, praying that said territory be annexed to, and made a part of the City of Bentonville, Arkansas, and

WHEREAS, on the 15<sup>th</sup> day of March, 2017, the County Court of Benton County, Arkansas, found that the petition was signed by the owners of said territory; that said territory was contiguous and adjoining the present corporate limits of the City of Bentonville, Arkansas; that an accurate plat or map of said territory had been filed with, and made a part of said petition; that proper notice had been given for the time and in the manner prescribed by law, and that all things pertaining thereto had been done in the manner prescribed by law, and that said lands and territory should be annexed to and a part of the City of Bentonville, Arkansas, subject to the acceptance of same by the City Council of said City at the proper time, as provided by law; and

WHEREAS, the time fixed by law for appealing from said order of annexation made by the County Court has expired and no appeal has been taken from said order.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENTONVILLE, ARKANSAS:**

**Section 1.** That the lands described on the attached Exhibit A is territory contiguous to and adjoining the City of Bentonville, Arkansas be and the same 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 1** of the City of Bentonville, and the same shall henceforth be a part of said ward as fully as existing parts of said ward.

2017 1281

**FILED**

2017 APR 12 PM 1:13

TERESA O'BRIEN  
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.

PASSED AND APPROVED THIS 11<sup>th</sup> DAY OF April, 2017.

APPROVED: *Bob McCarlin*  
Mayor

ATTEST: *Linda Spence*  
Clerk

FILED

2017 APR 12 PM 1:13

TEMA O'BRIEN  
CO & PROBATE CLERK  
BENTON COUNTY, AR

**Legal Description – Annexation:**

Tract 2 of a survey of a part of the SE 1/4 of the SW 1/4 and a part of the SW 1/4 of the SW 1/4, all in Section 21, Township 20 North, Range 30 West, Benton County, Arkansas, as shown in Plat Book 2004 at page 522, more particularly described as follows:

Commencing at a stone found at the NE corner of the NE 1/4 of the SW 1/4, Section 21; Thence South 01°58'43" West 1326.33 feet to the SE corner of the NE 1/4 of the SW 1/4 and the Point of Beginning; Thence along the east line of said SE 1/4 of the SW 1/4, South 01°58'43" West 1293.33 feet; Thence departing said east line, North 87°00'02" West 206.02 feet; Thence South 02°23'07" West 33.00 feet to the south line of said SE 1/4 of the SW 1/4; Thence along said south line, North 87°00'02" West 293.14 feet to the east right-of-way line of U.S. Highway 540 (r/w varies); Thence along said east right-of-way line the following five (5) courses; North 46°53'53" West 410.09 feet; North 43°36'23" West 328.06 feet; North 29°46'36" West 284.79 feet; North 25°02'42" West 376.83 feet; North 16°20'48" West 278.02 feet to the north line of said SW 1/4 of the SW 1/4; thence along said north line South 87°05'17" East 116.68 feet to the NW corner of said SE 1/4 of the SW 1/4; Thence along the north line of the said SE 1/4 of the SW 1/4 South 87°05'17" East 1334.59 feet to the Point of Beginning, containing 33.02 acres, more or less.

