



ARKANSAS SECRETARY OF STATE

MARK MARTIN

September 6, 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 2018-36

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: 08/09/2018 (by Municipal Ordinance)

County: Benton

City: Centerton

City Ordinance: 2018-36

Dated: 07/10/2018

County Court Order: CC-2018-11

Date Filed: 06/13/2018 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,

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 Edward, Mayor of Centerton (w/encl)



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: 2018-36 Date approved: 07/10/2018

County Court Case No: CC 2018-11 Date Order Filed: 06/13/2018

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

Date Change Effective: 08/09/2018 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: *Tiffany Moore* Title: Deputy Clerk

Date: 08/02/2018

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

Received by: *Cynthia Fisher*

FILED

SEP 06 2018

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

August 2, 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: Randall & Amy Penn
City of Centerton Annexation
Benton County Court Case No. CC# 2018-11

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 June 13, 2018
3. Ordinance No. 2018-36 adopted on July 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 Turdenwood

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
--	-----------------	---	--------------------------------------	---	--

FILED

2018 JUL 11 PM 2: 38

ILMA G'FRIEN
CLERK & PROBATE CLERK
BENTON COUNTY, ARK

ORDINANCE NO. 2018-36

AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY BELONGING TO THE PENN FAMILY TRUST, RANDALL KEITH PENN AND AMY MICHELLE PENN, TRUSTEES; TO THE CITY OF CENTERTON, ARKANSAS; APPROVING THE SCHEDULE OF SERVICES TO BE EXTENDED TO SAID AREA; ASSIGNING SAME TO WARD 1 AND ZONING AS AGRICULTURAL (A-1).

WHEREAS, a Petition was filed on May 30, 2018 in the County Court of Benton County, Arkansas, pursuant to Arkansas Code Annotated section 14-40-609, County Court Case No. CC2018-11, for the annexation of certain territory belonging to The Penn Family Trust, Randall Keith Penn and Amy Michelle Penn, as current trustees; 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 property owners' desire to be 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 June 13, 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:

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.

FILED

SEP 06 2018

Arkansas
Secretary of State

2018 2526

FILED

2018 JUL 11 PM 2:38

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

Legal Descriptions

(Taken from WD 2016-65470) Real property located in Benton County, Arkansas, to-wit:

TRACT 1: Approximately 1.23 Acres

A part of the NW¼ OF THE SE¼ OF SECTION 17, TOWNSHIP 20 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NW CORNER OF SAID NW¼ OF THE SE¼, THENCE S 0°32'34" W 896.40 FEET; THENCE N 85°37'12" E 476.91 FEET TO THE POINT OF BEGINNING; THENCE N 11°58'06" W 123.63 FEET; THENCE N 8°48'29" W 77.74 FEET; THENCE N 77°06'55" E 175.56 FEET TO THE CENTER OF AR HWY 72; THENCE WITH SAID HWY; THENCE S 36°55'46" E 70.20 FEET; THENCE S 43°04'58" E 213.79 FEET; THENCE S 85°37'12" W 322.75 FEET TO THE POINT OF BEGINNING. SUBJECT TO AR HWY 72 ON THE EAST.

TRACT 2: (Approximately 48.67 Acres)

THE NORTH 36 ¾ ACRES OF THE SW¼ OF SE¼ AND PART OF THE NW¼ OF THE SE¼ LYING SOUTH AND WEST OF AR HWY 72 AS SAME NOW RUNS IN SECTION 17, TOWNSHIP 20 NORTH, RANGE 31 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF SAID SW¼ OF THE SE¼, (BEING AN IRON PIN IN THE CENTER OF A COUNTY ROAD), THENCE N 00°32'34" E 402.03 FEET ALONG THE WEST LINE OF SAID NW¼ OF THE SE¼ TO THE SW CORNER OF A SURVEY FILED IN BOOK "T" PAGE 176, THENCE N 85°37'12" E 799.66 FEET ALONG THE SOUTH LINE OF SAID SURVEY FILED IN BOOK "T" PAGE 176, TO THE CENTERLINE OF AR HWY 72; THENCE ALONG THE CENTERLINE OF SAID AR HWY 72 ON A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 71.75 FEET AND A CHORD OF S 57°18'24" E AND A CHORD LENGTH OF 71.51 FEET; THENCE S 58°10'11" E 139.16 FEET ALONG SAID CENTERLINE OF AR HWY 72; THENCE S 62°36'16" E 130.50 FEET ALONG SAID CENTERLINE OF SAID AR HWY 72; THENCE S 61°58'39" E 270.01 FEET ALONG SAID CENTERLINE TO A RAILROAD SPIKE ON THE EAST LINE OF SAID NW¼ OF THE SE¼; THENCE S 00°58'50" W 1386.21 FEET ALONG THE EAST LINES OF SAID NW¼ OF THE SE¼ AND THE SW¼ OF THE SE¼ TO AN IRON PIN; THENCE N 89°21'37" W 1321.55 FEET ALONG THE SOUTH LINE OF SAID NORTH 36 ¾ ACRES OF THE SW¼ OF THE SE¼ TO AN

