



JOHN THURSTON

ARKANSAS SECRETARY OF STATE

November 18, 2020

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

Re: City of Bentonville Annexation Ordinance 2020-101

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: 7/09/2020

County: Benton

City Ordinance: 2020-101

County Court Order: 2020-06

City: Bentonville

Dated: 6/09/2020

Date Filed: 6/12/2020

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)



Arkansas Secretary of State

John Thurston Arkansas Secretary of State, 500 Woodlane Ave, Little Rock, AR 72201-1094

Municipal Boundary Change Checklist

Act 655 of 2017 and A.C.A. §14-40-103

County: Benton City/Town: Bentonville

City Ordinance/Resolution No: 2020-101 Date approved: 06/09/2020

County Court Case No: 2020-06 Date Order Filed: 03/16/2020 11/12/2020 SM

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

Date Change Effective: 7/09/2020 Set by: Municipal Ordinance Emergency Clause Court Default
(Required by Act 655 of 2017)

For Circuit Court Challenge: Date Order Filed: _____ Upheld Overturned Other *(attach explanation)*

Please indicate which ward(s) the territory will be assigned to: 3
(See A.C.A § 14-40-203)

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 A.C.A. §14-40-501)*
- Copy of Arkansas GIS 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: [Signature] Title: Deputy County Clerk

Date: 10/17/20

Pursuant to Act 655 of 2017, County Officials must submit a file-marked copy of municipal boundary change documents 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: [Signature]

FILED

NOV 18 2020

Arkansas Secretary of State

Rev. 2/2019

FILED

2020 JUN 11 AM 11:11

DETSY HARNELL
CO & PROBATE CLERK
BENTON COUNTY, AR

ORDINANCE NO. 2020-101

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 5th day of May, 2020, 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

2020 JUN 11 AM 11:11

BETSY HARNETT
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 9th DAY OF June, 2020.

APPROVED:

Stephanie Orman
HON. STEPHANIE ORMAN, Mayor

ATTEST:

Linda Spence
HON. LINDA SPENCE, City Clerk

2020, 2791

FILED

2020 JUN 12 PM 1:20

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 2020-06

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.



Digitally signed by Barry
Moehring
DN: cn=Barry Moehring,
o=Benton County, ou,
email=Barry.Moehring@bentonc
ountryar.gov, c=US
Date: 2020.06.12 12:31:20 -05'00'

HON. BARRY MOEHRING, County Judge

6.12.2020

Date

2020 2808

FILED

2020 JUN 11 AM 11:12

BEETSY HARNELL
CO & PROBATE CLERK
BENTON COUNTY, AR

H Street Partners, LLC. ANNEXATION
EXHIBIT "A"

H Street Partners, LLC.

18-09817-000

18-06642-000

FILED

2020 JUN 11 AM 11:12

BETSY HARBELL
CO & PROBATE CLERK
BENTON COUNTY, AR

H-Street Partners, LLC. Annexation
Exhibit "B"

Part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 13, Township 19N, Range 31W **AND** part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 18, Township 19N, Range 30W and more particularly described as follows:

Beginning at the NW Corner of the said NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 13.

Thence S86° 54' 17"E, 1332.10';

Thence N04° 25' 45"E, 6.18';

Thence S87° 10' 13"E, 713.25';

Thence S01° 52' 13"W, 939.79';

Thence N86° 52' 51"W, 2056.60';

Thence N02° 32' 30"E, 929.28' to the Point of Beginning.

Containing 43.9 Acres more or less.

