



ARKANSAS SECRETARY OF STATE

MARK MARTIN

May 16, 2018

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

Re: City of Centerton Annexation Ordinance 2018-21

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: 05/10/2018 (by Municipal Ordinance)

County: Benton

City: Centerton

City Ordinance: 2018-21

Dated: 04/10/2018

County Court Order: CC-2018-05

Date Filed: 03/05/2018 Honorable Barry Moehring, Benton County Judge

Confirmation Order: CC-2018-05

Date Filed: 04/13/2016

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.

Please Note: These documents were filed by the Office of the Secretary of State on April 24, 2018, but held for release until expiration of the 30-day challenge period following the date of Ordinance approval.

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

Sincerely,

A handwritten signature in cursive script that reads "Cynthia Fisher".

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 Bill Edwards, Mayor of Centerton (w/encl)

Legal Division • 500 Woodlane Street • Suite 256 • Little Rock, Arkansas 72201-1094
501-682-3401 • Fax: 501-682-1213
e-mail: legal@sos.arkansas.gov • www.sos.arkansas.gov



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: Centerton

City Ordinance/Resolution No: 2018-21 Date approved: 04/10/2018

County Court Case No: CC 2018-04 Date Order Filed: 04/13/2018 (confirmation) 3/5/2018 (order)

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

Date Change Effective: 05/10/2018 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: Bill Edwards Title: Mayor

Street Address: PO Box 208

City: Centerton St: AR Zip code: 72719

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

County Official:

Signature: Title: Deputy County Clerk

Date: 04/16/2018

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

FILED

APR 24 2018

Received by:

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

April 16, 2018

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: West End Estates Subdivision
City of Centerton Annexation
Benton County Court Case No. CC# 2018-04

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 Confirming Annexation entered on April 13, 2018
3. Ordinance No. 2018-21 adopted on April 10, 2018, by the City of Centerton

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	VOTER REGISTRAR ()	BENTONVILLE (479) 271-1013 FAX (479) 271-1019	SILOAM SPRINGS 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
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FILED

2018 APR 13 PM 3:43

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

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

CC 2018-04

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



HON. BARRY MOEHRING, County Judge

April 13, 2018

Date

FILED

APR 24 2018

Arkansas
Secretary of State

2018 1272

2018 APR 12 PM 3:00

ORDINANCE NO. 2018-21

AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY BELONGING TO HOMES OF DISTINCTION INC, DAVID AND HEIDI KINNEY, JSN PROPERTIES OF NORTHWEST ARKANSAS LLC, ROBERT AND CATHY WALKER, KOA LLC, AND BEHROAK LLC; TO THE CITY OF CENTERTON, ARKANSAS; APPROVING THE SCHEDULE OF SERVICES TO BE EXTENDED TO SAID AREA; AND ASSIGNING SAME TO WARD 1.

CLERK
BENTON COUNTY, AR

WHEREAS, a Petition was filed in the County Court of Benton County, Arkansas, pursuant to Arkansas Code Annotated section 14-40-609, County Court Case No. CC2018-05, for the annexation of certain territory belonging to Homes of Distinction INC, David and Heidi Kinney, JSN Properties of Northwest Arkansas LLC, Robert and Cathy Walker, KOA LLC and Behroak LLC; hereinafter described, lying adjacent and contiguous to the City of Centerton, Arkansas, be annexed to, and made a part of the City of Centerton, Arkansas; and,

WHEREAS, the Benton County Assessor and the Benton County Clerk have (A) Verified the identity of the petitioner(s); (B) Verified that there are no property owners in the petition that do not wish to have their property annexed; (C) Verified that the property or properties are contiguous with the City; (D) Verified that no enclaves will be created if the petition is accepted by the City of Centerton; and presented the petition and their respective verifications to the Benton County Judge; and

WHEREAS, on March 3, 2018, the Benton County Judge has (A) reviewed the petition and verifications for completeness and accuracy; (B) determined that no enclaves will be created by the annexation; (C) confirmed that the petition contains a schedule of services; (D) found that the land to be annexed complies with the standards for lands qualifying for annexation as set forth in A.C.A. 14-40-302(b) and (E) issued an order articulating these findings and forwarded the petition and order to the contiguous City of Centerton for consideration; and

WHEREAS, it is the desire of the City Council of Centerton that said territory be annexed.

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

F I L E D

APR 24 2018

**Arkansas
Secretary of State**

2018 1267

2018 APR 12 PM 3:00
BENTON COUNTY, AR

Section 1: That the following described lands and territory, contiguous to the City of Centerton, Arkansas, be and the same is hereby accepted as part of and annexed to and made a part of the City of Centerton.