FILED

2018 JUL 11 PM 2:38

TERESA DUBHUIEN
CO. & PROMPT CLERK
BENTON COUNTY, ARK

IRON PIN IN THE CENTER OF A COUNTY ROAD AND ON THE WEST LINE OF SAID SW¼ OF THE SE¼; THENCE N 00°32'34" E 1207.14 FEET ALONG SAID WEST LINE OF SAID SW¼ OF THE SE¼ TO THE POINT OF BEGINNING. SUBJECT TO THE RIGHT OF WAY OF AR HWY 72 ON THE NORTH AND THE RIGHT OF WAY OF A COUNTY ROAD ON THE WEST SIDE THEREOF, AND SUBJECT TO ALL EASEMENTS OF RECORD.

And

Right of Way description for Bullock Road (2018-12)

Forty foot (40') right of way description for Bullock Road (2018-12) the centerline of which is described as being 20 feet on either side of the following described centerline:

Beginning at a point N00°32'34"E, 114.30 feet from the SW corner of the SW ¼ of the SE ¼ of Section 17, Township 20-North, Range 31-West; thence N00°32'34"E 1609.08 feet for the point of terminus.

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 above described property of Tracts 1 & 2 and Bullock Road right-of-way is hereby zoned as **Agricultural (A-1)**.

Section 5: 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 6: Thirty (30) days after passage and publication or 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.

FILED

2018 JUL 11 PM 2:38

JONA O'BRIEN
CLERK & PROCLAMER
BENTON COUNTY, ARK

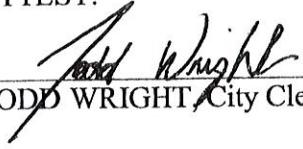
PASSED AND APPROVED this 10th day of July, 2018.

APPROVED:



BILL EDWARDS, Mayor

ATTEST:

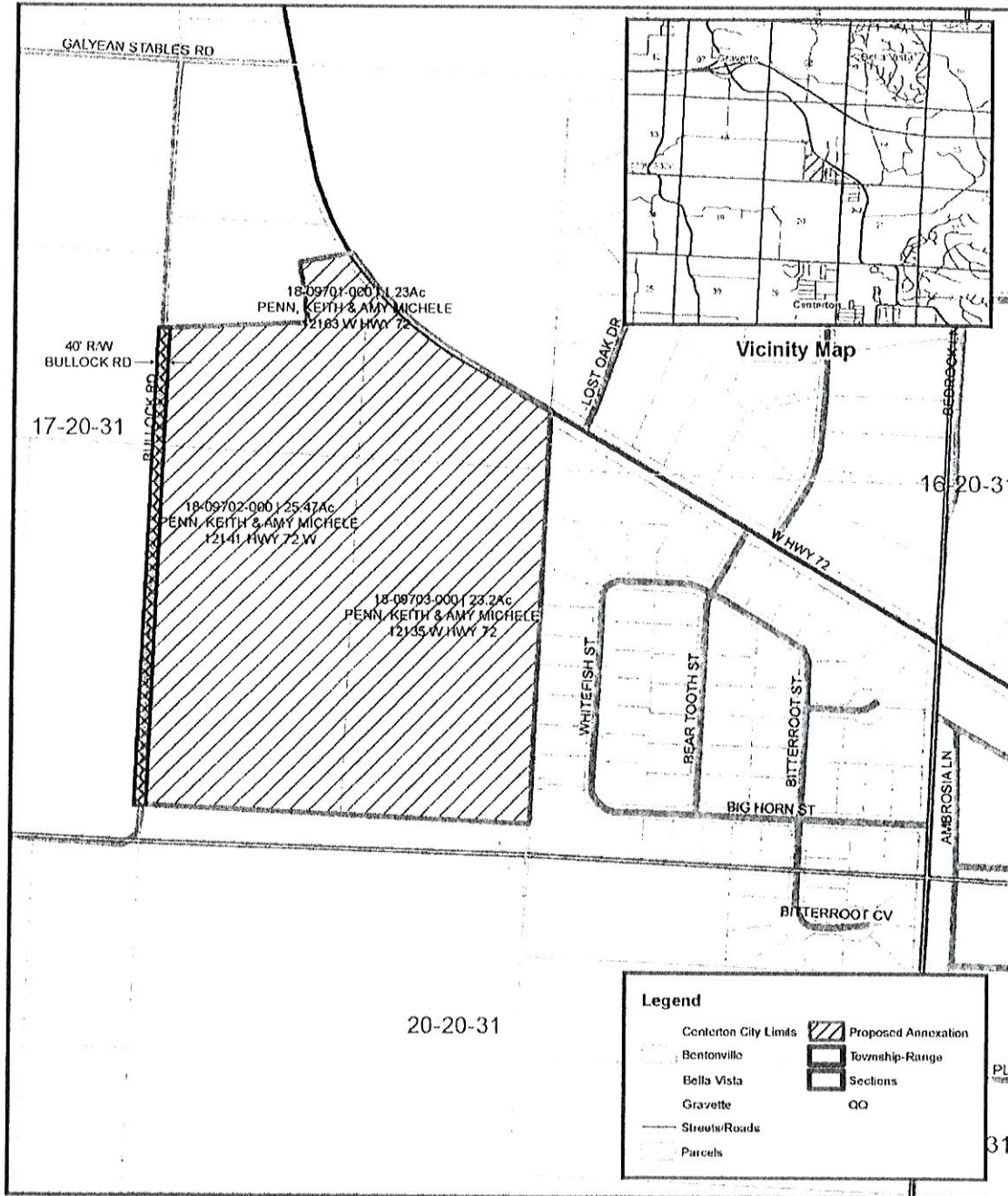


TODD WRIGHT, City Clerk

FILED

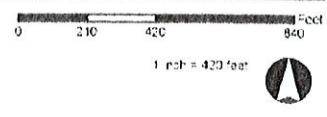
2018 JUL 11 PM 2:38

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



Customer: The data represented in this map is a graphical representation of this map has been derived 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 use of this map. Distribution of this map is intended for informational purposes and should not be considered authoritative for engineering, legal, and other site-specific uses.

Exhibit A
Penn Annexation (49.9 AC)
Parcel IDs 18-09701-000,
18-09702-000, and 18-09703-000



2018 2530

2018 JUN 13 PM 2: 28

TENA GIBSON
CO. & PROBATE CLERK
BENTON COUNTY, AR

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

The Penn Family Trust
Randall and Amy Penn

COUNTY COURT ORDER NO. CC 2018-11

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;
- 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; and
- 7) does not include in its description certain dedicated public roads and rights of way abutting or traversing the property to be annexed, the legal description(s) for which are included on the attached Exhibit “A” to this order, and which are depicted in the attached Exhibit “B” to this order, and any acceptance of this annexation by the City of Centerton is required to include acceptance of the property described in Exhibit “A” and depicted in Exhibit “B” in the resolution or ordinance accepting such annexation or an order confirming the annexation will not be entered.

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

Date June 13, 2018

2018 2344

FILED

2018 JUN 13 PM 2:28

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

EXHIBIT "A"

Right of Way description for Bullock Road (2018-~~12~~¹¹) Typo

Forty foot (40') right of way description for Bullock Road (2018-12) the centerline of which is described as being 20 feet on either side of the following described centerline:

Beginning at a point N00°32'34"E, 114.30 feet from the SW corner of the SW ¼ of the SE ¼ of Section 17, Township 20-North, Range 31-West; thence N00°32'34"E 1609.08 feet for the point of terminus.

2018 2345

FILED

2018 JUN 13 PM 2: 28

2018 2346

Exhibit "B"

CC 2018-12 //



Typo

TENA O'BRIEN
CO. & PROBATE CLERK
DEWITT COUNTY, ALA

Abutting ROW to Annexation



Legend

-  ROW to be Annexed
-  Parcels Sections

FILED

2018 JUL 13 PM 3: 50

TERESA GIBSON
CLERK OF DISTRICT COURT
CENTERTON, ARKANSAS

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

CC 2018-11

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

Date 7/13/18

FILED

SEP 06 2018

2018 2624

Arkansas
Secretary of State



**ARKANSAS
GIS OFFICE**

FILED

2018 MAY 30 AM 11:57

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

May 9, 2018

Ms. Cassie Elliott
Municipal Counseling
Visionary Milestones Inc.
PO Box 44
Centerton, AR 72719

RE: City of Centerton Annexation Coordination Requirement

Ms. Elliot,

Thank you for coordinating with our office as you seek to annex property into the City of Centerton, AR located in Section 17, 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
Legal Description
Secretary of State Municipal Change Checklist

FILED

SEP 06 2018

Arkansas
Secretary of State

H:\City_Annexations\Cities\Centerton\20180423\Doc\20180423_Centerton_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