2020 2793

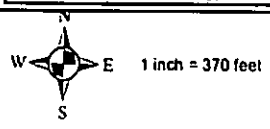
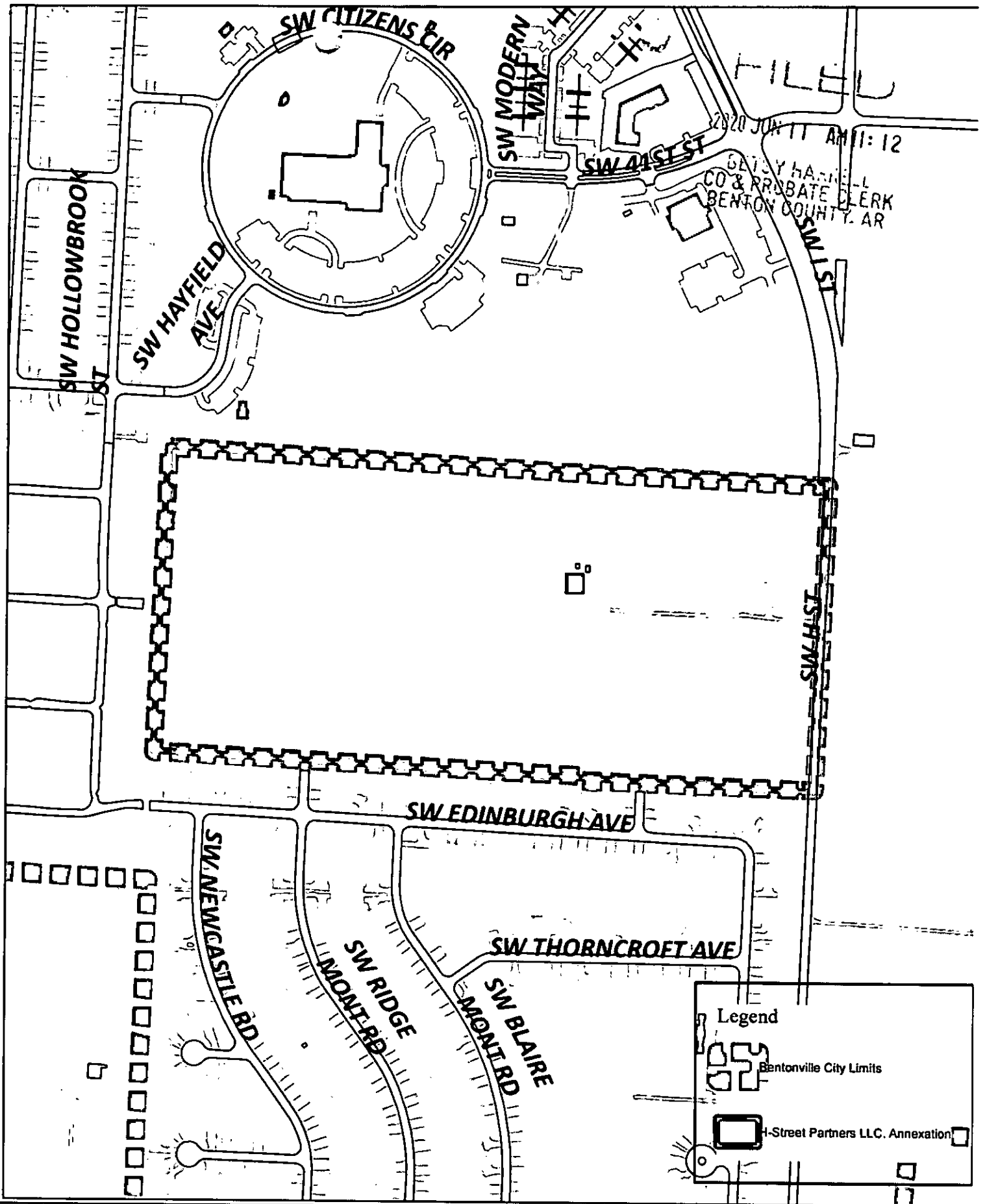


