



ARKANSAS SECRETARY OF STATE

MARK MARTIN

December 28, 2017

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

Re: City of Cave Springs Annexation Ordinance 2017-45

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 landowners)

Effective Date: 11/14/2017

County: Benton

City: Cave Springs

City Ordinance: 2017-45

Dated: 11/14/2017

County Court Order: CC-2017-31

Date Filed: 11/20/2017 Honorable Barry Moehring, Benton County Judge

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)
Ms. Kimberly Hutcheson, Cave Springs City Recorder and Treasurer





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: Cave Springs

City Ordinance/Resolution No: 2017-45 & 2017-46 Date approved: 11/14/2017

County Court Case No: CC 2017-31 Date Order Filed: 11/20/2017

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

Date Change Effective: 11/14/2017 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: Travis Lee Title: Mayor

Street Address: PO Box 36

City: Cave Springs St: AR Zip code: 72718

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: Tiffany Underwood Title: Deputy County Clerk

Date: 11-21-17

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: Cynthia Fisher

FILED
DEC 28 2017
Arkansas
Secretary of State

BENTON COUNTY

STATE OF ARKANSAS

TENA O'BRIEN

COUNTY CLERK & VOTER REGISTRAR

215 EAST CENTRAL, SUITE 217
BENTONVILLE, AR 72712-5373

November 21, 2017

PROBATE COURT CLERK

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

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

RE: Steven and Jacqueline Morris, et al
City of Cave Springs Annexation
Benton County Court Case No. CC# 2017-31

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 Confirming Annexation entered on November 20, 2017
3. Ordinance No. 2017-45 and 2017-46 adopted on November 14, 2017, by the City of Cave Springs

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

TO/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

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

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

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

ORDINANCE NO. 2017-45

FILED

CITY OF CAVE SPRINGS, BENTON COUNTY, ARKANSAS 2017 NOV 15 PM 4:11

AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF CAVE SPRINGS, ARKANSAS; WEST OF HIGHWAY 112, AND MAKING SAME A PART OF THE CITY OF CAVE SPRINGS. CLERK BENTON COUNTY, AR

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 Cave Springs, Arkansas; and

WHEREAS, on the 13th day of November, 2017, 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 Cave Springs; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAVE SPRINGS, ARKANSAS:

Section 1. That the land described on the attached Exhibit "B", which includes the territory sought to be annexed by the petitioners is territory contiguous to and adjoining the City of Cave Springs, 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 Cave Springs.

Section 2. That the above described territory shall be annexed to and made a part of the City of Cave Springs.

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

PASSED and APPROVED, this 14th day of November, 2017.

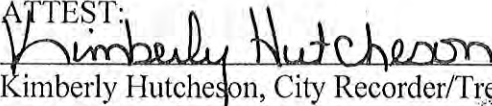
APPROVED:


Travis Lee, Mayor

FILED

DEC 28 2017

Arkansas
Secretary of State

ATTEST:

Kimberly Hutcheson, City Recorder/Treasurer
(SEAL)



FILED FOR RECORD
AT 3:21 O'CLOCK P.M.

NOV 15 2017
CITY OF CAVE SPRINGS, AR
CITY CLERK

2017 3784

November 2017 Voluntary Annexation Petition (West of Highway 112) FILED

Property Owners

Exhibit A

2017 NOV 15 PM 4: 11

Tax Parcel Numbers:

CLERK
CO & PROBATE CLERK
BENTON COUNTY, AR

- 18-09378-000 (Steven W. Morris and Jacqueline M. Morris)
- 18-09346-000 (Steven W. Morris and Jacqueline M. Morris)
- 18-09347-000 (Ruby Marlene Sands, Successor Trustee of Phillips Revocable Trust)
- 18-09348-000 (Burton Cornish and Vicki Cornish)
- 18-09372-000 (Ruby Marlene Sands, Trustee of Howard & Marlene Sands Trust)

Legal Descriptions:

- A part of the SE-1/4 of the SE-1/4 of Section 35, a part of the SW-1/4 of the SW-1/4 of Section 36, Township 19 North, Range 31 West and a part of the NW-1/4 of the Fractional NW-1/4 of Section 1, Township 18 North, Range 31 West of the Fifth Principal Meridian, Benton County Arkansas and being described as follows: Beginning at the SE corner of Section 35, T-19-N, R-31-W, said point being a set iron pin; thence N89 degrees 12'43" E, 586.22 feet to a set iron pin; thence S 01 degrees 56'44"W, 651.55 feet to a set iron pin; thence S76 degrees 48'16"E, 148.00 feet to a set iron pin; thence S85 degrees 33'28"E, 400.00 feet to a set iron pin; thence N09 degrees 12'43"E, 734.19 feet to a found iron pipe; thence S 89 degrees 12'43"W, 566.36 feet to a set iron pin; thence N00 degrees 25'37"W, 440.00 feet to a set iron pin; thence S89 degrees 12'45"W, 658.65 feet to a set iron pin; thence S89 degrees 21'50"W, 1319.96 feet to a railroad spike set in the roadway of an existing county road; thence along said roadway, S00 degrees 32'33"E, 440.00 feet to a set railroad spike; thence leaving said county road, N89 degrees 21'50"E, 656.72 feet to a point not set, said point being S00 degrees 21'06"E, 0.88 feet from a found iron pin; thence N 00 degrees 21'06"W, 211.11 feet to a found iron pin; thence N89 degrees 28'13"E, 340.08 feet to a found iron pin; thence S00 degrees 18'46"E, 210.47 feet to a point not set, said point being S00 degrees 18'46"E, 0.42 feet from a found iron pin; thence N89 degrees 21'50"E, 322.83 feet to the POINT OF BEGINNING, containing 27.82 feet more or less and being subject to the county road on the West side thereof and to an existing 20 foot access road along that part of the South side.

Subject to easements, rights-of way and restrictive covenants, if any.

Less and Except any part already being inside the current existing City Limits of Cave Springs, Arkansas, specifically tax parcel number 05-10149-000.

(Steven W. Morris and Jacqueline M. Morris)

- Part of the SE/4 of the SE/4 of Section 35, Township 19 North, Range 31 West, described as beginning 531 feet West of the SE corner of the said SE/4 SE/4; thence West 130 feet, thence North 00°10' East 210 feet; thence East 130 feet; thence South 00°10' West 210 feet to the Point of Beginning, as per Plat Record "V" at Page 139.
(Ruby Marlene Sands, Successor Trustee of Phillips Revocable Trust)

- Part of the SE ¼ of the SE ¼ of Section 35, Township 19 North, Range 31 West, described as beginning 321 feet West of the SE corner of said SE ¼ of the SE ¼; thence West 210 feet; thence North 00°10' East 210 feet; thence East 210 feet; thence South 00°10' West 210 feet to the point of beginning. SUBJECT to a county road on the South side thereof.
(Burton Cornish and Vicki Cornish)

FILED
2017 NOV 15 PM 4:10
CLERK
BENTON COUNTY, AR

- Part of the southwest quarter of the northwest quarter, and part of the southeast quarter of the northwest quarter of section 36, township 19 north, range 31 west, further described as beginning at the northeast corner of the said southwest quarter of the northwest quarter, thence south 89 degrees 37 minutes 16 seconds east 396.0 feet, thence south 00 degrees 11 minutes 32 seconds west 1320.0 feet, thence north 89 degrees 37 minutes 16 seconds west 792.0 feet, thence north 00 degrees 11 minutes 32 seconds east 1320 feet, thence south 89 degrees 37 minutes 16 seconds east 396.0 feet to the point of beginning, containing 24.0 acres, more or less.
(Ruby Marlene Sands, Trustee of Howard & Marlene Sands Trust)

Less and Except any part already being inside the current existing City Limits of Cave Springs, Arkansas.