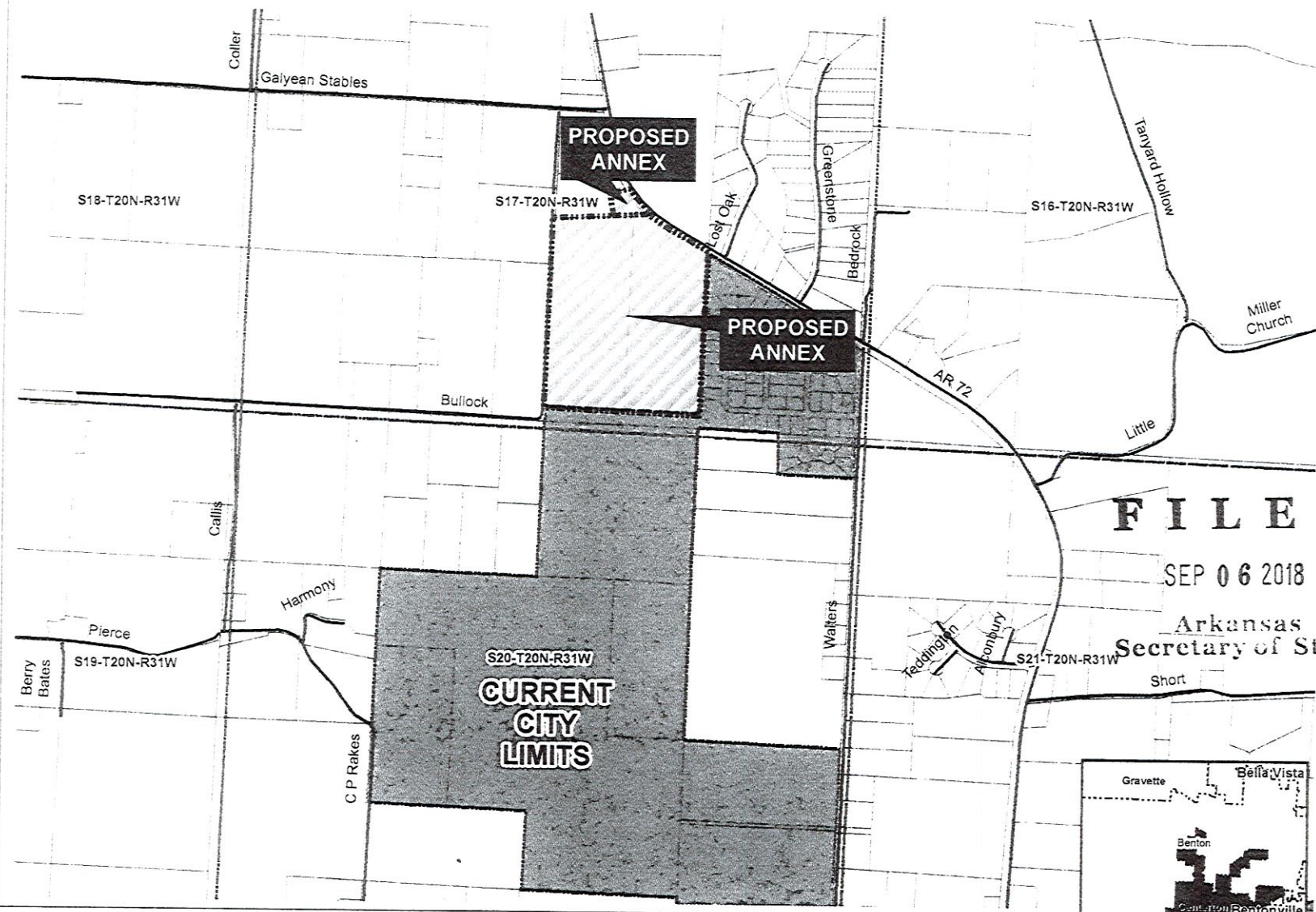
Proposed Annex: City of Centerton
May 2018

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 Ac 914 of 2015



FILED

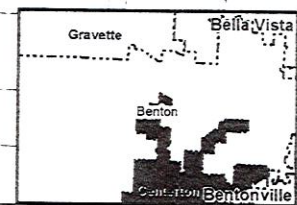
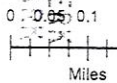
SEP 06 2018

Arkansas
Secretary of State

2018 MAY 30 AM 11:57

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

TEMA GREEN
CO. & PROPRATE CLERK
CENTON DRIVE 7, ARK



ARKANSAS
GIS OFFICE

FILED

2018 MAY 30 AM 11:57

EXHIBIT A

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

Real property located in Benton County, Arkansas, to-wit:

TRACT 1: A PART OF THE NW¼ OF THE SE¼ OF SECTION 17, TOWNSHIP 20 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NW CORNER OF SAID NW¼ OF THE SE¼, THENCE S 0°32'34" W 896.40 FEET; THENCE N 85°37'12" E 476.91 FEET TO THE POINT OF BEGINNING; THENCE N 11°58'06" W 123.63 FEET; THENCE N 8°48'29" W 77.74 FEET; THENCE N 77°06'55" E 175.56 FEET TO THE CENTER OF AR HWY 72; THENCE WITH SAID HWY; THENCE S 36°55'46" E 70.20 FEET; THENCE S 43°04'58" E 213.79 FEET; THENCE S 85°37'12" W 322.75 FEET TO THE POINT OF BEGINNING. SUBJECT TO AR HWY 72 ON THE EAST. APPROXIMATELY 1.23 ACRES.

