



ARKANSAS SECRETARY OF STATE

MARK MARTIN

December 1, 2015

The Honorable Becky LeWallen
Washington County Clerk
280 N College Ste 300
Fayetteville, AR 72701

RE: Annexation

Dear Mrs. LeWallen,

The following information was received and has been filed in the office of the Secretary of State. It has been filed accordingly:

County: Washington City: Fayetteville

Annexation: Ordinance No. 5817 – Dated October 20, 2015
County Court Order. CC-2015-03 – Dated July 6, 2015
Plat of area to be annexed

By copy of this letter, I am sending file marked copies of all of the information to the UALR Institute for Economic Advancement, Arkansas Highway Mapping Department, TomTom, and the State Geographic Information Office. All others listed will only receive notification of the annexation by copy of this letter.

If you have any questions please do not hesitate to contact me at 1-800-482-1127 or 501-682-3476.

Sincerely,

A handwritten signature in black ink, appearing to read "Peyton Murphy".

Peyton Murphy
Elections Attorney
Arkansas Secretary of State

cc: UALR Institute for Economic Advancement (w/encl)
Arkansas Highway Mapping Department (w/encl)
TomTom (w/encl)
Shelby Johnson, State Geographic Information Officer GIS (w/encl)
Arkansas Municipal League (w/o encl)
Fayetteville City Clerk (w/o encl)





BECKY LEWALLEN
County And Probate Clerk

WASHINGTON COUNTY
STATE OF ARKANSAS
Washington County Courthouse
280 North College Avenue, Suite 300
Fayetteville, Arkansas 72701
Telephone: (479) 444-1711
Fax: (479) 444-1894

CERTIFICATE OF COUNTY AND PROBATE COURT

THE STATE OF ARKANSAS,

COUNTY OF WASHINGTON.

I, Becky Lewallen, County and Probate Clerk within and for the County and State aforesaid, do hereby certify that the foregoing is a true and correct copy of CC2015-3. In the Matter of Annexing to the City of Fayetteville, Arkansas as it appears of Record File Thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on

This 19th day of November, 2015.

Becky Lewallen

County Clerk

By: *Janice Thompson*

Deputy County Clerk

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

IN THE MATTER OF THE PETITION OF
CERTAIN REAL PROPERTY FOR
ANNEXATION TO THE CITY OF
FAYETTEVILLE, WASHINGTON COUNTY,
ARKANSAS

Case No. CC-2015-

BECKY LEWALLEN
CLERK & PROBATE CLERK
WASHINGTON CO. ARK.

2015 MAY 27 AM 11:31

FILED

PETITION TO ANNEX TERRITORY TO THE CITY OF FAYETTEVILLE,
WASHINGTON COUNTY, ARKANSAS

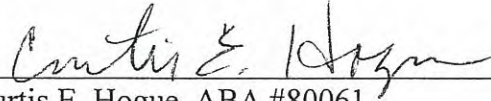
Comes now Edna J. Salsbury, Bryce Salsbury, and Gerald Salsbury (collectively “Petitioners”), and hereby submit their Petition to Annex Certain Real Property into the City of Fayetteville, Washington County, Arkansas, pursuant to Ark. Code Ann. § 14-40-601, et seq. as follows:

1. Petitioners collectively own the real property described on the plat map, Exhibit A attached hereto and made a party hereof (the “Real Property”), and said Real Property is situated in Washington County, Arkansas, and is contiguous with the City of Fayetteville, Arkansas.
2. The Petitioners desire that the Real Property become part of the City of Fayetteville, Arkansas, and petition the County Judge for annexation of the Real Property into the City of Fayetteville.
3. A true and correct presentation of the Real Property and how it is contiguous to the City of Fayetteville, Arkansas, on the plat map, Exhibit A attached hereto
4. The Petitioners herein desire that the Real Property become part of the City of Fayetteville, Washington County, Arkansas, and the Petitioners state that they will do any and all legal acts necessary to accomplish the objectives set forth herein.

WHEREFORE, PREMISES CONSIDERED, the Petitioners respectfully pray that this Court set a hearing, and after notice of such hearing, that the County Judge sign an Order

annexing the above described Real Property into the City of Fayetteville, Washington County, Arkansas, and order such relief as may be appropriate under applicable law.