Legal Description (Homes of Distinction INC, David and Heidi Kinney, JSN Properties of Northwest Arkansas LLC, Robert and Cathy Walker, KOA LLC and Behroak LLC) – Property now known as West End Estates Subdivision, Lots 1-29 & Lot “A”, as shown on Benton County, Arkansas, Plat Record 2017 at Page 756:

THE NORTHEAST QUARTER (NE1/4) OF THE NORTHWEST QUARTER (NW1/4) AND THE WEST 10 ACRES OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 29, TOWNSHIP 20 NORTH, RANGE 31 WEST OF THE 5th PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NW CORNER OF THE SAID NE1/4 OF THE NW1/4, A FOUND 5/8" PIN; THENCE ALONG THE NORTH LINE OF THE NE1/4 OF THE NW1/4 AND THE CENTER OF HERBAUGH ROAD, SOUTH 87°29'50" EAST 1326.67 FEET TO A FOUND IRON PIN ALSO KNOWN AS THE NE CORNER OF THE NE1/4 OF THE NW1/4; THENCE ALONG THE NORTH SIDE OF THE NW1/4 OF THE NE1/4, SOUTH 87°29'24" EAST 332.20 FEET TO A MAG NAIL IN THE CENTER OF HERBAUGH ROAD; THENCE LEAVING THE CENTER OF HERBAUGH ROAD AND THE NORTH LINE, SOUTH 02°09'18" WEST 1317.22 FEET TO A FOUND IRON PIN ON THE SOUTH LINE OF THE NW1/4 OF THE NE1/4 OF SECTION 29; THENCE ALONG THE SOUTH SIDE OF THE NW1/4 OF THE NE1/4 AND ALONG THE SOUTH SIDE OF CUTBERTH LANE, NORTH 87°40'31" WEST 336.53 FEET TO A 5/8" IRON PIN WHICH IS THE SE CORNER OF THE NE1/4 OF THE NW1/4 OF SECTION 29; THENCE ALONG THE SOUTH SIDE OF THE NE1/4 OF THE NW1/4 OF SECTION 29, NORTH 87°37'47" WEST 1322.34 FEET TO A FOUND 5/8" PIN FOR THE SW CORNER OF THE NE1/4 OF THE NW1/4 OF SECTION 29; THENCE ALONG THE WEST LINE OF THE NE1/4 OF THE NW1/4, NORTH 02°09'20" EAST 1321.37 FEET BACK TO THE POINT OF BEGINNING, CONTAINING 50.24 ACRES MORE OR LESS.

Section 2: A map of said described lands are attached and made a part of this ordinance as Exhibit “A”.

Section 3: That the above described territory shall be annexed to and made a part of **Ward 1** of the City of Centerton, and the same shall henceforth be a part of said ward as fully as existing parts of said ward.

Section 4: That the following schedule of services shall be extended to the area by the City of Centerton within the statutorily required three (3) year period after the date the annexation becomes final, as follows:

- A. Fire
- B. Police
- C. Water
- D. Trash

Section 5: Thirty (30) days after passage and publication of posting of this Ordinance as authorized by law, the annexation shall be final and the property shall be within the corporate limits of the City of Centerton, except as otherwise ordered by the Circuit Court pursuant to a cause of action filed within said thirty (30) day period.

2018 APR 12 PM 3:00
CENTERTON, AR

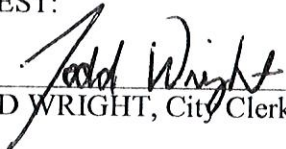
PASSED AND APPROVED this 10th day of April, 2018.

APPROVED:



BILL EDWARDS, Mayor

ATTEST:



TODD WRIGHT, City Clerk

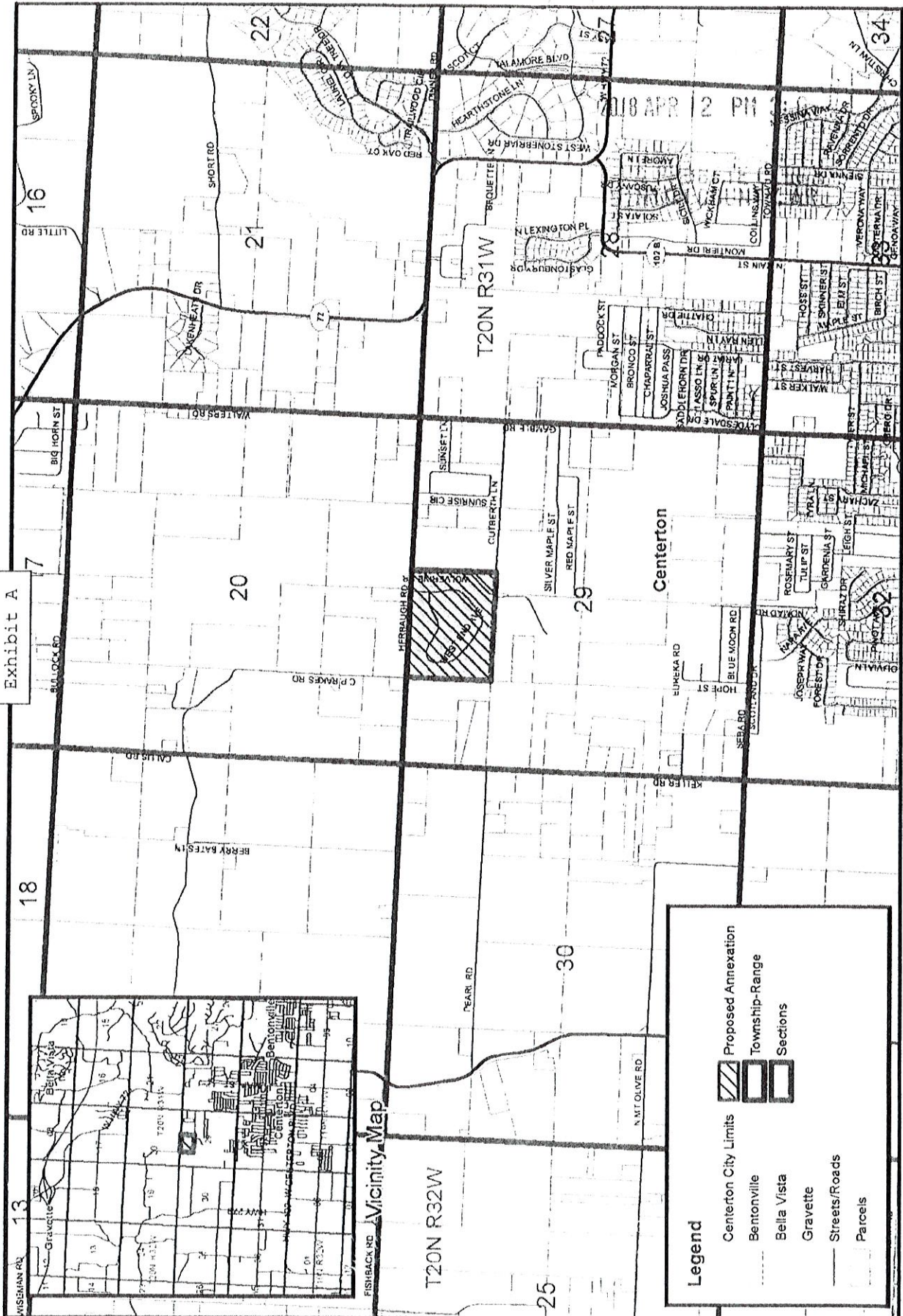


Exhibit A

Exhibit A
Homes of Distinction, et al (50.01 AC)
Lots 1-29 & Lot A of West End Acres
Subdivision

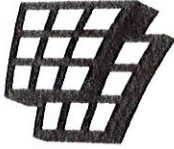


1 inch = 2,000 feet

Disclaimer: The data represented in this map is a graphical representation. This map has been developed from the best available sources. No guarantee of accuracy is granted, nor is any responsibility for reliance thereon assumed in no event shall the City or any other entity be liable for direct, indirect, incidental, consequential or special damages of any kind, including, but not limited to, loss of anticipated profits or benefits arising out of use of or reliance on the data. The City or any other entity is in no way responsible for or liable for misrepresentation or re-use of this map. Distribution of this map is intended for information purposes and should not be considered authoritative for engineering, legal and other site-specific uses.

2018 1270

2018 FEB 26 AM 11:07

**ARKANSAS
GIS OFFICE**TERESA O'BRIEN
CO. & PROBATE CLERK
SERVICES DIVISION, ARK.

February 23, 2018

James D. Cooper
President - Homes of Distinction, INC.
PO Box 2333
Bentonville, AR 72712

RE: City of Centerton Annexation Coordination Requirement

Mr. Cooper,

Thank you for coordinating with our office as you seek to annex property into the City of Centerton, AR described as "West End Estates Subdivision" located in Section 29, 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.