2017 1283

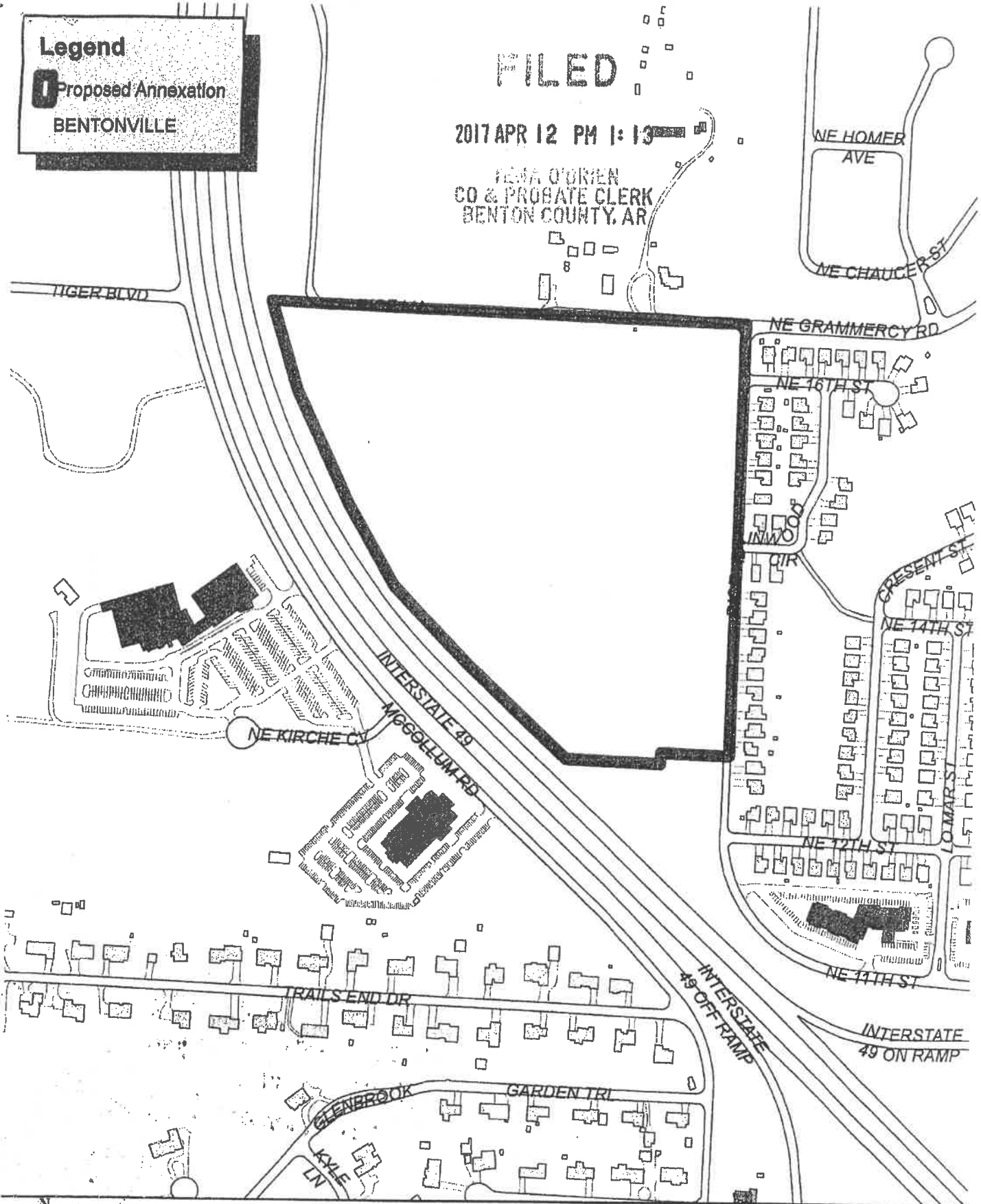
**Legend**

**■** Proposed Annexation  
**BENTONVILLE**

**FILED**

2017 APR 12 PM 1:13

REVA O'RYEN  
CO & PROBATE CLERK  
BENTON COUNTY, AR



Proposed Annexation  
PMD Enterprises, LLC.  
33.02 Acres Total

1 inch = 361 feet

2017 1284



FILED

2017 MAR 15 PM 12:03

TERA O'BRIEN  
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

PMD ENTERPRISES

COUNTY COURT NO. CC 2017-04

Phillip & Dayna Martz

PETITIONER(S)

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:

- (1) That the petition and verifications are complete and accurate;
- (2) That no enclaves will be created by the proposed annexation; and
- (3) That the petition contains a schedule of services.

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

FILED

APR 20 2017

Arkansas  
Secretary of State



HON. BARRY MOEHRING, County Judge

March 15, 2017

Date

2017 1003



FILED

2017 MAR 13 PM 1:46

TENA O'BRIEN  
CO. & PROBATE CLERK  
BENTON COUNTY, ARK.

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

PMD ENTERPRISES

Phillip & Dayna Martz

PETITIONERS

CC 2017-04

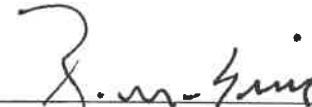
VERIFICATION OF PETITION FOR ANNEXATION PURSUANT TO ACA § 14-40-609

We, Tena O'Brien, 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:

- (A) the identity of the petitioner or petitioners has been confirmed;
- (B) there are no property owners included in the petition that do not wish to have their property annexed;
- (C) the property described in the petition is contiguous with the City of Bentonville, and
- (D) no enclaves will be created if the petition is accepted by the City of Bentonville