Respectfully submitted,



Curtis E. Hogue, ABA #80061

**HALL, ESTILL, HARDWICK, GABLE,
GOLDEN & NELSON, P.C.**

75 N. East Avenue, Suite 402

Fayetteville, AR 72701-5388

Telephone (479) 973-5200

Facsimile (479) 973-0520

**ATTORNEYS FOR PETITIONERS,
EDNA SALSBUARY, BRYCE SALSBUARY,
GERALD SALSBUARY**

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1490
HIGHBUSH AVE

HUNTSVILLE RD

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APOLLO DR

SPRITZ DR

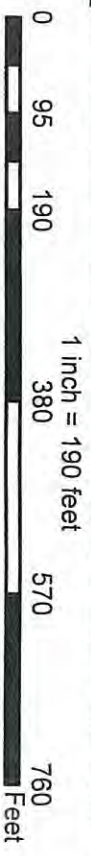
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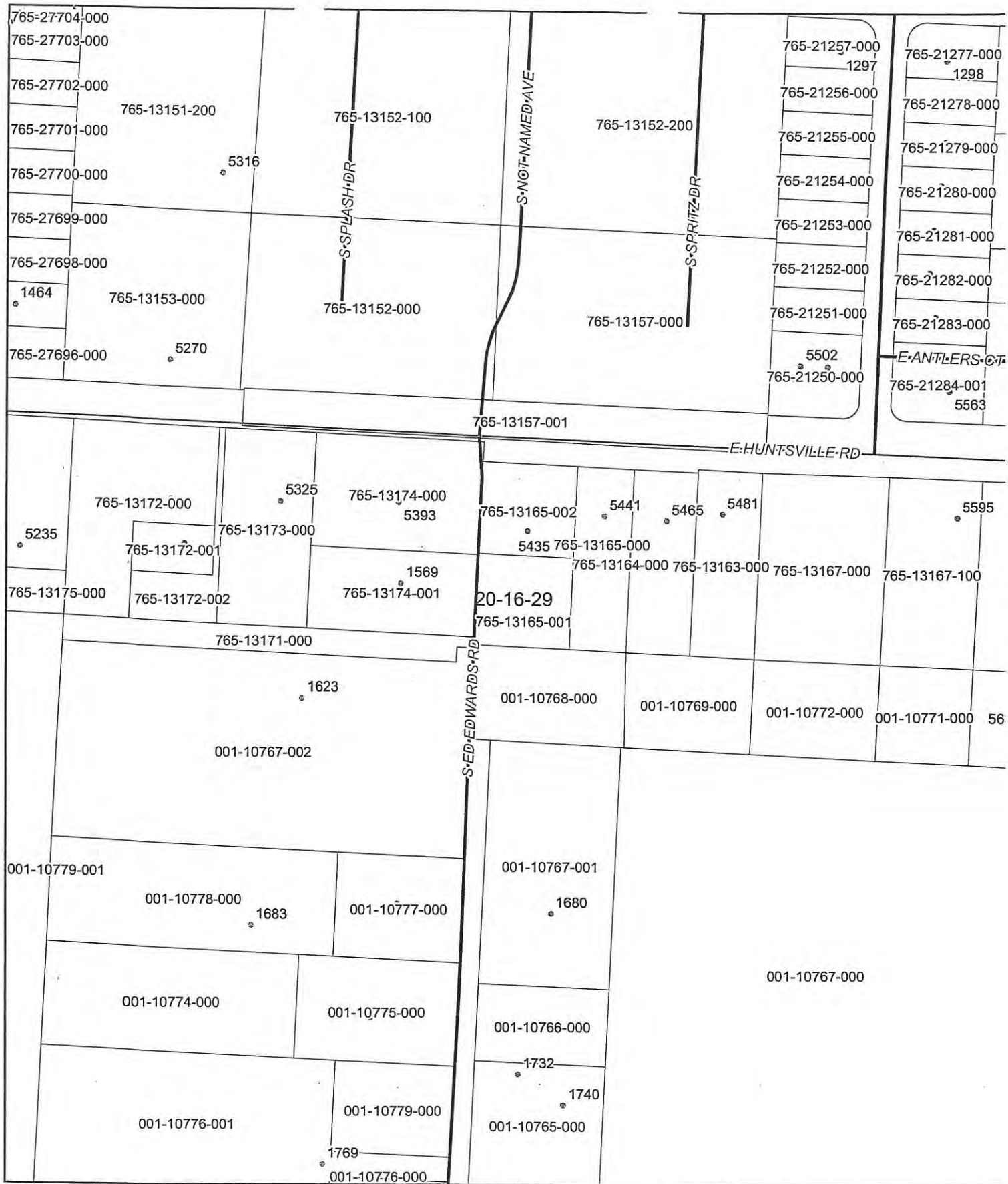
ANTHRS CT



EXHIBIT
A

319929





County Disclaimer: These maps were created by Washington County using data created or acquired by its Assessor's office, Dept. of Emergency Management and Road Department and in accordance with Arkansas Code 15-21-502 (2) (B), which states "The digital cadastre manages and provides access to cadastral information. Digital cadastre does not represent legal property boundary descriptions, nor is it suitable for boundary determination of the individual parcels included in the cadastre." and Arkansas Code 15-21-502 (6) which indicates that "Digital cadastre" means the storage and manipulation of computerized representations of parcel maps and linked databases." These maps have 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 said Washington County 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 maps. The parcel lines shown are considered a graphical representation of the actual boundaries. Washington County is in no way responsible for or liable for any misrepresentation.