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,

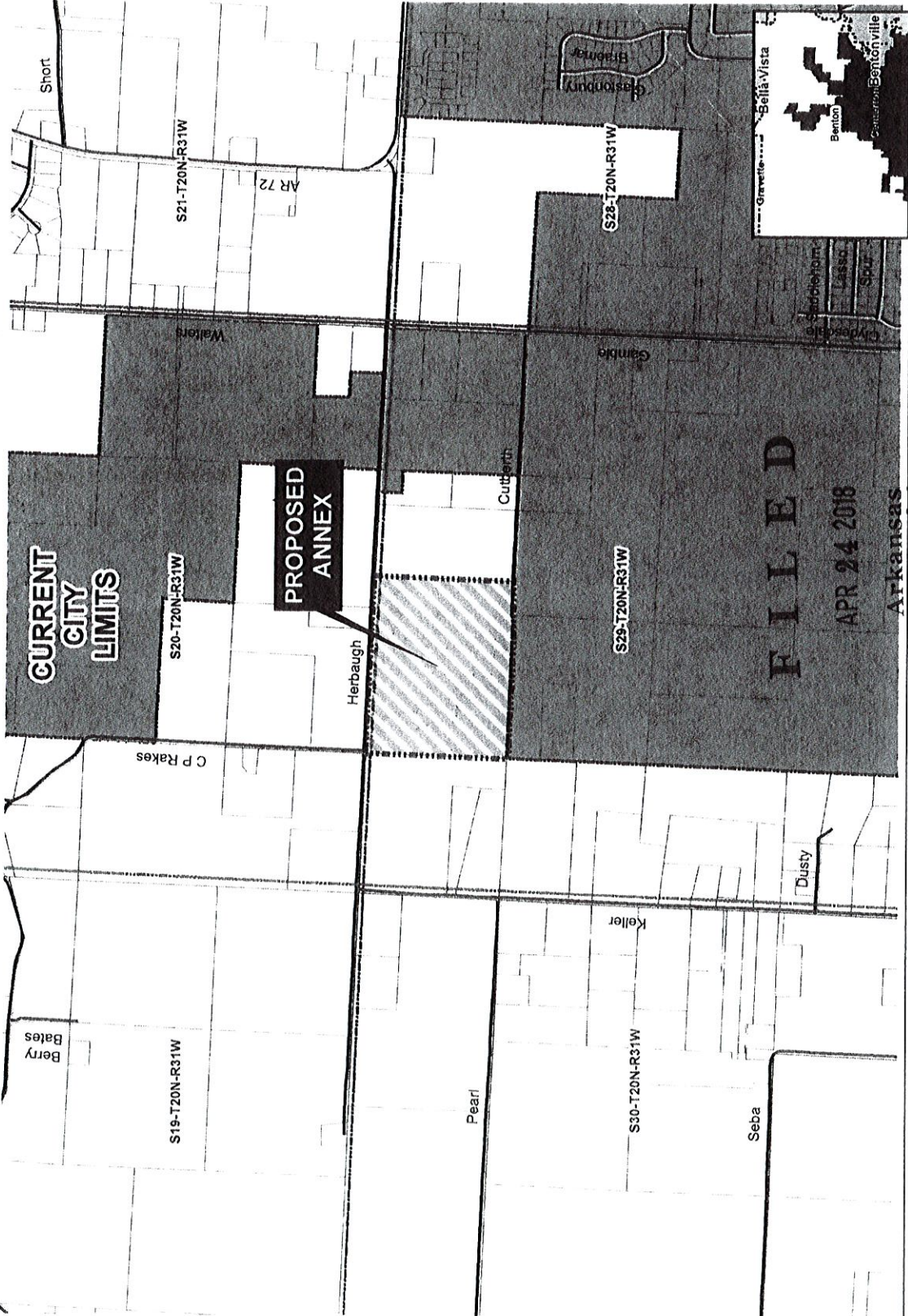
Jennifer Wheeler, GIS Analyst
/jjw

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

H:\City_Annexations\Cities\Centerton\20180223\Doc\20180223_CentertonAnnexationCoordinationLetter.docx

**Proposed Annex: City of Centerton AKA "West End Estates Subdivision"
February 2018**

City: Centerton
Mayor: Bill Edwards



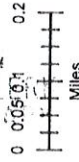
Arkansas Code 14-40-101.
Before an entity undertakes an annexation, consolidation, or detachment, proceeding under this chapter, the entity shall coordinate with the Arkansas Geographic Information Systems Office for preparation of legal descriptions and digital mapping for the relevant annexation, consolidation, and detachment areas.

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

- Proposed Annex
- Subdivisions
- Parcels
- Minor Road
- Existing City

2018 FEB 26 AM 11:07

TINA O'BRIEN
CO. & PROBATE CLERK
BENTON COUNTY, ARKANSAS



H:\City_Annexations\Cities\Centerton\20180223\

PROPOSED ANNEX

CURRENT CITY LIMITS

FILED

APR 24 2018

Arkansas

Secretary of State

FILED

2018 MAR -6 PM 12: 08

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

TENA MOHRING
CO. & PROBATE CLERK
BENTON COUNTY, ARK.

COUNTY COURT ORDER NO. CC 2018-04

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 Centerton.



HON. BARRY MOEHRING, County Judge

3/5/18

Date

FILED

APR 24 2018

Arkansas
Secretary of State

2018-0944

FILED

2018 MAR -1 PM 3: 06

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

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

CC 2018-04

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 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. TENA O'BRIEN, County Clerk


HON. RODERICK GRIEVE, County Assessor

FILED

APR 24 2018

Arkansas
Secretary of State

FILED

2018 MAR -1 PM 3: 07

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



Date: February 28, 2018
Subject: Proposed Annexation Checklist
CC 2018-04 Centerton, 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.

N/A [Additionally, we note that the legal description in (C) 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.

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

JENNA O'BRIEN
CLERK & MAGISTRATE CLERK

PETITION FOR ANNEXATION

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

DATE: February 23, 2018

PETITIONERS:

CC: 2018-04

**Homes of Distinction, Inc.
David Kinney and Heidi Kinney
JSN Properties of Northwest Arkansas, LLC
Robert and Cathy Walker
KOA, LLC
BEHROAK, LLC**

Comes now the undersigned petitioners, and states 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 Centerton, Arkansas, to annex the following lands to the City of Centerton, Arkansas:

PROPERTY DESCRIPTION (AKA West End Estates Subdivision)

THE NORTHEAST QUARTER (NE1/4) OF THE NORTHWEST QUARTER (NW1/4) AND THE WEST 10 ACRES OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 29, TOWNSHIP 20 NORTH, RANGE 31 WEST OF THE 5th PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NW CORNER OF THE SAID NE1/4 OF THE NW1/4, A FOUND 5/8" PIN; THENCE ALONG THE NORTH LINE OF THE NE1/4 OF THE NW1/4 AND THE CENTER OF HERBAUGH ROAD, SOUTH 87°29'50" EAST 1326.67 FEET TO A FOUND IRON PIN ALSO KNOWN AS THE NE CORNER OF THE NE1/4 OF THE NW1/4; THENCE ALONG THE NORTH SIDE OF THE NW1/4 OF THE NE1/4, SOUTH 87°29'24" EAST 332.20 FEET TO A MAG NAIL IN THE CENTER OF HERBAUGH ROAD; THENCE LEAVING THE CENTER OF HERBAUGH ROAD AND THE NORTH LINE, SOUTH 02°09'18" WEST 1317.22 FEET TO A FOUND IRON PIN ON THE SOUTH LINE OF THE NW1/4 OF THE NE1/4 OF SECTION 29; THENCE ALONG THE SOUTH SIDE OF THE

2018 FEB 26 AM 11:37

JULIA O'BRIEN
& ASSOCIATES, LLC
BENTON COUNTY, AR

NW1/4 OF THE NE1/4 AND ALONG THE SOUTH SIDE OF CUTBERTH LANE, NORTH 87°40'31" WEST 336.53 FEET TO A 5/8" IRON PIN WHICH IS THE SE CORNER OF THE NE1/4 OF THE NW1/4 OF SECTION 29; THENCE ALONG THE SOUTH SIDE OF THE NE1/4 OF THE NW1/4 OF SECTION 29, NORTH 87°37'47" WEST 1322.34 FEET TO A FOUND 5/8" PIN FOR THE SW CORNER OF THE NE1/4 OF THE NW1/4 OF SECTION 29; THENCE ALONG THE WEST LINE OF THE NE1/4 OF THE NW1/4, NORTH 02°09'20" EAST 1321.37 FEET BACK TO THE POINT OF BEGINNING, CONTAINING 50.24 ACRES MORE OR LESS.