Proposed Annex: City of Cave Springs
November 2017

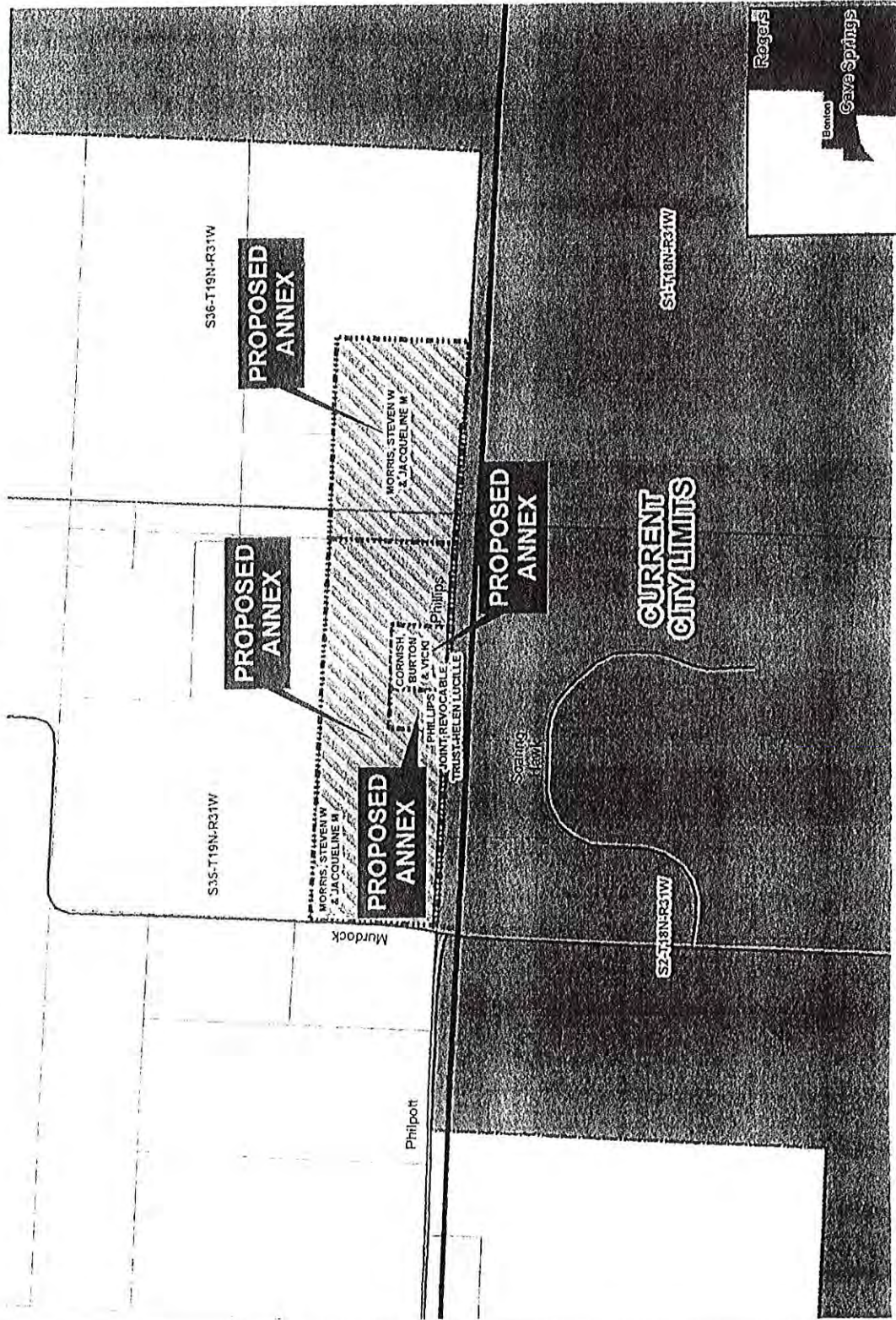
City: Cave Springs
Mayor: Travis Lee

Arkansas Code 14-40-101

Before an entity undertakes an annexation, consolidation or detachment proceeding under its charter, the entity shall coordinate with the Arkansas Geographic Information Systems Office for preparation of all descriptions and digital mapping for relevant annexation, consolidation, or detachment areas.

The map contained herein, in whole, the entity has met requirements act 914 of 2015

- Proposed Annex
- Current City Limits
- Parish
- Water Road
- Existing City
- Neighboring City



FILED
2017 NOV 15 PM 4:11
COUNTY & PROBATE CLERK
BENTON COUNTY, AR
ARIZONA GIS OFFICE

M:\CA_S\Annex\GIS\Annex_Springs2017.mxd

Exhibit B- West of Highway 112

0010 0000

FILED

2017 NOV 20 PM 4: 22

TENA O'BRIEN
CLERK OF COURT
BENTON COUNTY ARK

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

CC 2017-31

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 Cave Springs, 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 Cave Springs, Benton County, Arkansas, is hereby confirmed and that the same is and shall hence forth comprise a part of the City of Cave Springs, Benton County, Arkansas.

FILED

DEC 28 2017

Arkansas
Secretary of State



HON. BARRY MOEHRING, County Judge

11 / 20 - 2017

Date

2017 3803

IN THE COUNTY COURT OF BENTON COUNTY, ARKANSAS

2017 NOV -8 PM 12:40

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

CASE NO.

2017-31

CO. & PROBATE CLERK
BENTON COUNTY, AR

PETITION FOR ANNEXATION-100% OF OWNERS PETITIONING

DATE: November 8, 2017.

Come now the Petitioners, Steven W. Morris, Jacqueline M. Morris, Ruby Marlene Sands, Burton Cornish, Vicki Cornish, Christopher S. Gregory, Cynthia M. Gregory, Kriston C. King, Maude E. King, Josh Hannay, and Janet Hannay and state as follows:

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

See legal description of the area to be annexed attached as 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 described herein is contiguous to and adjoining the present Cave Springs 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 Cave Springs.