IN THE CIRCUIT COURT OF WASHINGTON COUNTY, ARKANSAS

IN THE MATTER OF THE PETITION OF
CERTAIN REAL PROPERTY FOR
ANNEXATION TO THE CITY OF
FAYETTEVILLE, WASHINGTON COUNTY,
ARKANSAS

CASE NO. CC-2015-3

BECKY LEWIS
CLERK & PROBATE CLERK
WASHINGTON COUNTY
2015 JUL -6 AM 9:09
FILED

ORDER OF ANNEXATION

Now on this 6th day of July, 2015, the Petition for Annexation of Property contiguous to the City of Fayetteville, filed by Edna J. Salsbury, Bryce Salsbury and Gerald Salsbury (collectively "Petitioners"), comes on for hearing and the same is submitted to the Court upon said Petition, proof of publication of notice, testimony before the Court, and other evidence presented, from all of which the Court finds:

1. That the Petition for Annexation of Property Contiguous to the City of Fayetteville was duly filed in the office of the County Clerk of Washington County, Arkansas, and that an Order was made fixing the time and place for a hearing on said Petition at this date and time in the County Court of Washington County, Arkansas.

2. That legal notice of the hearing was given as required by law and such notice of the hearing was published once a week for three consecutive weeks in the Northwest Arkansas Democrat Gazette, a newspaper published in Washington County, Arkansas. Proof of publication has been made and filed with the Clerk of this Court.

3. That the Petitioners are the owners of the property to be annexed.

4. That the owners of the proposed annexed area shall derive substantial benefit from the annexation.

Q3-1

5. That the area to be annexed is part of the growth area of Fayetteville, Arkansas and the extension of the corporate boundaries is a realization of the natural growth of the City of Fayetteville.

5. That the lands to be annexed are contiguous to and adjoin the City of Fayetteville.


7. That the City Council of the City of Fayetteville, Arkansas, shall, according to Arkansas Code Annotated § 14-40-605, accept the annexation by ordinance.

8. That the legal description of the lands to be annexed is that property situated in Washington County, Arkansas, to wit:

Part of the Northeast Quarter of the Southwest Quarter of Section 20, Township 16 North, Range 29 West, described as beginning at a corner post of a fence, which is 240 feet East and 447 feet South of the Northwest corner of said 40 acre tract, and running thence West 240 feet, thence North 147 feet, more or less, to the present city limit line of the City of Fayetteville, Arkansas, thence East with the present city limit line of said city 240 feet to a fence; thence South 147 feet, more or less, along a fence line to the point of beginning.

9. That the lands to be annexed have been accurately described and an accurate map thereof made and filed with this Court and the prayer of the Petitioners is right and proper.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the above-described lands be and hereby are, annexed to and hereby made a part of the City of Fayetteville, Washington County, Arkansas.


MARILYN EDWARDS,
COUNTY JUDGE *OK* *7/6/15*

Q3.2
2

Prepared By:
Curtis E. Hogue, ABA #80061
Hall, Estill, Hardwick, Gable, Golden &
Nelson, P.C.
75 N. East Avenue, Suite 402
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Telephone (479) 973-5200
Facsimile (479) 973-0520

Q3.3



113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Ordinance: 5817

2015 NOV 13 PM 2:40
BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

FILED

File Number: 2015-0444

ANX 15-5181: (1620 S. ED EDWARDS RD./SALSURY):

AN ORDINANCE TO ANNEX THAT PROPERTY DESCRIBED IN ANNEXATION PETITION ANX 15-5181 SUBMITTED BY CURTIS HOGUE FOR PROPERTY LOCATED AT 1620 S. ED EDWARDS ROAD CONTAINING APPROXIMATELY 0.83 ACRES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council hereby confirms the annexation to the City of Fayetteville, Arkansas, of that property described in Exhibits A and Exhibit B attached hereto and made a part hereof.


Section 2: That the official map of the City of Fayetteville, Arkansas, is hereby amended to reflect the change provided in Section 1 above.

Section 3: That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to assign the zoning designation of RSF-2, Single-Family Residential/2 Unit Per Acre to the subject property.

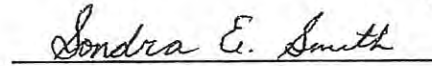
Section 4: That the above-described property is hereby assigned to Ward No. One.