TRACT 2: THE NORTH 36 ¾ ACRES OF THE SW¼ OF SE¼ AND PART OF THE NW¼ OF THE SE¼ LYING SOUTH AND WEST OF AR HWY 72 AS SAME NOW RUNS IN SECTION 17, TOWNSHIP 20 NORTH, RANGE 31 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF SAID SW¼ OF THE SE¼, (BEING AN IRON PIN IN THE CENTER OF A COUNTY ROAD), THENCE N 00°32'34" E 402.03 FEET ALONG THE WEST LINE OF SAID NW¼ OF THE SE¼ TO THE SW CORNER OF A SURVEY FILED IN BOOK "T" PAGE 176, THENCE N 85°37'12" E 799.66 FEET ALONG THE SOUTH LINE OF SAID SURVEY FILED IN BOOK "T" PAGE 176, TO THE CENTERLINE OF AR HWY 72; THENCE ALONG THE CENTERLINE OF SAID AR HWY 72 ON A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 71.75 FEET AND A CHORD OF S 57°18'24" E AND A CHORD LENGTH OF 71.51 FEET; THENCE S 58°10'11" E 139.16 FEET ALONG SAID CENTERLINE OF AR HWY 72; THENCE S 62°36'16" E 130.50 FEET ALONG SAID CENTERLINE OF SAID AR HWY 72; THENCE S 61°58'39" E 270.01 FEET ALONG SAID CENTERLINE TO A RAILROAD SPIKE ON THE EAST LINE OF SAID NW¼ OF THE SE¼; THENCE S 00°58'50" W 1386.21 FEET ALONG THE EAST LINES OF SAID NW¼ OF THE SE¼ AND THE SW¼ OF THE SE¼ TO AN IRON PIN; THENCE N 89°21'37" W 1321.55 FEET ALONG THE SOUTH LINE OF SAID NORTH 36 ¾ ACRES OF THE SW¼ OF THE SE¼ TO AN IRON PIN IN THE CENTER OF A COUNTY ROAD AND ON THE WEST LINE OF SAID SW¼ OF THE SE¼; THENCE N 00°32'34" E 1207.14 FEET ALONG SAID WEST LINE OF SAID SW¼ OF THE SE¼ TO THE POINT OF BEGINNING. SUBJECT TO THE RIGHT OF WAY OF AR HWY 72 ON THE NORTH AND THE RIGHT OF WAY OF A COUNTY ROAD ON THE WEST SIDE THEREOF, AND SUBJECT TO ALL EASEMENTS OF RECORD. APPROXIMATELY 48.67 ACRES.

FILED

2018 JUN 12 AM 9:27

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 2018-11

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.

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" and which are depicted in the attached Exhibit "B" to this verification.

FILED

SEP 06 2018

Arkansas
Secretary of State


HON. TENA O'BRIEN, County Clerk


HON. RODERICK GRIEVE, County Assessor

FILED

2018 JUN 12 AM 9:27

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



Date: June 1, 2018
Subject: Proposed Annexation Checklist
CC 2018-11 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.

[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

FILED

2018 JUN 12 AM 9: 27

EXHIBIT "A"

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

Right of Way description for Bullock Road (2018-¹¹~~12~~)

Forty foot (40') right of way description for Bullock Road (2018-¹¹~~12~~) the centerline of which is described as being 20 feet on either side of the following described centerline:

Beginning at a point N00°32'34"E, 114.30 feet from the SW corner of the SW ¼ of the SE ¼ of Section 17, Township 20-North, Range 31-West; thence N00°32'34"E 1609.08 feet for the point of terminus.

FILED

Exhibit "B"

2018 JUN 12 AM 9: 27

CC 2018-~~12~~ 11

Typo

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

Abutting ROW to Annexation



FILED

2018 MAY 30 AM 11:57

TENA L. BISHOP
CLERK OF PROBATE COURT
CENTERTON, ARKANSAS

PETITION FOR ANNEXATION

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

DATE: April 24, 2018

PETITIONER:

**The Penn Family Trust
Randall Keith Penn and Amy Michelle Penn,
As current trustees**

CC: 2018-11

Comes now the undersigned petitioners, and states as follows:

1. That we, Randall Keith Penn and Amy Michelle Penn, as current trustees of the Penn Family Trust, 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: SEE EXHIBIT A

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 B.
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 C, and is made part of this petition.

FILED

SEP 06 2018

**Arkansas
Secretary of State**

- 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 D, 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.