EXHIBIT 'B' 2020 2794
H-Street Partners, LLC Annexation



FILED

2020 MAY -5 PM 2: 26

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 CASE NO. CC 2020-06

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

5.5.2020

Date

2020 1947

FILED

2020 MAR 16 AM 9:20

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

CC 2020-06

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

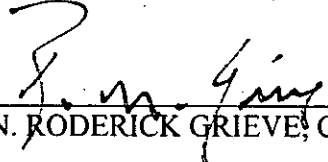
We, Betsy Harrell, County Clerk of Benton County, and Roderick Grieve, County Assessor of Benton County, attest as follows:

Our offices have received the attached petition seeking annexation. The petition has been reviewed and we hereby verify that the petition:

- (A) is in writing;
- (B) contains an attestation signed before a notary or notaries by the property owner or owners of the relevant property or properties confirming the desire to be annexed;
- (C) contains an accurate description of the relevant property or properties;
- (D) 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;
- (E) 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; and
- (F) include 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.



HON. BETSY HARRELL, County Clerk



HON. RODERICK GRIEVE, County Assessor

FILED

2020 MAR 16 AM 9:20



Date: March 16, 2020
Subject: Proposed Annexation Checklist
CC 2020-06 Bentonville, AR

- (A) is in writing;
- (B) contains an attestation signed before a notary or notaries by the property owner or owners of the relevant property or properties confirming the desire to be annexed;
- (C) contains an accurate description of the relevant property or properties;
- (D) 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;
- (E) 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; and
- (F) include 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.

NA [Additionally, we note that the legal description in (B) does not include in its description certain dedicated public roads and rights of way abutting or traversing the property to be annexed, the legal descriptions for which are included on the attached Exhibit "A"]

Please contact me if you have any questions.

A handwritten signature in black ink, appearing to read 'Michael D. Millton', is written over the typed name.

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

FILED

2020 MAR -6 PM 1:59

BENTONVILLE
CLERK OF THE CITY COUNCIL
BENTONVILLE, ARKANSAS

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

NO. 2020-06

PETITION FOR ANNEXATION – 100 % OF OWNERS PETITIONING

DATE: 2/21/2020

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

2020 MAR -6 PM 1:59

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.

CLERK & REC. 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

2020 MAR -6 PM 1:59

EXHIBIT "A"

H-Street Partners, LLC Annexation

Part of the NE ¼ of the NE ¼ of Section 13, Township 19N, Range 31W **AND** part of the NW ¼ of the NW ¼ of Section 18, Township 19N, Range 30W and more particularly described as follows:

Beginning at the NW Corner of the said NE ¼ of the NE ¼ of Section 13.

Thence S86° 54' 17"E, 1332.10';

Thence N04° 25' 45"E, 6.18';

Thence S87° 10' 13"E, 713.25';

Thence S01° 52' 13"W, 939.79';

Thence N86° 52' 51"W, 2056.60';

Thence N02° 32' 30"E, 929.28' to the Point of Beginning.

Containing 43.9 Acres more or less.