PASSED and APPROVED on 10/20/2015

Approved:


Lioneld Jordan, Mayor

Attest:


Sondra E. Smith, City Clerk Treasurer



15-5181
EXHIBIT 'B'

That the legal description of the lands to be annexed is that property situated in Washington County, Arkansas, to wit:

Part of the Northeast Quarter of the Southwest Quarter of Section 20, Township 16 North, Range 29 West, described as beginning at a corner post of a fence, which is 240 feet East and 447 feet South of the Northwest corner of said 40 acre tract, and running thence West 240 feet, thence North 147 feet, more or less, to the present city limit line of the City of Fayetteville, Arkansas, thence East with the present city limit line of said city 240 feet to a fence; thence South 147 feet, more or less, along a fence line to the point of beginning.

City of Fayetteville Staff Review Form

2015-0444

Legistar File ID

10/20/2015

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Jeremy Pate

10/2/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

ANX 15-5181: ANNEXATION (1620 S. ED EDWARDS RD./SALSBUURY, 610): Submitted by CURTIS HOGUE for property located at 1620 S. ED EDWARDS RD. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 0.83 acres. The request is for the property to be annexed into the City of Fayetteville and it is recommended that the property be zoned RSF-2, SINGLE-FAMILY RESIDENTIAL/2 UNITS PER ACRE.

Budget Impact:

Account Number	Fund
Project Number	Project Title
Budgeted Item? <u>NA</u>	Current Budget \$ -
	Funds Obligated \$ -
	Current Balance \$ -
Does item have a cost? <u>No</u>	Item Cost
Budget Adjustment Attached? <u>NA</u>	Budget Adjustment
	Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: October 20, 2015

Comments:

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance

Exhibit A

Exhibit B

Planning Commission Staff Report

- Streets:** The subject parcel has access to Ed Edwards Road. Ed Edwards is an unimproved 2 lane road with existing drainage ditches along each side, and culverts at driveways. The approximate width of the road along the property frontage is 20 feet.
- Water:** A 4" diameter public water main is available along the frontage of the subject parcel on the east side of Ed Edwards Road.
- Sewer:** An 8" diameter public sewer main is available to the subject parcel. The sewer main is currently located on the west side of Ed Edwards Road, opposite the northwest corner of the property. Based on the size of existing mains, there should be adequate capacity for the current use of the property. If additional capacity is necessary for water or sewer to serve the property, it shall be the responsibility of the property owner, at the time of development.
- Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. This parcel does not lie within the 100-yr floodplain, nor would it be located within streamside protection areas, or the Hillside/Hilltop Overlay District if it were to be annexed.
- Fire:** This development will be protected by Ladder 3 located at 1050 S. Happy Hollow. It is 3.3 miles from the station with an anticipated response time of 6 minutes to the beginning of the development. The Fayetteville Fire Department response time goal for all development is 6 minutes or less. The Fire Department does not feel this development will affect our calls for service or our response times.
- Police:** The Fayetteville Police Department does not anticipate the proposed annexation at 1620 Ed Edwards Road will substantially affect traffic congestion and/or call load.

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as **Residential Neighborhood Area**.* These areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and rowhouses.

FINDINGS OF THE STAFF

RECOMMENDATION: Staff recommends denial of ANX 15-5181, finding that the proposed annexation is not justified, being a small parcel creating a peninsula that extends City service obligations for several divisions, including Fire, Police, Water, Sewer, and Trash and Recycling without benefit to the City.

Finding: The property is adjacent to City services and is one parcel developed with a residence. Connection to sewer service would be the responsibility of the property owner.

ENVIRONMENTALLY SENSITIVE AREAS

12.3.5.f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Finding: The property is already developed with a residence and is not an environmentally sensitive area that needs protection.

EMERGENCY AND PUBLIC SERVICES

12.3.5.g Public services must be able to be provided efficiently in newly annexed areas.

Finding: Fayetteville Fire Department response time to this location is six minutes from the current closest station (1050 S. Happy Hollow Road). The Fire Department response time goal is six minutes or less.

Police: The Police Department does not anticipate significant impact on police services if this single-family lot is annexed.

12.3.5.h Annexed areas should receive the same level of service of areas already in the city limits.

Finding: At an estimated response time of six minutes, Fire Department service is at the upper limit of acceptable response time. There are nearby areas in the City that have similar response times. The subject property would receive the same level of services, including trash service, police protection, fire protection, sewer, water, recycling and yard waste pick up, and zoning protection as nearby property within the City.

12.3.5.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

Finding: These factors were taken into consideration in the responses and recommendations included in this report.

INFRASTRUCTURE AND UTILITIES

12.3.5.j Areas currently served by utilities and other public services should be annexed.

Finding: Fire and police protection are currently provided in this area, but not to this address. Sewer lines are available nearby. The residence is served by City of Fayetteville water.