Signature of Property Owner/Petitioner

Randall Keith Penn

 RANDALL KEITH PENN, Trustee

Amy Michelle Penn

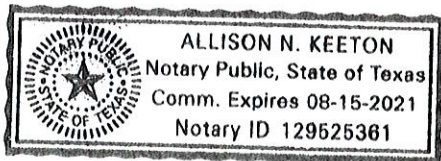
 AMY MICHELE PENN, Trustee

THE PENN FAMILY TRUST
 12135 Highway 72W
 Bentonville, AR 72719
 479-586-3407

ACKNOWLEDGMENT

State of Arkansas)
) ss.
 County of Benton)

On this the 16th day of April, 2018, before me, the undersigned officer, personally appeared KEITH PENN, 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.



Allison N. Keeton

 NOTARY PUBLIC
 My Commission Expires: 08/15/21

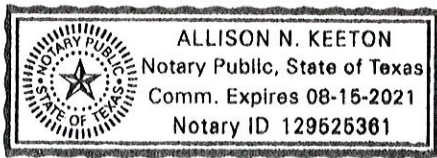
2018 MAY 30 AM 11:57

TENA GIBRIEN
CLERK & DEPUTY CLERK
BENTON COUNTY, AR

ACKNOWLEDGMENT

State of Arkansas)
) ss.
County of Benton)

On this the 16th day of April, 2018, before me, the undersigned officer, personally appeared AMY MICHELE PENN., 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.



Allison Keeton
NOTARY PUBLIC
My Commission Expires: 08/15/2021

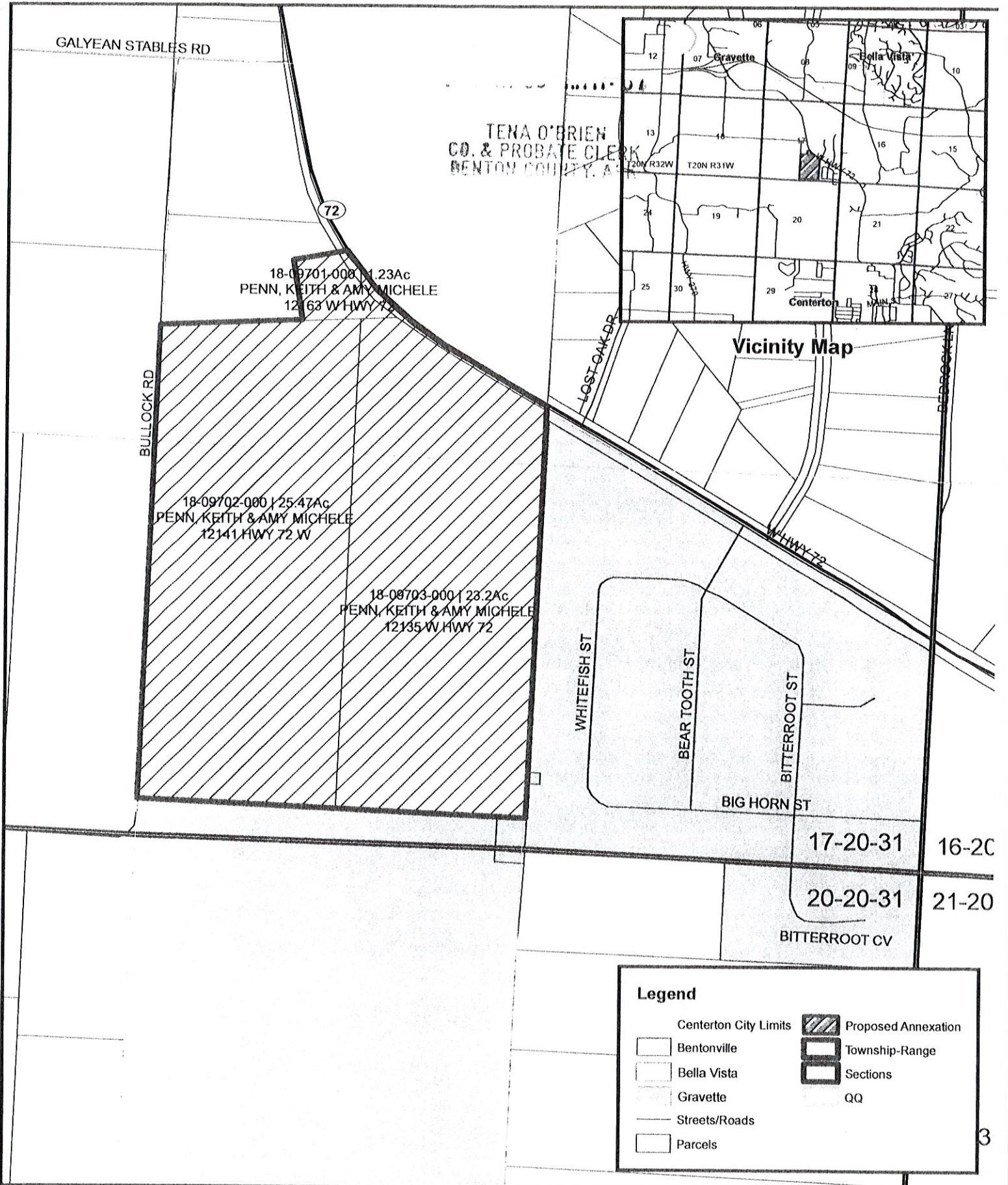
EXHIBIT A

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

Real property located in Benton County, Arkansas, to-wit:

TRACT 1: A PART OF THE NW¼ OF THE SE¼ OF SECTION 17, TOWNSHIP 20 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NW CORNER OF SAID NW¼ OF THE SE¼, THENCE S 0°32'34" W 896.40 FEET; THENCE N 85°37'12" E 476.91 FEET TO THE POINT OF BEGINNING; THENCE N 11°58'06" W 123.63 FEET; THENCE N 8°48'29" W 77.74 FEET; THENCE N 77°06'55" E 175.56 FEET TO THE CENTER OF AR HWY 72; THENCE WITH SAID HWY; THENCE S 36°55'46" E 70.20 FEET; THENCE S 43°04'58" E 213.79 FEET; THENCE S 85°37'12" W 322.75 FEET TO THE POINT OF BEGINNING. SUBJECT TO AR HWY 72 ON THE EAST. APPROXIMATELY 1.23 ACRES.

TRACT 2: THE NORTH 36 ¾ ACRES OF THE SW¼ OF SE¼ AND PART OF THE NW¼ OF THE SE¼ LYING SOUTH AND WEST OF AR HWY 72 AS SAME NOW RUNS IN SECTION 17, TOWNSHIP 20 NORTH, RANGE 31 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF SAID SW¼ OF THE SE¼, (BEING AN IRON PIN IN THE CENTER OF A COUNTY ROAD), THENCE N 00°32'34" E 402.03 FEET ALONG THE WEST LINE OF SAID NW¼ OF THE SE¼ TO THE SW CORNER OF A SURVEY FILED IN BOOK "T" PAGE 176, THENCE N 85°37'12" E 799.66 FEET ALONG THE SOUTH LINE OF SAID SURVEY FILED IN BOOK "T" PAGE 176, TO THE CENTERLINE OF AR HWY 72; THENCE ALONG THE CENTERLINE OF SAID AR HWY 72 ON A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 71.75 FEET AND A CHORD OF S 57°18'24" E AND A CHORD LENGTH OF 71.51 FEET; THENCE S 58°10'11" E 139.16 FEET ALONG SAID CENTERLINE OF AR HWY 72; THENCE S 62°36'16" E 130.50 FEET ALONG SAID CENTERLINE OF SAID AR HWY 72; THENCE S 61°58'39" E 270.01 FEET ALONG SAID CENTERLINE TO A RAILROAD SPIKE ON THE EAST LINE OF SAID NW¼ OF THE SE¼; THENCE S 00°58'50" W 1386.21 FEET ALONG THE EAST LINES OF SAID NW¼ OF THE SE¼ AND THE SW¼ OF THE SE¼ TO AN IRON PIN; THENCE N 89°21'37" W 1321.55 FEET ALONG THE SOUTH LINE OF SAID NORTH 36 ¾ ACRES OF THE SW¼ OF THE SE¼ TO AN IRON PIN IN THE CENTER OF A COUNTY ROAD AND ON THE WEST LINE OF SAID SW¼ OF THE SE¼; THENCE N 00°32'34" E 1207.14 FEET ALONG SAID WEST LINE OF SAID SW¼ OF THE SE¼ TO THE POINT OF BEGINNING. SUBJECT TO THE RIGHT OF WAY OF AR HWY 72 ON THE NORTH AND THE RIGHT OF WAY OF A COUNTY ROAD ON THE WEST SIDE THEREOF, AND SUBJECT TO ALL EASEMENTS OF RECORD. APPROXIMATELY 48.67 ACRES.



Legend

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

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.

Exhibit B
Penn Annexation (49.9 AC)
Parcel IDs 18-09701-000,
18-09702-000, and 18-09703-000



1 inch = 420 feet

FILED

2018 MAY 30 AM 11: 57

**MICHEAL JAMES
BENTON COUNTY SURVEYOR
P.O. BOX 617
GENTRY, AR 72734
PHONE 479-736-8416
FAX 479-736-8838
E-MAIL rls985@centurytel.net**

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

May 23, 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 Surveyor in the State of Arkansas. Based on my review I verify that the real property described as follows on Exhibit "A" in the annexation petition of The Penn Family Trust, Randall Keith Penn and Amy Michelle Penn, as current trustees, 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.