FILED

2020 MAR 6 PM 1:59

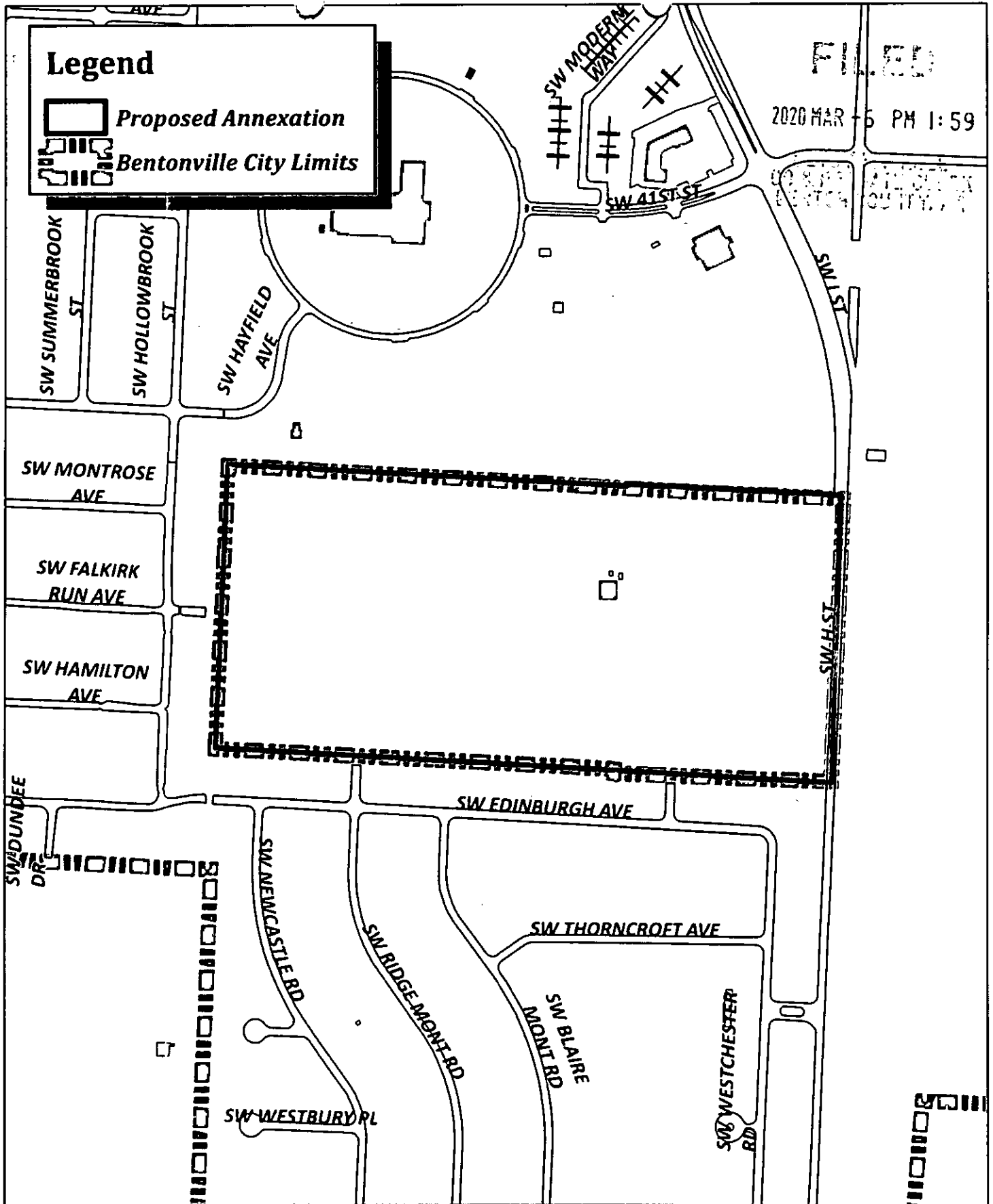
CLERK OF COURTS
BENTON COUNTY, AR

Legend



Proposed Annexation

Bentonville City Limits



1 inch = 400 feet

"EXHIBIT B"
Proposed Annexation
H-Street Partners, LLC.





EXHIBIT "C"

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

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

Greenbrier 2020 MAR -6 PM 1:59
8 Wilson Farm Road, Suite A
Greenbrier, AR 72058

.....
First National
Title Company
.....

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

RECORDED & INDEXED
MAR 6 2020

March 5, 2020

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

H Street Partners, LLC. ANNEXATION
EXHIBIT "C-1"

2020 MAR -6 PM 1:59

LETICIA HARRIS
COUNTY CLERK
KENTON COUNTY, KY

<u>H Street Partners, LLC.</u>	<u>18-09817-000</u>
	<u>18-06642-000</u>

H Street Partners, LLC. Annexation
Exhibit "C-2"

FILED

2020 MAR -6 PM 1:59

Part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 13, Township 19N, Range 31W **AND** part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 18, Township 19N, Range 30W and more particularly described as follows:

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Thence S87° 10' 13"E, 713.25';

Thence S01° 52' 13"W, 939.79';

Thence N86° 52' 51"W, 2056.60';

Thence N02° 32' 30"E, 929.28' to the Point of Beginning.