Legal description includes 40-ft of ROW along the north property line for Herbaugh Road (Half), 60-ft of ROW for future Wolverine Road (Full), and approximately 36-ft ROW along the south property line for future Cutberth Lane (Half+) as dedicated per West End Estates subdivision plat recorded in Book 2017, Pages 755-756 in the Office of the Circuit Clerk and Ex-Officio Recorder of Benton County, Arkansas on the 30th day of August, 2017.

2. We further state that this petition is signed by 100% of the real estate owners owning 100% of the acreage in said area.
3. That said property described herein is contiguous to and adjoining the present Centerton city limits, as shown on the map attached hereto as Exhibit A.
4. That no enclaves will be created if this petition is accepted and the territory annexed into the City of Centerton.
5. That the following schedule of services shall be extended to the area by the City of Centerton within three (3) years after the date the annexation becomes final: police and fire protection – immediately; public street maintenance – immediately; and solid waste collection and disposal – immediately.
6. That a letter or title opinion from a certified abstractor or title company verifying the petitioner is the owner of record of the relevant property is attached hereto as Exhibit B, and is made part of this petition.
7. That a letter or verification from a certified surveyor or engineer verifying that the relevant property is contiguous with the city limits of Centerton and that no enclaves will be created if the property is accepted for annexation to Centerton is attached hereto as Exhibit C, and is made part of this petition.
8. That the undersigned persons executing this petition have confirmed by their signature below a desire that their property, which is described above, be annexed into the City of Centerton.

2018 FEB 26 AM 11:07

PETITION OF ANNEXATION
TO CITY OF CENTERTON, AR
LOTS 1-9, 14, 15, 17, 21-24, 27-29 and
The private roadway of West End Ave
West End Acre Subdivision
Benton County, AR

TERESA GORJEN
CLERK & DEPUTY CLERK
BENTON COUNTY, AR

Signature of Property Owner/Petitioner

James D. Cooper (President)
JAMES D. COOPER, PRESIDENT
HOMES OF DISTINCTION, INC.
PO Box 2333
Bentonville, AR 72712
479-409-4091

ACKNOWLEDGMENT

State of Arkansas)
) ss.
County of Benton)

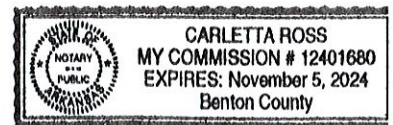
On this the 16th day of February, 2018, before me, the undersigned officer, personally appeared JAMES D. COOPER, PRESIDENT OF HOMES OF DISTINCTION, INC., known to me (or satisfactorily proven) to be the person whose name is subscribed above and acknowledged and attested that it was executed for the purposes therein apparent.

Carletta Ross

NOTARY PUBLIC

My Commission Expires:

11-5-24



PETITION OF ANNEXATION
TO CITY OF CENTERTON, AR
LOT 25, West End Acres Subdivision
Benton County, AR

RECORDED
1/23/18 11:14 AM
DAVID KINNEY

Signature of Property Owner/Petitioner

[Handwritten Signature]

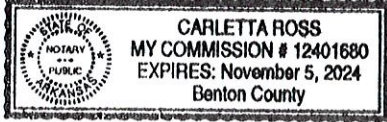
[Handwritten Signature]

DAVID KINNEY AND HEIDI KINNEY
17 S. Brixham Dr.
Rogers, AR 72758
(479) 619-7205

ACKNOWLEDGMENT

State of Arkansas)
) ss.
County of Benton)

On this the 21st day of February, 2018, before me, the undersigned officer, personally appeared DAVID KINNEY, 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.



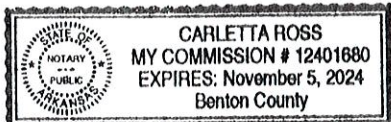
[Handwritten Signature]

NOTARY PUBLIC
My Commission Expires: 11-5-24

ACKNOWLEDGMENT

State of Arkansas)
) ss.
County of Benton)

On this the 21st day of February, 2018, before me, the undersigned officer, personally appeared HEIDI KINNEY, 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.



[Handwritten Signature]

NOTARY PUBLIC
My Commission Expires: 11-5-24

PETITION OF ANNEXATION
TO CITY OF CENTERTON, AR
LOTS 10, 20, West End Acres Subdivision
Benton County, AR

TENA D'ARRIGO
CLERK & REGISTRAR CLERK
BENTON COUNTY, AR

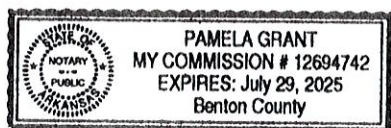
Signature of Property Owner/Petitioner

JSN Properties of Northwest AR, LLC
JEREMY AND SHASTA NEISLER
650 Tall Oaks Ct
Centerton, AR 72719
479-841-7361

ACKNOWLEDGMENT

State of Arkansas)
) ss.
County of Benton)

On this the 22 day of February, 2018, before me, the undersigned officer, personally appeared JEREMY NEISLER, 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.