12.3.5.r Development proposals require a separate review from the annexation proposals.

Finding: Future development of the subject property will be required to go through the development review process.

12.3.5.s Residents should be fully informed of annexation activities.

Finding: Adjoining neighbors have been notified of the annexation request. A legal ad and display have both been submitted with a local newspaper prior to the Planning Commission meeting for which this item is scheduled.

12.3.5.t Encourage larger annexations to create acceptable boundaries.

Finding: Staff finds that this request is of a small size, being just one single family lot of less than one acre. The request would create an uneven boundary and a small peninsula.

12.3.5.u Conduct a fiscal impact assessments on large annexations.

Finding: N/ A

BUDGET/STAFF IMPACT:

None

Attachments:

- City Plan 2030, section 12.3: Annexation
- Request Letter
- Order of Annexation
- Aerial Image
- City Services Exhibit
- Fire Comments
- Police Comments
- One Mile Map, Close-Up Map, Current Land Use Map, Future Land Use Map

Approximately 60 percent of the total annexations can be attributed to seven single annexations. Each of these annexations included more than 1,000 acres. Four of those six annexations occurred during the 1960s. The most significant annexation was in 1967 that added over 11,000 acres to the City limits. Until 1960, the number of persons per acre remained relatively high, but decreased between 1940 and 1960. The significant drop in persons per acre from 3.9 in 1960 to 1.3 in 1970 is reflective of the significant land area annexed during this time. The trend of decreasing persons per acre reversed in 1980 and increased over the next two and half decades. By 2000, the persons per acre was 2.2, however, this trend has again reversed, due to several large annexations, resulting in approximately 33% increase in land area since 2000.

12.3.3 State Statutes on Annexation

Arkansas Statutes

Title 14, Chapter 40 of the state statute discusses annexation. Annexations can be initiated by a municipality or by property owners.

A municipality can annex contiguous lands, lands surrounded by the municipality, unincorporated area that is completely bounded by two or more municipalities if the municipality has the greater distance of city limits adjoining the area, and land contiguous and in adjacent counties. To annex any contiguous lands, the governing body must adopt an ordinance, passed by two-thirds of the governing body and hold an election of the people. Those lands must meet one of the following criteria:

- Platted and held for sale or use as municipal lots;
- Whether platted or not, if the lands are held to be sold as suburban property;
- When the lands furnish the abode for a densely settled community or represent the actual growth of the municipality beyond its legal boundary;
- When the lands are needed for any proper municipal purposes such as for the extension of needed police regulation; or
- When they are valuable by reason of their adaptability for prospective municipal uses.

Contiguous lands must not be annexed if they meet either of the following criteria:

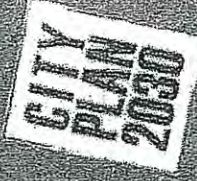
- Have a fair market value at the time of adoption of the ordinance of lands used only for agricultural or

**TABLE 12.3.3
POPULATION VS. LAND AREA
Fayetteville (1940-2000)**

Year	Population		Land Area		Persons Per Acre
	Persons	Percent Change	Acres	Percent Change	
1940	8,212	-	1,446.65	-	5.6
1950	17,017	107.2%	4,018.70	177.79%	4.2
1960	20,274	19.1%	5,213.36	29.73%	3.9
1970	30,729	61.7%	23,483.91	350.1%	1.3
1980	36,608	19.1%	24,811.05	5.74%	1.5
1990	42,247	15.0%	26,402.92	6.42%	1.6
2000	58,047	37.9%	26,756.46	7.98%	2.2
2006	67,020	15.5%	32,103.47	20.0%	2.1
2010	73,580	10.0%	35,454.00	10.0%	2.1

Source: City of Fayetteville, GIS, June 2006





Environmentally Sensitive Areas

12.3.5.f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Emergency and Public Services

12.3.5.g Public services must be able to be provided efficiently in newly annexed areas.

12.3.5.h Annexed areas should receive the same level of service of areas already in the city limits.

12.3.5.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

Infrastructure and Utilities

12.3.5.j Areas currently served by utilities and other public services should be annexed.

12.3.5.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.

12.3.5.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Intergovernmental Relations

12.3.5.m Promote long-range planning with adjacent jurisdictions.

12.3.5.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

Administration of Annexations

12.3.5.o Develop a land use plan for annexation initiated by the City.

12.3.5.p Designate zoning districts for the property during the annexation process.

12.3.5.q An annexation study should be completed on all annexation proposals.

12.3.5.r Development proposals require a separate review from the annexation proposals.

12.3.5.s Residents should be fully informed of annexation activities.

12.3.5.t Encourage larger annexations to create acceptable boundaries.