Containing 43.9 Acres more or less.

EXHIBIT "D"

FILED

Greetings:

2020 MAR -6 PM 1:59

This letter is given in connection with what is understood to be an effort to voluntarily annex certain real property (H Street Partners, LLC 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.

Sincerely,

A circular professional seal for Travis W. Matlock, a Professional Engineer in the State of Arkansas. The seal contains the text "STATE OF ARKANSAS", "REGISTERED PROFESSIONAL ENGINEER", and "No. 11416". The name "TRAVIS W. MATLOCK" is written around the bottom edge of the seal. A handwritten signature is scrawled across the seal, and the date "3/5/20" is written below it.

Travis Matlock, P.E.

H-Street Partners, LLC Annexation
EXHIBIT "D-1"

FILED

2020 MAR -6 PM 1:59

Part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 13, Township 19N, Range 31W **AND** part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 18, Township 19N, Range 30W and more particularly described as follows:

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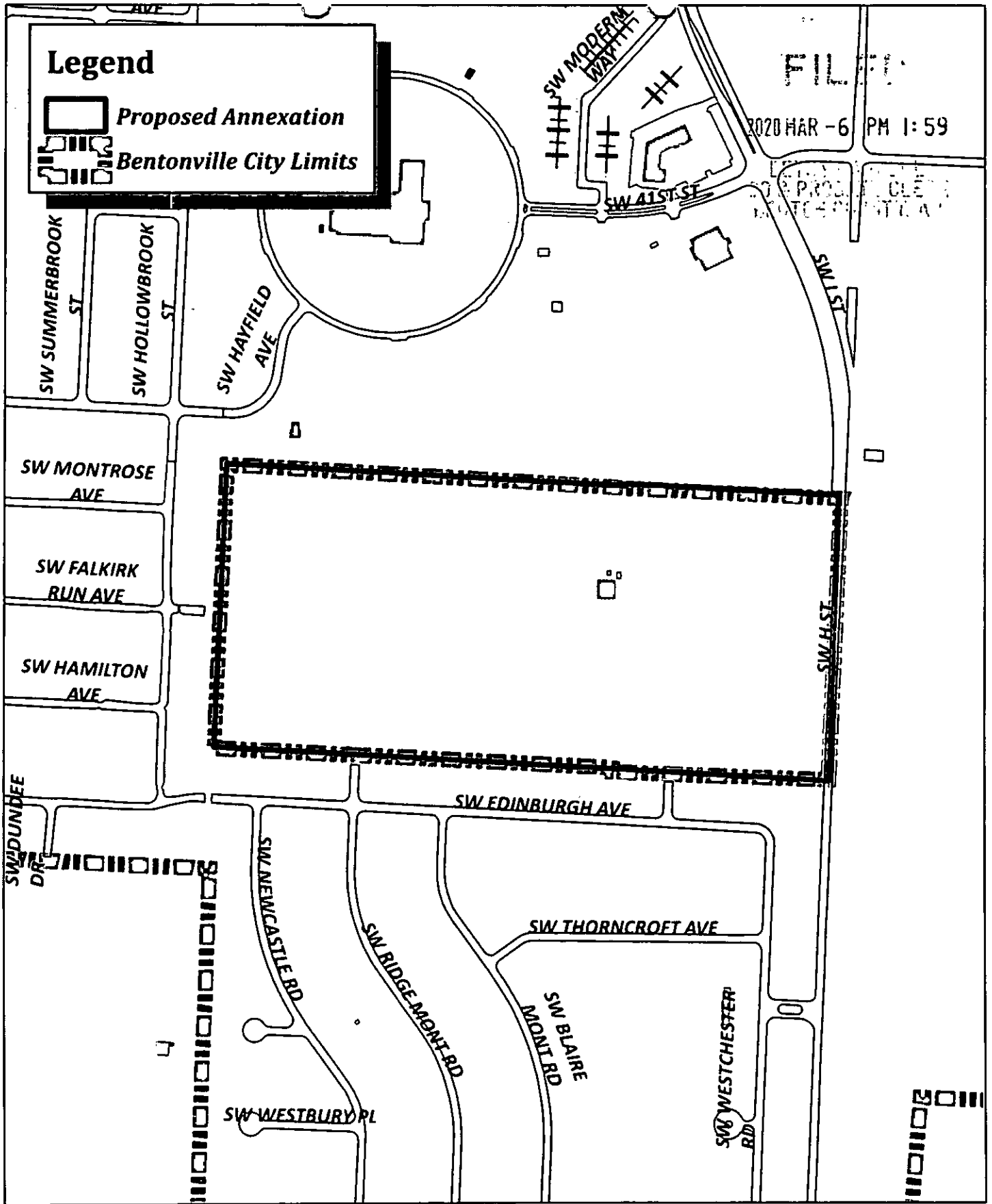
Thence N02° 32' 30"E, 929.28' to the Point of Beginning.