  
HON. TENA O'BRIEN, County Clerk

  
HON. RODERICK GRIEVE, County Assessor

FILED

APR 20 2017

Arkansas  
Secretary of State

FILED

2017 MAR 13 PM 1:46

TENA S. BROWN  
CLERK & PROBATE CLERK  
BENTON COUNTY, ARK



Date: March 6, 2017

Subject: Petition for Annexation (CC2017-04)  
Parcel Numbers and owners:  
PDM Enterprises LLC 18-07558-001 (2004-27623)

I have reviewed the preliminary annexation information of territory into the City of Bentonville, AR and find the following:

1. The property to be annexed is contiguous with the existing city boundary of Bentonville, AR.
2. The submitted description substantially conforms to the size and location of the property.
3. The submitted description closes mathematically and generally conforms to the deed of record noted above.
4. The party that that requested annexation appears to match the owners of record.
5. The proposed annexation does not appear to create any enclaves.

Please contact me if you have any questions.

Michael D. Million  
Manager – Mapping Dept.  
Benton County Assessor's Office  
Phone: 479-271-1037, ext. 7004  
Email: michael.million@bentoncountyar.gov

FILED

2017 FEB 21 PM 1:39

TRIA G. ORREN  
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 PROPERTY  
CONTIGUOUS TO SAID CITY IN  
BENTON COUNTY, ARKANSAS  
CC 2017-04

CASE NO. 2017-04

PMD ENTERPRISES

PETITIONER(S)

PETITION FOR ANNEXATION BY 100% PETITION

Comes now the undersigned petitioner(s), and state as follows:

1. That we, as property owners of the following described area, do hereby petition the County Court of Benton County, Arkansas, to annex the following lands to the City of Bentonville:

**SEE ATTACHED LEGAL DESCRIPTION**

2. We further state that this petition is signed by 100% of the real estate owners owning the property described.

3. We do further by this Petition appoint Camille Thompson, Staff Attorney, City of Bentonville, to act on behalf of the petitioners herein in presenting this matter to the Court.

4. That said property described herein is contiguous to and adjoining the present city limits of the City of Bentonville, as shown by the attached by the attached map.

**FILED**

5. That a description of services to be provided is attached hereto.

APR 20 2017

6. That the petitioners request that the Court enter an Order granting this Petition

Arkansas  
Secretary of State

FILED

2017 FEB 21 PM 1:40

PAUL C. BROWN  
CO. & PROBATE CLERK  
BENTON COUNTY, AR



Date: February 14, 2017

Subject: Proposed Annexation Review  
Parcel Numbers and owners:  
PDM Enterprises LLC 18-07558-001 (2004-27623)

I have reviewed the preliminary annexation information of territory into the City of Bentonville, AR and find the following:

1. The property to be annexed is contiguous with the existing city boundary of Bentonville, AR.
2. The submitted description substantially conforms to the size and location of the property.
3. The submitted description closes mathematically and generally conforms to the deed of record noted above.
4. The party that that requested annexation match the owners of record.
5. The proposed annexation does not appear to create any enclaves.

Please contact me if you have any questions.

Michael D. Million  
Manager – Mapping Dept.  
Benton County Assessor's Office  
Phone: 479-271-1037, ext. 7004  
Email: michael.million@bentoncountyar.gov

**Legal Description – Annexation:**

Tract 2 of a survey of a part of the SE 1/4 of the SW 1/4 and a part of the SW 1/4 of the SW 1/4, all in Section 21, Township 20 North, Range 30 West, Benton County, Arkansas, as shown in Plat Book 2004 at page 522, more particularly described as follows:


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2017 FEB 21 PM 1:40

CLERK  
BENTON COUNTY, AR

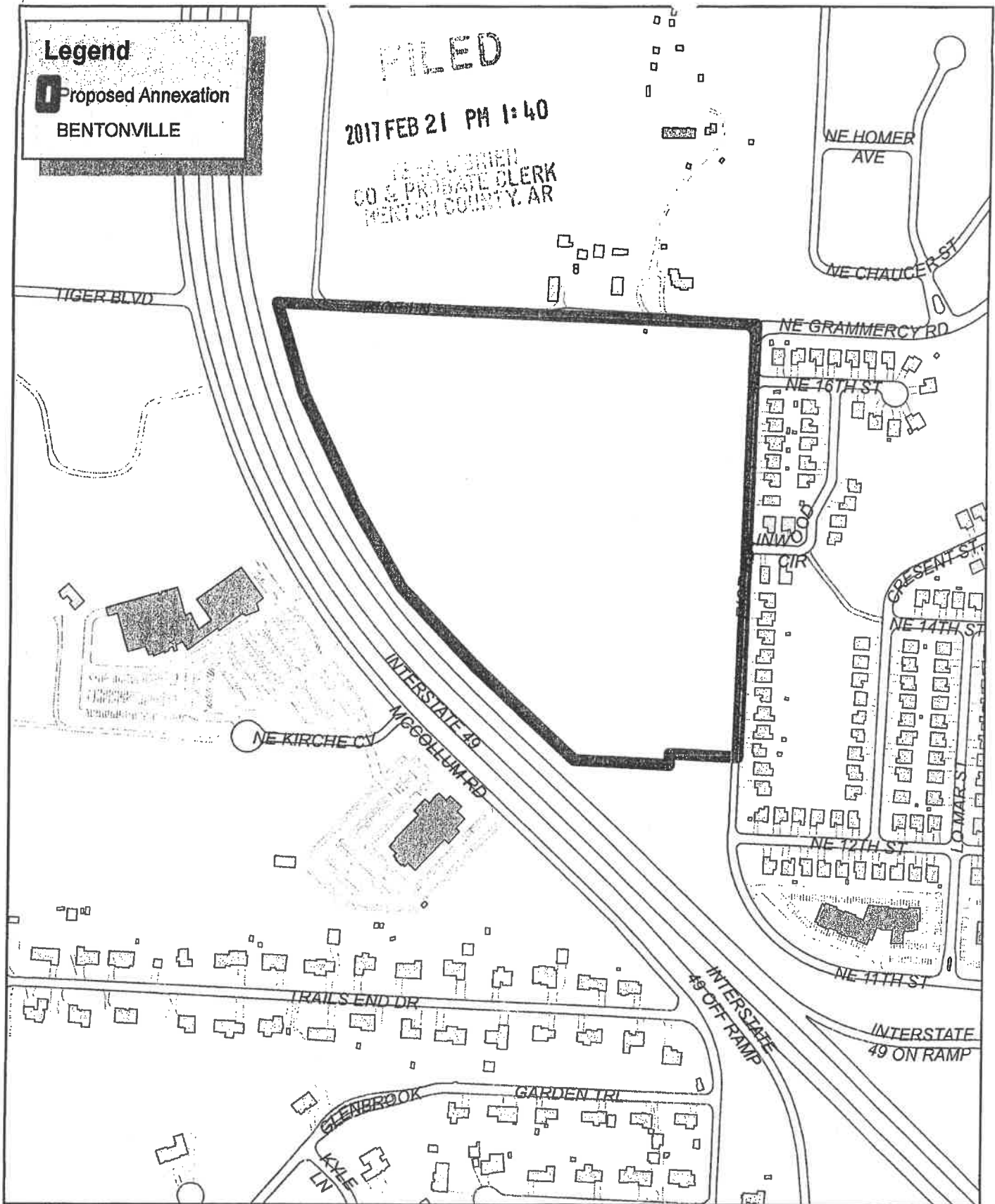
**Legend**

 Proposed Annexation  
BENTONVILLE

FILED

2017 FEB 21 PM 1:40

W. W. BENTON  
CO. & PROBATE CLERK  
BENTON COUNTY, AR



Proposed Annexation  
PMD Enterprises, LLC.  
33.02 Acres Total

1 inch = 361 feet





**ARKANSAS  
GIS OFFICE**

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April 20, 2017

Mrs. Cynthia Fisher  
Special Projects Manager  
AR Secretary of State

RE: City of Bentonville Annexation Coordination Requirement

Mrs. Fisher,

Thank you for coordinating with our office as you seek to annex property into the City of Bentonville, AR ordinance number 2017-63. 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  
/jjw

**Attachments:**

GIS Office Map of Proposed Annexation  
Secretary of State Municipal Change Checklist

H:\City\_Annexations\Cities\Bentonville\20170420\Doc\20170420\_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](http://www.gis.arkansas.gov) · FAX (501) 682-6077

**Proposed Annex: City of Bentonville  
April 2017**

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



- Proposed Annex
- Sections
- Parcels
- Highway
- Minor Road
- Existing City
- Neighboring City
- County Boundary



**ARKANSAS  
GIS OFFICE**