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

FILED

DEC 28 2017

Arkansas
Secretary of State

street maintenance, police protection, fire protection, sanitation service, zoning and code enforcement and water may be provided if readily available and requested.

2017 NOV -8 PM 12:40

6. That letters provided by First National Title Company verifying that the Petitioners are all owners of record of the relevant property or properties are attached hereto as Exhibit C and are made part of this Petition as if set out word for word herein.

7. That a letter provided by McClelland Consulting Engineers, Inc. verifying that the relevant property or properties are contiguous with the City of Cave Springs and that no enclaves will be created if the property or properties are accepted by the City of Cave Springs 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 below a desire that their property, which is included in the property described above, be annexed into the City of Cave Springs.

9. That the following legal description describes land owned by Steven W. Morris and Jacqueline M. Morris and is divided into three (3) tax parcel numbers:

A part of the SE-1/4 of the SE-1/4 of Section 35, a part of the SW-1/4 of the SW-1/4 of Section 36, Township 19 North, Range 31 West and a part of the NW-1/4 of the Fractional NW-1/4 of Section 1, Township 18 North, Range 31 West of the Fifth Principal Meridian, Benton County Arkansas and being described as follows: Beginning at the SE corner of Section 35, T-19-N, R-31-W, said point being a set iron pin; thence N89 degrees 12'43" E, 586.22 feet to a set iron pin; thence S 01 degrees 56'44"W, 651.55 feet to a set iron pin; thence S76 degrees 48'16"E, 148.00 feet to a set iron pin; thence S85 degrees 33'28"E, 400.00 feet to a set iron pin; thence N09 degrees 12'43"E, 734.19 feet to a found iron pipe; thence S 89 degrees 12'43"W, 566.36 feet to a set iron pin; thence N00 degrees 25'37"W, 440.00 feet to a set iron pin; thence S89 degrees 12'45"W, 658.65 feet to a set iron pin; thence S89 degrees 21'50"W, 1319.96 feet to a railroad spike set in the roadway of an existing county road; thence along said roadway, S00 degrees 32'33"E, 440.00 feet to a set railroad spike; thence leaving said county road, N89 degrees 21'50"E, 656.72 feet to a point not set, said point being S00 degrees 21'06"E, 0.88 feet from a found iron pin; thence N 00 degrees 21'06"W, 211.11 feet to a found iron pin; thence N89 degrees 28'13"E, 340.08 feet to a found iron pin; thence S00 degrees 18'46"E, 210.47 feet to a point not set, said point being S00 degrees 18'46"E, 0.42 feet from

a found iron pin; thence N89 degrees 21'50"E, 322.83 feet to the POINT OF BEGINNING, containing 27.82 feet more or less and being subject to the county road on the West side thereof and to an existing 20 foot access road along that part of the South side.

2017 NOV -8 PM 12:40

Subject to easements, rights-of way and restrictive covenants, if any.

CLERK
PROBATE CLERK
DEWITT COUNTY, AR

This Petition seeks only to annex two of the tax parcel numbers (18-09378-000 & 18-09346-000), as the third (05-10149-000) is already within the City of Cave Springs city limits. See Exhibits A, B, and D.

WHEREFORE, Petitioners pray that this Court (1) issue an Order verifying this Petition, determining that no enclaves will be created by the annexation, confirming that their Petition contains a schedule of services, and granting such other and further relief to which Petitioners may be justly entitled, whether at law or in equity (2) forward the Order and Petition to the City of Cave Springs, Arkansas, (3) that the above described real property be annexed to and made a part of the City of Cave Springs, Arkansas.

Petitioners' Signatures to follow.