12.3.5.u Conduct a fiscal impact assessments on large annexations.



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS



FIRE DEPARTMENT
303 West Center Street
Fayetteville, AR 72701

P (479) 575-8365 F (479) 575-0471

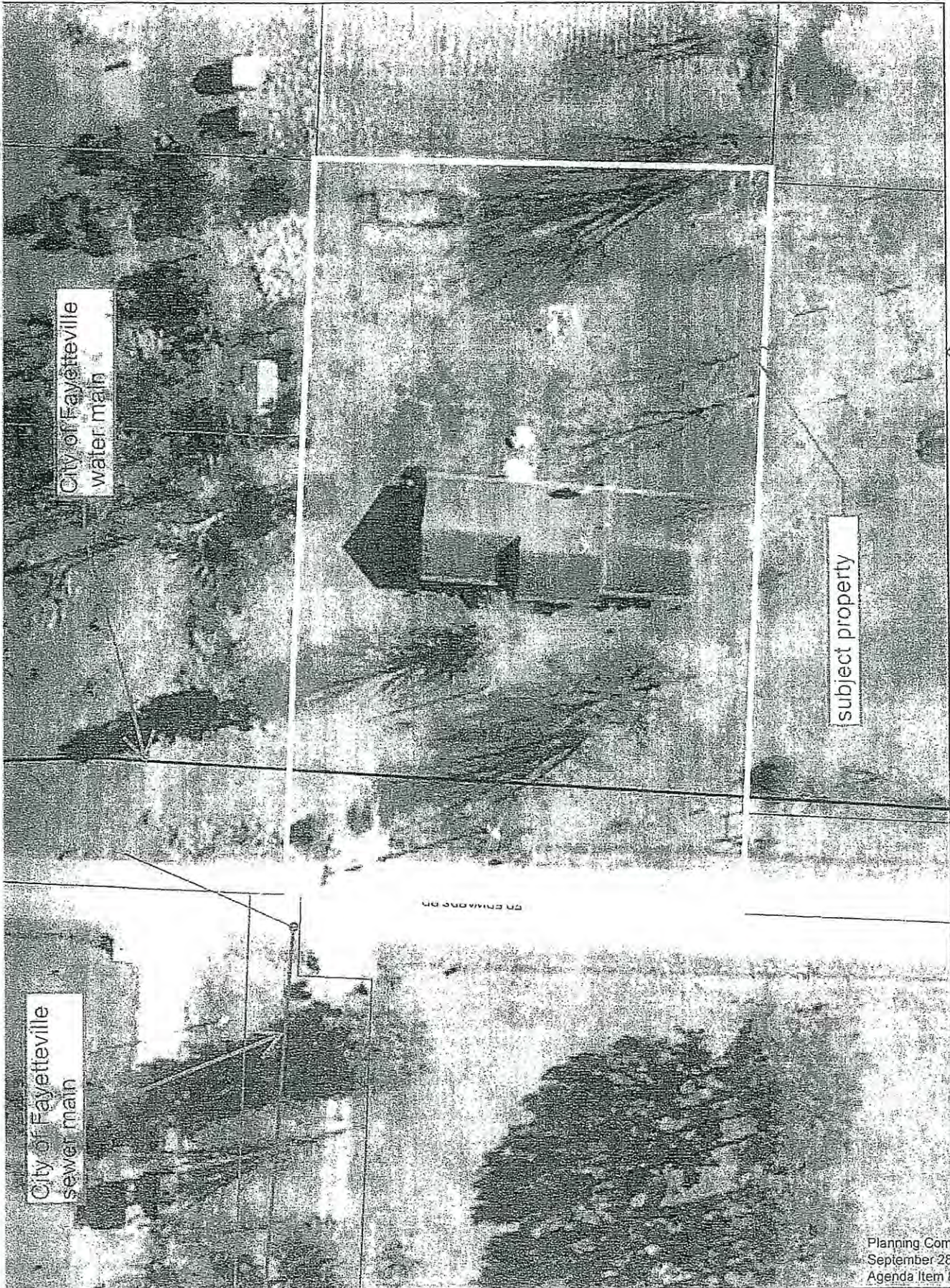
Annexation Review

To: Quin Thompson
From: Captain Jeremy Ashley
Date: September 1, 2015
Re: ANX 15-5181

This development will be protected by Ladder 3 located at 1050 S. Happy Hollow. It is 3.3 miles from the station with an anticipated response time of 6 minutes to the beginning of the development. The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

If you have any questions please feel free to contact me.