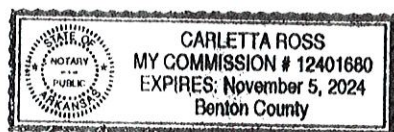


Pamela Grant
NOTARY PUBLIC
My Commission Expires: July 29, 2025

ACKNOWLEDGMENT

State of Arkansas)
) ss.
County of Benton)

On this the 23rd day of February, 2018, before me, the undersigned officer, personally appeared SHASTA NEISLER, 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.



Carletta Ross
NOTARY PUBLIC
My Commission Expires: 11-5-24

2018 FEB 26 AM 11:07

PETITION OF ANNEXATION
TO CITY OF CENTERTON, AR
LOT 26, West End Acres Subdivision
Benton County, AR

JO SA O'BRIEN
CLERK OF DISTRICT CLERK
CENTERTON, AR

Signature of Property Owner/Petitioner

Robert Walker
Cathy Walker
ROBERT AND CATHY WALKER
903 NW A St
Bentonville, AR 72712
479-531-7843

ACKNOWLEDGMENT

State of Arkansas)
) ss.
County of Benton)

On this the Feb day of 23, 2018, before me, the undersigned officer, personally appeared ROBERT WALKER, 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.

Jody Abbott
NOTARY PUBLIC
My Commission Expires: 10-25-2024



ACKNOWLEDGMENT

State of Arkansas)
) ss.
County of Benton)

On this the 23 day of Feb, 2018, before me, the undersigned officer, personally appeared CATHY WALKER, 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.

Jody Abbott
NOTARY PUBLIC
My Commission Expires: 10/25/2024

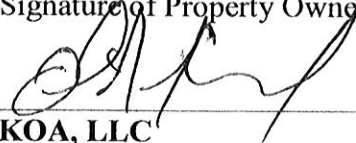


2018 FEB 26 AM 11:07

PETITION OF ANNEXATION
TO CITY OF CENTERTON, AR
LOTS 11, 12 and 18
West End Acres Subdivision
Benton County, AR

LENN O'BRIEN
CLERK PROBATE CLERK
BENTON COUNTY, AR

Signature of Property Owner/Petitioner

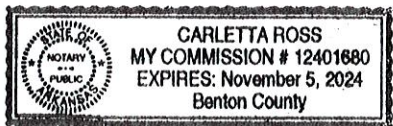


KOA, LLC
OLIVER A KIESEL
13960 Hiwasse Rd
Hiwasse, AR 72739
479-903-1372

ACKNOWLEDGMENT

State of Arkansas)
) ss.
County of Benton)

On this the 21st day of February, 2018, before me, the undersigned officer, personally appeared OLIVER A KIESEL, 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.



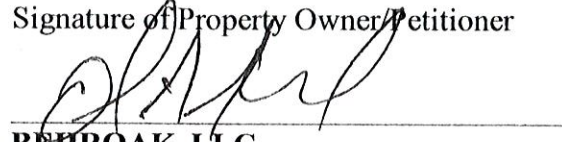
Carletta Ross
NOTARY PUBLIC

My Commission Expires: 11-5-24

PETITION OF ANNEXATION
TO CITY OF CENTERTON, AR
LOTS 13, 16 and 19
West End Acres Subdivision
Benton County, AR

TERA CARRON
CLERK OF THE DISTRICT CLERK
BENTON COUNTY, AR

Signature of Property Owner/Petitioner

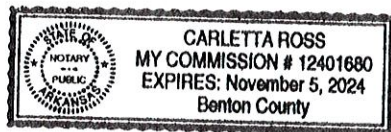


BEHROAK, LLC
OLIVER A KIESEL
13960 Hiwasse Rd
Hiwasse, AR 72739
479-903-1372

ACKNOWLEDGMENT

State of Arkansas)
) ss.
County of Benton)

On this the 21st day of February, 2018, before me, the undersigned officer, personally appeared OLIVER A KIESEL, 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.