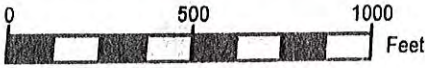


EXHIBIT A FILED

2017 NOV -8 PM 12:43

T.D. GRIFFIN
CLERK OF PROBATE
BENTON COUNTY, AR

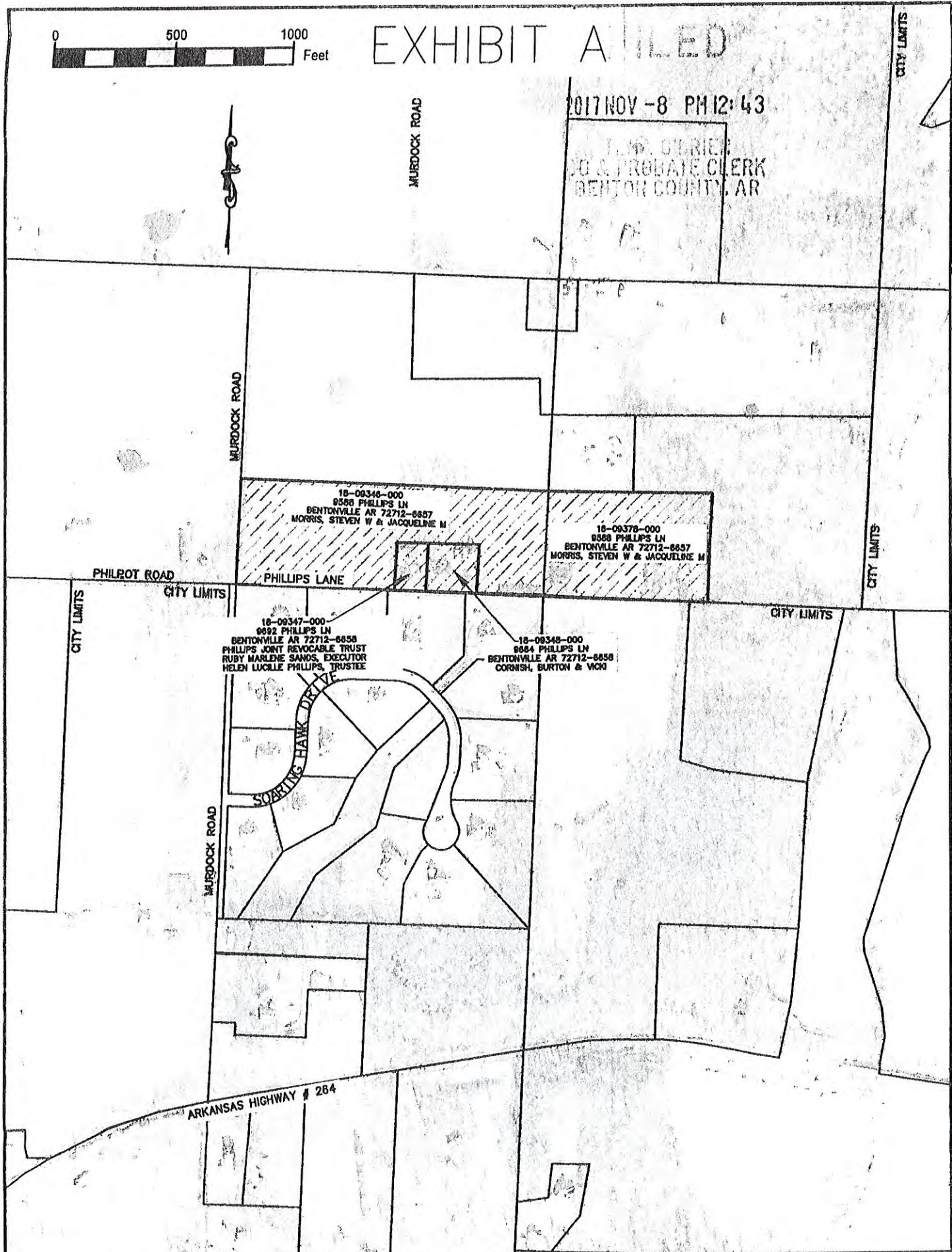


EXHIBIT B



TERA VORLEN
CO & PROBATE CLERK
BENTON COUNTY, AR

CITY LIMITS

18-09372-000
SANDS TRUST, HOWARD & MARLENE
478 SHORES AVE CAVE SPRINGS AR 72718-9047



EVENING STAR ROAD

CITY LIMITS

EXHIBIT C FILED

2017 NOV -8 PM 12:43

CO. PROBATE CLERK
BENTON COUNTY, AR

OZARK ACRES DRIVE

OZARK ACRES ROAD

CITY LIMITS

CITY LIMITS

OZARK ACRES DRIVE

CITY LIMITS

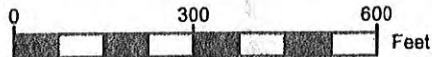
CITY LIMITS

15-07273-001
KING, KRISTON C. AND MAUD E.
3500 OZARK ACRES DR BENTONVILLE AR
72712-6351

15-07273-000
GREGORY, CHRISTOPHER S & CYNTHIA M
3510 OZARK ACRES DR BENTONVILLE AR
72712-6351

15-07273-002
HANNAY, JOSH & JANET
3518 OZARK ACRES BENTONVILLE AR
72712-6351

SUNBRIDGE LANE





**ARKANSAS
GIS OFFICE**

FILED
2017 NOV -8 PM 12:41

DOUGLAS SHEN
COUNTY PROCLATE CLERK
BENTON COUNTY, AR

November 7, 2017

Ms. Morgan S. Doughty
Attorney at Law - Harrington Miller
4710 S. Thompson Ste 102
Springdale, AR 72764