Sincerely,



**Micheal E. James, RLS 985
Benton County Surveyor**

FILED

2018 MAY 30 AM 11:57



Advance Title

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

824 West Walnut Street
Rogers, AR 72756
Phone 273-5200 Fax 273-6085 E-mail

Effective Date: May 04, 2018

Subject: Title Report for Randall Keith Penn and Amy Michelle Penn

File No.: 31247

Legal Description:

SEE EXHIBIT "A" ATTACHED HERETO

Latest Deeds:

Warranty Deed executed by Keith Penn and Amy Michele Penn, husband and wife, vesting fee simple title in Randall Keith Penn and Amy Michelle Penn, as current trustees, or their successor, of the Penn Family Trust dated October 27, 2016, filed for record October 27, 2016, at Benton County Book 2016, at Page 65468.

Encumbrances:

A Mortgage dated June 4, 2015, executed by Keith Penn and Amy Penn, husband and wife, in favor of Grand Savings Bank, filed for record June 9, 2015, as Instrument Number 2015-101271, records of Benton County, Arkansas, securing a principal sum of \$1,479,850.00.

An Assignment of Rents dated June 4, 2015, executed by Keith Penn and Amy Penn, husband and wife, in favor of Grand Savings Bank, filed for record June 9, 2015, as Instrument Number 2015-101252, records of Benton County, Arkansas, in the original principal amount of \$1,479,850.00.

An easement executed by Keith and Amy Penn, in favor of the Bella Vista Village Property Owners Association, filed for record August 30, 2006, as Benton County instrument 2006-43269.

An easement executed by Robert B. Thornton and Frieda V. Thornton, in favor of Benton County Rural Water Development Authority, filed for record January 4, 1999, as Benton County instrument number 1999-151.

An easement executed by Ronald G. Welborn, in favor of Benton County Rural Water Development Authority, filed for record May 22, 1998, as Benton County instrument number 1998-53593.

Taxes:

Taxes for parcel 18-09701-000 are due in the amount of \$873.15.

Taxes for parcel 18-09702-000 are due in the amount of \$801.85.

Taxes for parcel 18-09703-000 are due in the amount of \$9,175.83.

Note: This is a current owner search only and not a 30 year search which is required for title insurance.

PCI Advance Title, LLC

FILED

2018 MAY 30 AM 11:57

EXHIBIT "A"
LEGAL DESCRIPTION

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

Tract 1: A part of the NW/4 of the SE/4 of Section 17, Township 20 North, Range 31 West, Benton County, Arkansas and being more particularly described as follows: Commence at the NW corner of said NW/4 of the SE/4, thence South 0°32'34" West 896.40 feet; thence North 85°37'12" East 476.91 feet to the Point of Beginning; thence North 11°58'06" West 123.63 feet; thence North 08°48'29" West 77.74 feet; thence North 77°06'55" East 175.56 feet to the center of AR Hwy 72; thence with said Hwy; thence South 36°55'46" East 70.20 feet; thence South 43°04'58" East 213.79 feet; thence South 85°37'12" West 322.75 feet to the Point of Beginning. Subject to AR Hwy 72 on the East. Approximately 1.23 acres.

Tract 2: The North 36 ¼ acres of the SW/4 of SE/4 and part of the NW/4 of the SE/4 lying South and West of AR Hwy 72 as same now runs in Section 17, Township 20 North, Range 31 West of the Fifth Principal Meridian, Benton County, Arkansas, more particularly described as follows: Beginning at the NW corner of said SW/4 of the SE/4, (Being an iron pin in the center of a county road), thence North 00°32'34" East 402.03 feet along the West line of said NW/4 of the SE/4 to the SW corner of a survey filed in Book "T" Page 176, thence North 85°37'12" East 799.66 feet along the South line of said survey filed in Book "T" Page 176, to the centerline of AR Hwy 72; thence along the centerline of said AR Hwy 72 on a curve to the left having an arc length of 71.75 feet and a chord of South 57°18'24" East and a chord length of 71.51 feet; thence South 58°10'11" East 139.16 feet along said centerline of AR Hwy 72; thence South 62°36'16" East 130.50 feet along said centerline of said AR Hwy 72; thence South 61°58'39" East 270.01 feet along said centerline to a railroad spike on the East line of said NW/4 of the SE/4; thence South 00°58'50" West 1386.21 feet along the East lines of said NW/4 of the SE/4 and the SW/4 of the SE/4 to an iron pin; thence North 89°21'37" West 1321.55 feet along the South line of said North 36 ¼ acres of the SW/4 of the SE/4 to an iron pin in the center of a county road and on the West line of said SW/4 of the SE/4; thence North 00°32'34" East 1207.14 feet along said West line of said SW/4 of the SE/4 to the Point of Beginning. Subject to the Right of Way of AR Hwy 72 on the North and the Right of Way of a county road on the West side thereof, and subject to all easements of record. Approximately 48.67 acres.