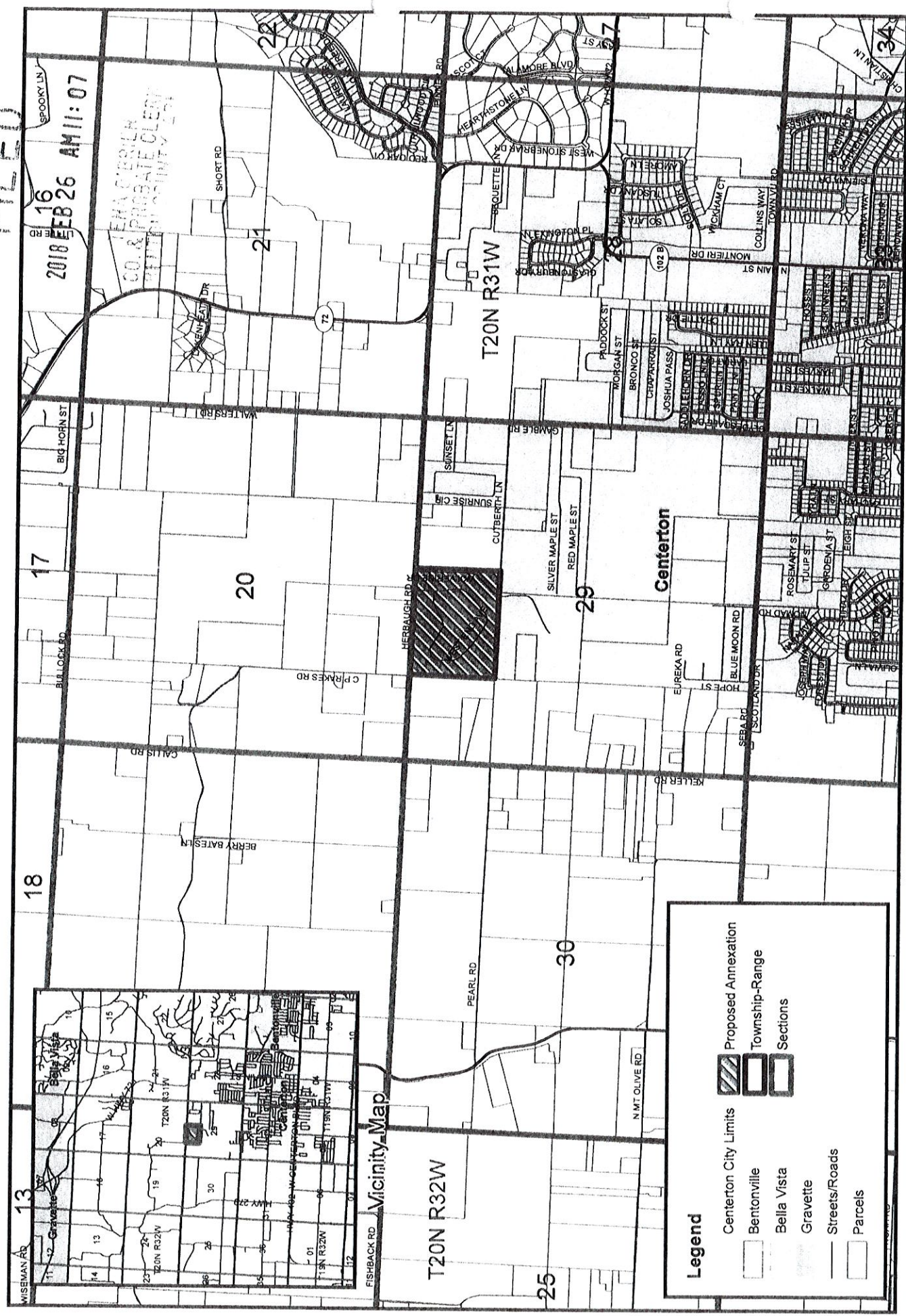

NOTARY PUBLIC

My Commission Expires: 11-5-24

FILED

2018 FEB 26 AM 11:07

JEFFERSON COUNTY CO. & PROBATE CLERK



1 inch = 2,000 feet.

Exhibit A Homes of Distinction, et al (50.01 AC) Lots 1-29 & Lot A of West End Acres Subdivision

Legend

- Centerion City Limits
- Bentonville
- Bella Vista
- Gravette
- Streets/Roads
- Parcels
- Proposed Annexation
- Township-Range
- Sections

Disclaimer: The data represented in this map is a graphical representation. This map has been developed from the best available sources. No guarantee of accuracy is granted, nor is any responsibility for reliance thereon assumed. In no event shall the City or any other entity be liable for direct, indirect, incidental, consequential or special damages or any kind, including, but not limited to, loss of anticipated profits or benefits arising out of use of or reliance on the data. The City or any other entity is in no way responsible for or liable for misrepresentation or re-use of this map. Distribution of this map is intended for information purposes and should not be considered authoritative for engineering.

2018 FEB 26 AM 11:07

EXHIBIT B

TENA STORIE
CO. & PROBATE CLERK
BENTON COUNTY, ARK.

3801 W Walnut
Rogers AR72756
479-636-7766
479-246-1654

OWNERSHIP REPORT

Date: January 10, 2018

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 Centerton. Based on our review, we verify that **Homes of Distinction Inc., David Kinney and Heidi Kinney, as husband and wife, JSN Properties of Northwest Arkansas, LLC, Robert Walker and Cathy Walker, as husband and wife, OAK, LLC and BEHROAK, LLC** are the owners of record of the real property described as follows:

PROPERTY DESCRIPTION (Now Known As West End Access Subdivision, as shown on Benton County, Arkansas, Plat Record 2017 at Page 756):

THE NORTHEAST QUARTER (NE1/4) OF THE NORTHWEST QUARTER (NW1/4) AND THE WEST 10 ACRES OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 29, TOWNSHIP 20 NORTH, RANGE 31 WEST OF THE 5th PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NW CORNER OF THE SAID NE1/4 OF THE NW1/4, A FOUND 5/8" PIN; THENCE ALONG THE NORTH LINE OF THE NE1/4 OF THE NW1/4 AND THE CENTER OF HERBAUGH ROAD, SOUTH 87°29'50" EAST 1326.67 FEET TO A FOUND IRON PIN ALSO KNOWN AS THE NE CORNER OF THE NE1/4 OF THE NW1/4; THENCE ALONG THE NORTH SIDE OF THE NW1/4 OF THE NE1/4, SOUTH 87°29'24" EAST 332.20 FEET TO A MAG NAIL IN THE CENTER OF HERBAUGH ROAD; THENCE LEAVING THE CENTER OF HERBAUGH ROAD AND THE NORTH LINE, SOUTH 02°09'18" WEST 1317.22 FEET TO A FOUND IRON PIN ON THE SOUTH LINE OF THE NW1/4 OF THE NE1/4 OF SECTION 29; THENCE ALONG THE SOUTH SIDE OF THE NW1/4 OF THE NE1/4 AND ALONG THE SOUTH SIDE OF CUTBERTH LANE, NORTH 87°40'31" WEST 336.53