RE: City of Cave Springs Annexation Coordination Requirement

Ms. Doughty,

Thank you for coordinating with our office as you seek to annex property into the City of Cave Springs, AR. 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
/jjw

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

FILED
DEC 28 2017
Arkansas
Secretary of State

H:\City_Annexations\Cities\Cave_Springs\20171102\20171103_CaveSprings_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



City: Cave Springs
Mayor: Travis Lee

Proposed Annex: City of Cave Springs
November 2017

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

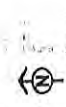
- Proposed Annex
- Township Range
- Section
- Parcel
- Minor Road
- Existing City
- Neighboring City

FILED

DEC 28 2017

Arkansas
Secretary of State

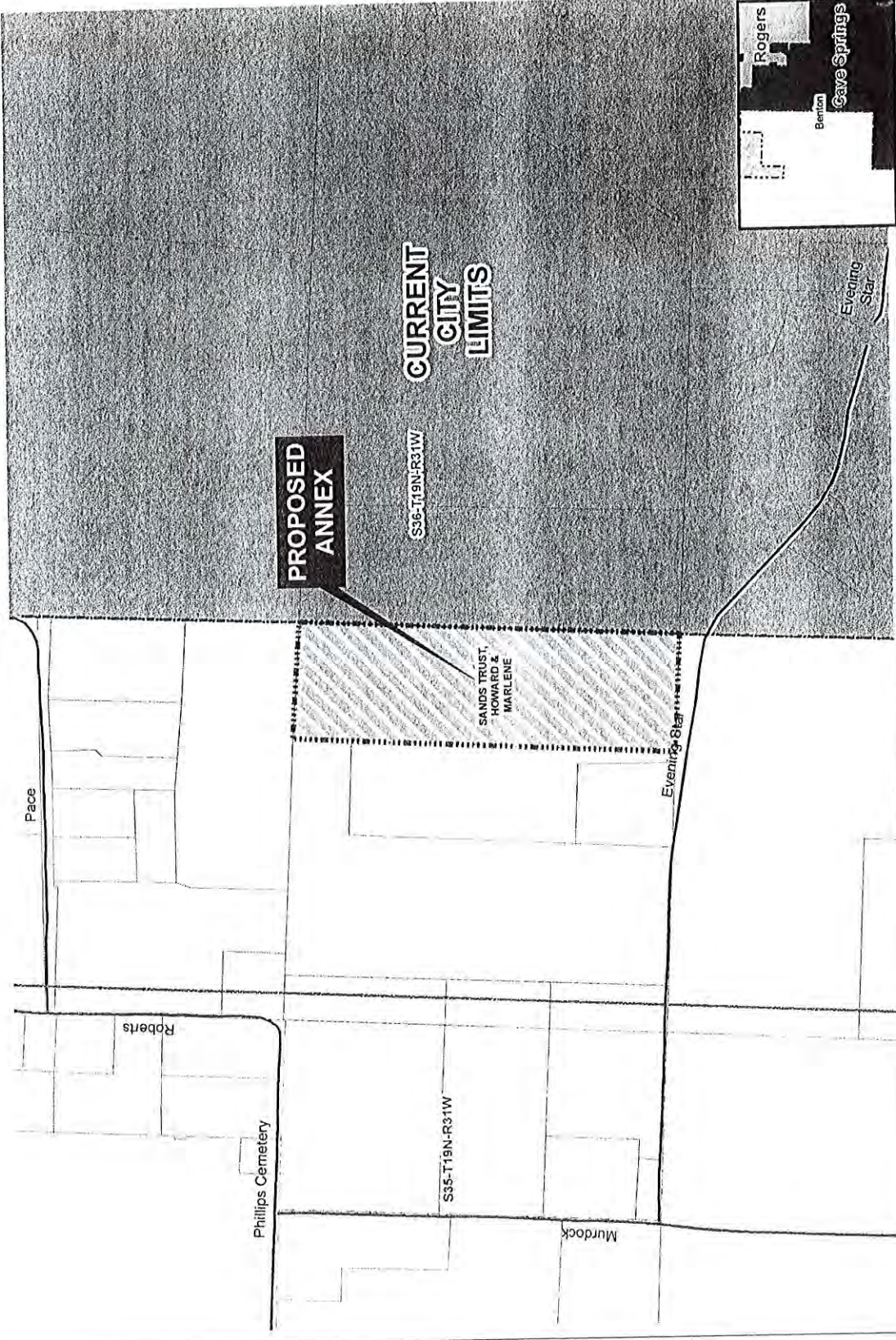
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ARKANSAS
GIS OFFICE