Containing 43.9 Acres more or less.

Legend

-  Proposed Annexation
-  Bentonville City Limits

FILED
2020 MAR -6 PM 1:59



"EXHIBIT D-2"

1 inch = 400 feet

**Proposed Annexation
H-Street Partners, LLC.**



FILED

EXHIBIT "A"

H-Street Partners, LLC Annexation

2020 MAR -6 PM 2:00

Part of the NE ¼ of the NE ¼ of Section 13, Township 19N, Range 31W **AND** part of the NW ¼ of the NW ¼ of Section 18, Township 19N, Range 30W and more particularly described as follows:

BETSY J. GIBBS
CLERK
CENTON COUNTY, ARK.

Beginning at the NW Corner of the said NE ¼ of the NE ¼ of Section 13.

Thence S86° 54' 17"E, 1332.10';

Thence N04° 25' 45"E, 6.18';

Thence S87° 10' 13"E, 713.25';

Thence S01° 52' 13"W, 939.79';

Thence N86° 52' 51"W, 2056.60';

Thence N02° 32' 30"E, 929.28' to the Point of Beginning.

Containing 43.9 Acres more or less.



**ARKANSAS
GIS OFFICE**

Department of Transformation
and Shared Services

Governor Asa Hutchinson

Secretary Amy Fatcher 59

Director Shelby Johnson

2020 MAR 06 PM 1:59

JO & FRANK ELLER

CLERK

February 21, 2020

Mr. Jim Wheelless
GIS Coordinator - City of Bentonville
305 SW A Street
Bentonville, AR 72712

RE: City of Bentonville 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 "H-Street Partners, LLC Annexation" located in Section 13, Township 19 North, Range 31 West and Section 18, Township 19 North, Range 30 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

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

H:\City_Annexations\Cities\Bentonville\20200221\Doc\20200221_Bentonville_Annexation_Coordination_Letter.docx

ARKANSAS GIS OFFICE
1 Capitol Mall, Suite 6D • Little Rock, AR 72201 • 501.682.2767
gis.arkansas.gov • transform.ar.gov



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

PROBATE COURT CLERK
COURTHOUSE, 102 N.E. "A" STREET
BENTONVILLE, AR 72712-5350
479-271-5727
FAX: 479-271-1712

October 17, 2020

Honorable John Thurston
Secretary of State
Room 256 State Capitol
Little Rock, AR 72201-1094

RE: The City of Bentonville
H-Street Partners, LLC
Benton County Court Case No. CC# 2020-06

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 03/16/2020
3. Ordinance 2020-101 adopted on June 09, 2020, by the City of Bentonville.

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

Sincerely,

Betsy Harrell
Betsy Harrell *Tunderwood*

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

RECEIVED

OCT 17 2020

Arkansas
Secretary of State