Fayetteville Fire Department



City of Fayetteville
water main

City of Fayetteville
sewer main

SUNSHINE DR

subject property



IN THE CIRCUIT COURT OF WASHINGTON COUNTY, ARKANSAS

IN THE MATTER OF THE PETITION OF
CERTAIN REAL PROPERTY FOR
ANNEXATION TO THE CITY OF
FAYETTEVILLE, WASHINGTON COUNTY,
ARKANSAS

CASE NO. CC-2015-3

2015 JUL -6 AM 9:09

ORDER OF ANNEXATION

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1. That the Petition for Annexation of Property Contiguous to the City of Fayetteville was duly filed in the office of the County Clerk of Washington County, Arkansas, and that an Order was made fixing the time and place for a hearing on said Petition at this date and time in the County Court of Washington County, Arkansas.

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3. That the Petitioners are the owners of the property to be annexed.

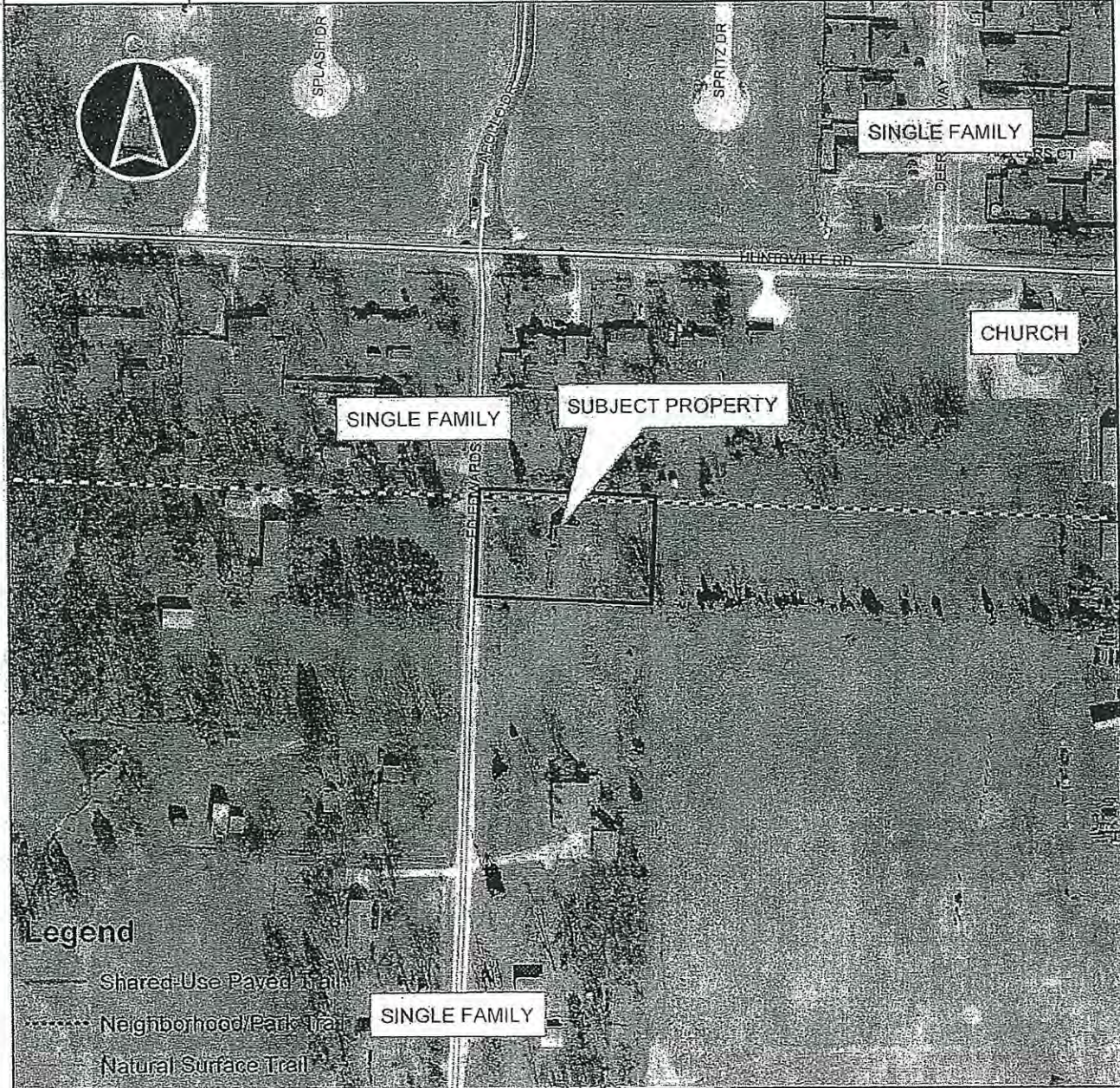
4. That the owners of the proposed annexed area shall derive substantial benefit from the annexation.