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Evening Star

Benton

Rogers

Cave Springs

Arkansas

Secretary of State

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Miles

NOV -8 PM 12:4

ARKANSAS
GIS OFFICE

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Proposed Annex: City of Cave Springs
November 2017

City: Cave Springs
Mayor: Travis Lee

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, in evidence, the entity has met requirements of AC 914 of 2015

Legend:

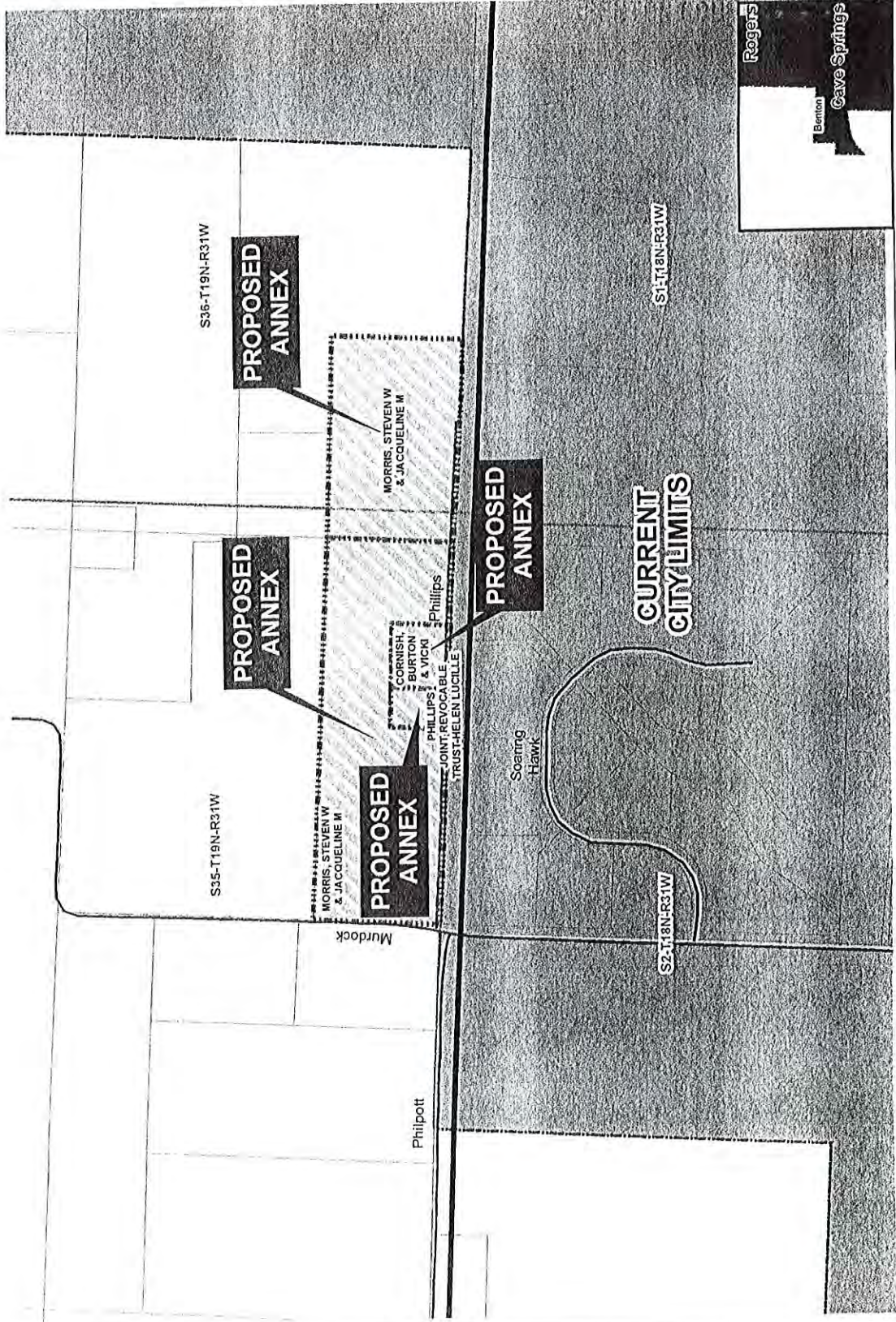
- Proposed Annex
- Watership-Range
- Sections
- Parcels
- Main Road
- Existing City
- Neighboring City

2017 NOV -8 PM 12:41

Miles 0.02 0.04 0.08

AR KANSAS GIS OFFICE

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Rogers

Benton

Cave Springs

City: Cave Springs
Mayor: Travis Lee

Proposed Annex: City of Cave Springs
November 2017

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.