2018 FEB 26 AM 11:07

FEET TO A 5/8" IRON PIN WHICH IS THE SE CORNER OF THE NE1/4 OF THE NW1/4 OF SECTION 29; THENCE ALONG THE SOUTH SIDE OF THE NE1/4 OF THE NW1/4 OF SECTION 29, NORTH 87°37'47" WEST 1322.34 FEET TO A FOUND 5/8" PIN FOR THE SW CORNER OF THE NE1/4 OF THE NW1/4 OF SECTION 29; THENCE ALONG THE WEST LINE OF THE NE1/4 OF THE NW1/4, NORTH 02°09'20" EAST 1321.37 FEET BACK TO THE POINT OF BEGINNING, CONTAINING 50.24 ACRES MORE OR LESS.

LENA D'ORFEN
CO. & PROBATE CLERK
CLINTON COUNTY, ARK.

Homes of Distinction, Inc.– Lot A, Lots 1-9, 14, 15, 17, 21-24, 27-29 and the private roadway identified as West End Ave
David Kinney and Heidi Kinney – Lot 25
JSN Properties of Northwest Arkansas, LLC – Lots 10 and 20
Robert Walker and Cathy Walker, husband and wife – Lot 26
KOA, LLC – Lots 11, 12 and 18
BEHROAK, LLC - Lots 13, 16 and 19

Respectfully,
Dennis C. McDonald
Realty Title & Closing Services, LLC

This search is extended from August 30, 2017 to January 4, 2018 at 7:00 a.m.

Note: This is a Limited Search of the records and is not to be construed as a Title Insurance Policy, a legal opinion or a commitment to insure. Liability is limited to the amount charged for this service.

Dated: January 10, 2018
Realty Title & Closing Services, LLC
3801 W Walnut
Rogers, AR 72756
479-636-7766
479-246-1654
Arkansas Title Agency License No.: 100102353

By



Authorized Signatory

Dennis C. McDonald Title Agent License No.: 9905460

ELNA O'BRIEN
CO. & PROBATE CLERK
Exhibit C COUNTY, ARK

Date: January 11, 2018

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 Centerton. I am a licensed Professional Engineer in the State of Arkansas. Based on my review I verify that the real property described as follows, and as shown on the map labeled Exhibit A in the annexation petition of Homes of Distinction, Inc., et al, of which this letter is a part, is contiguous with the City of Centerton and that no enclaves will be created if the described property is accepted by the City of Centerton:

PROPERTY DESCRIPTION (AKA West End Estates Subdivision)

THE NORTHEAST QUARTER (NE1/4) OF THE NORTHWEST QUARTER (NW1/4) AND THE WEST 10 ACRES OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 29, TOWNSHIP 20 NORTH, RANGE 31 WEST OF THE 5th PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NW CORNER OF THE SAID NE1/4 OF THE NW1/4, A FOUND 5/8" PIN; THENCE ALONG THE NORTH LINE OF THE NE1/4 OF THE NW1/4 AND THE CENTER OF HERBAUGH ROAD, SOUTH 87°29'50" EAST 1326.67 FEET TO A FOUND IRON PIN ALSO KNOWN AS THE NE CORNER OF THE NE1/4 OF THE NW1/4; THENCE ALONG THE NORTH SIDE OF THE NW1/4 OF THE NE1/4, SOUTH 87°29'24" EAST 332.20 FEET TO A MAG NAIL IN THE CENTER OF HERBAUGH ROAD; THENCE LEAVING THE CENTER OF HERBAUGH ROAD AND THE NORTH LINE, SOUTH 02°09'18" WEST 1317.22 FEET TO A FOUND IRON PIN ON THE SOUTH LINE OF THE NW1/4 OF THE NE1/4 OF SECTION 29; THENCE ALONG THE SOUTH SIDE OF THE NW1/4 OF THE NE1/4 AND ALONG THE SOUTH SIDE OF CUTBERTH LANE, NORTH 87°40'31" WEST 336.53 FEET TO A 5/8" IRON PIN WHICH IS THE SE CORNER OF THE NE1/4 OF THE NW1/4 OF SECTION 29; THENCE ALONG THE SOUTH SIDE OF THE NE1/4 OF THE NW1/4 OF SECTION 29, NORTH 87°37'47" WEST 1322.34 FEET TO A FOUND 5/8" PIN FOR THE SW CORNER OF THE NE1/4 OF THE NW1/4 OF SECTION 29; THENCE ALONG THE WEST LINE OF THE NE1/4 OF THE NW1/4, NORTH 02°09'20" EAST 1321.37 FEET BACK TO THE POINT OF BEGINNING, CONTAINING 50.24 ACRES MORE OR LESS.

Sincerely,



Phil Swope, PE