Prepared By:
Curtis E. Hogue, ABA #80061
Hall, Estill, Hardwick, Gable, Golden &
Nelson, P.C.
75 N. East Avenue, Suite 402
Fayetteville, AR 72701-5388
Telephone (479) 973-5200
Facsimile (479) 973-0520

ANX15-5181

SALSBURY

Current Land Use



Overview

ANX15-5181

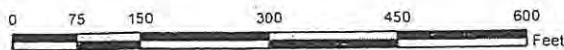
Fayetteville City Limits

Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

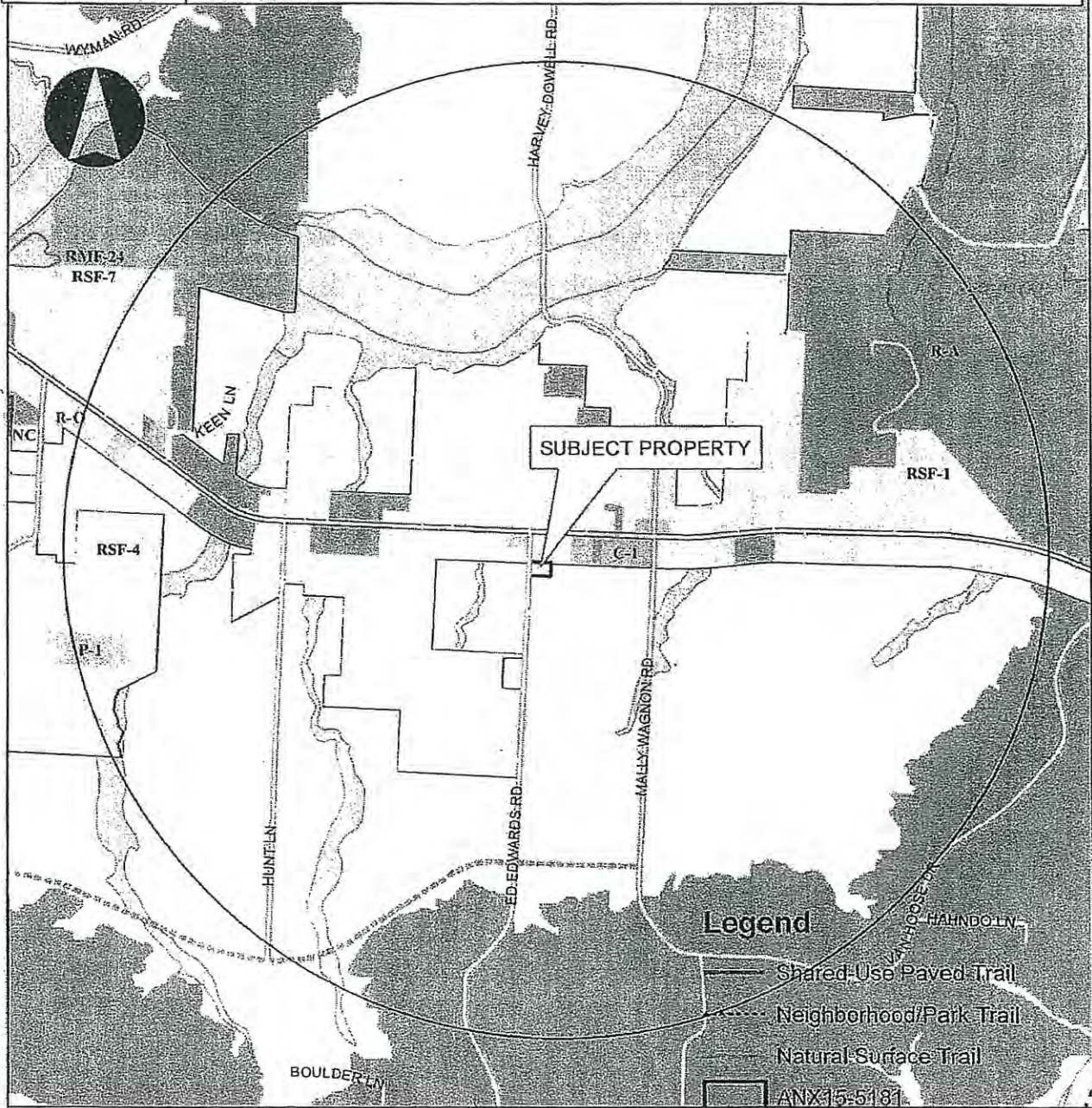
Planning Area



ANX15-5181

SALSBURY

One Mile View



Legend

- Shared-Use Paved Trail
- Neighborhood/Park Trail
- Natural Surface Trail
- ANX15-5181

Overview



Legend

Subject Property

Boundary

0 0.25 0.5

1 Miles

- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area
- Fayetteville