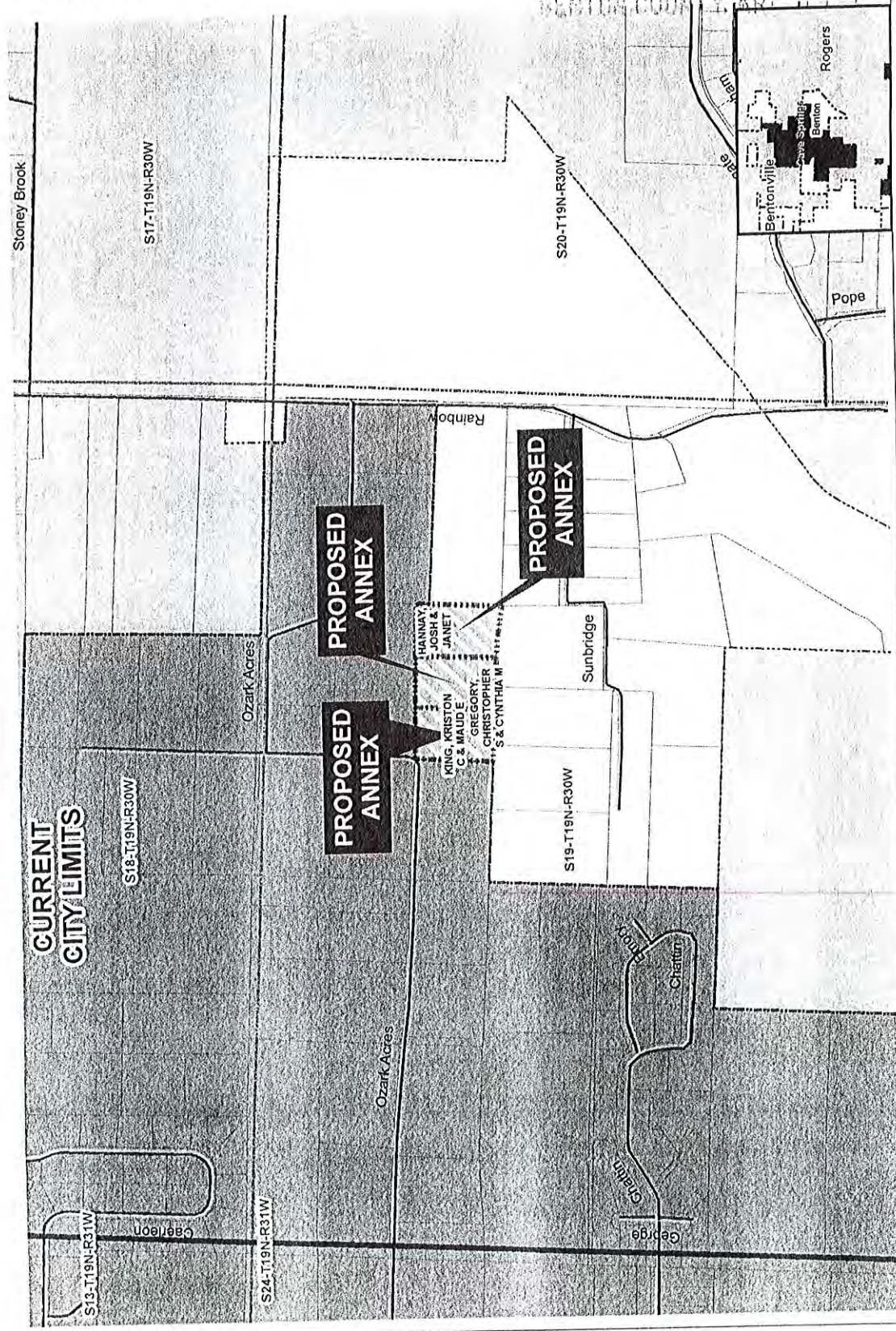
The map contained herein, is evidence, the entity has met requirements of Act 914 of 2015

2017 NOV 18 PM 12:42

0.000325065 0.13 Miles



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CLERK OF THE DISTRICT COURT
BENTON COUNTY, AR

