



# JOHN THURSTON

ARKANSAS SECRETARY OF STATE

February 3, 2020

The Hon. Becky Lewallen  
Washington County Clerk  
280 N. College, Suite 300  
Fayetteville, AR 72701

Re: City of Farmington Annexation Ordinance 2019-11

Dear Ms. Lewallen,

This letter acknowledges receipt and filing of the following notice of municipal boundary change by the Office of the Arkansas Secretary of State:

Filing Type: Annexation pursuant to § A.C.A 14-40-2101 (annexation with detachment from adjoining city at city request)

Effective Date: 11/18/2019

County: Washington

City: Farmington

City Ordinance: 2019-11

Dated: 10/14/2019

County Court Order: N/A

Date Filed: N/A

A file marked copy of the ordinance, court order and exhibits submitted to our Office are enclosed. By copy of this letter (and its enclosures), the Secretary of State hereby notifies the appropriate mapping authorities for Arkansas. Please retain these copies as official record of the filing of the municipal change by the Arkansas Secretary of State.

If you have any questions or concerns regarding this filing, please do not hesitate to contact our Office at 501-683-3717.

Sincerely,

A handwritten signature in cursive script that reads "Shantell McGraw".

Shantell McGraw  
Elections Division

cc: Arkansas Geographic Information Systems Office (w/encl)  
Arkansas Department of Transportation Mapping Department (w/encl)  
Department of Finance and Administration (w/encl)  
Arkansas Public Service Commission (w/encl)  
Arkansas Economic Development Institute (w/encl)  
The Hon. Ernie Penn, Mayor of Farmington (w/encl)  
The Hon Sunny Hudson, Mayor of Prairie Grove (w/encl)  
Mr. Steven D. Tennant, Farmington City Attorney (w/encl)



# Arkansas Secretary of State

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

## Municipal Boundary Change Checklist

Act 655 of 2017 and A.C.A. §14-40-103

County: WASHINGTON City/Town: FARMINGTON

City Ordinance/Resolution No: Farmington 2019-11 Date approved: October 14, 2019

County Court Case No: \_\_\_\_\_ Date Order Filed: \_\_\_\_\_

Type: A.C.A §14-40-2101

(Choose from the list of Arkansas Code Sections located on the back)

Date Change Effective: November 18, 2019 Set by:  Municipal Ordinance  Emergency Clause  Court  Default  
(Required by Act 655 of 2017)

For Circuit Court Challenge: Date Order Filed: \_\_\_\_\_  Upheld  Overturned  Other (attach explanation)

Please indicate which ward(s) the territory will be assigned to: Ward 4, City of Farmington

(See A.C.A § 14-40-203)

Initiating party:

All Landowners  Majority Landowners  Municipal Governing Body  State  Other \_\_\_\_\_

Supporting Documentation attached (check all that apply):

- File marked copy of City Ordinance/Resolution (required)
- File marked copy of County Court Order or certified annexation election results (required except for A.C.A. §14-40-501)
- Copy of Arkansas GIS approved printed map and certification letter (required)
- Proof of Publication for all Legal Notices (Include Hearing, Election, and City Ordinance/Resolution notices)
- File marked copy of Petition Part (if applicable)
- File marked copy of Complaint and final Circuit Court Order (Court Challenge only)

Municipal Contact:

Name: Steven D. Tennant Title: City Attorney

Street Address: P.O. Box 120

City: Farmington St: AR Zip code: 72730

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: Jennifer Shasnow Title: Chief Deputy Clerk

Date: 12/20/19

Pursuant to Act 655 of 2017, County Officials must submit a file-marked copy of municipal boundary change documents within 30 days of receipt to: Arkansas Secretary of State, Attn: Municipal Boundary Filing, 500 Woodlane Ave Suite 256, Little Rock, AR 72201-1094

Office of the Arkansas Secretary of State use only

Received by: Shaullee

**FILED**

FEB 03 2020

Arkansas Secretary of State Rev. 2/2019

FILED

2019 DEC 19 PM 1:22

Type: REAL ESTATE  
Kind: ORDINANCE  
Recorded: 10/16/2019 10:43:08 AM  
Fee Amt: \$25.00 Page 1 of 3  
Washington County, AR  
Kyle Sylvester Circuit Clerk

File# 2019-00031629

BECKY LEWALLEN  
CO. & PROBATE CLERK  
WASHINGTON CO. AR

**ORDINANCE NO. 2019-11**

AN ORDINANCE TO SIMULTANEOUSLY DETACH TERRITORY FROM THE CITY OF PRAIRIE GROVE AND ANNEXING SAID TERRITORY INTO THE CITY OF FARMINGTON PURSUANT TO A.C.A. §14-40-2101

WHEREAS, A.C.A. §14-40-2101 provides a procedure for the simultaneous detachment of territory from one municipality and annexation of such territory into an adjoining municipality; and

WHEREAS, Aspen Rentals, LLC is desirous of detaching two (2) parcels of real property from the City of Prairie Grove and annexing same into the City of Farmington.

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

SECTION 1. That certain territory presently within the corporate limits of the City of Prairie Grove is contiguous to and adjoins the City of Farmington. The City of Farmington hereby calls for the simultaneous detachment and annexation of the lands that are described in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 2. That the proposed detachment and annexation of said lands described in Exhibit A was requested by the owners of the subject property.

SECTION 3. That a copy of this ordinance shall be sent to the governing body of the City of Prairie Grove. Within sixty (60) days of the date this ordinance was proposed, the governing body of the City of Prairie Grove shall conduct a public hearing on the proposed detachment and annexation.

SECTION 4. That at least fifteen (15) days prior to the date of the public hearing, the Farmington City clerk shall publish a legal notice of said public hearing, which shall also set out the legal description of the territory proposed to be detached and annexed.

SECTION 5. That at said public hearing, officials of both municipalities, as well as property owners within the area proposed to be detached and annexed, may appear and present their views on the proposal.

SECTION 6. That at the next regularly scheduled meeting of the Prairie Grove City Council following the public hearing, said city council may bring proposed ordinance up for a vote to concur in the detachment and annexation. If approved, a prima facie case for detachment and annexation shall be established, and the City of Farmington shall proceed to render services to the newly annexed area.

PASSED AND APPROVED THIS 14<sup>TH</sup> DAY OF OCTOBER, 2019.

APPROVED:

By:



Ernie Penn, Mayor

ATTEST:

By:



Kelly Penn, City Clerk

EXHIBIT "A"

LOT 1:

A part of the Northeast Quarter of the Northeast Quarter of Section 4, and a part of the Northwest Quarter of the Northwest Quarter of Section 3, all in Township 15 North, Range 31 West of the Fifth Principal Meridian, Washington County, Arkansas, being more particularly described as follows, to-wit:

Commencing at the SW corner of said NE1/4 NE1/4 of Section 4, Township 15 North, Range 31 West, thence S89°05'05"E 353.77 feet, thence N00°54'48"E 286.39 feet, thence S89°06'45"E 820.07 feet, thence N15°48'00"E 57.71 feet, thence N29°07'59"E 73.75 feet to an existing #4 rebar PLS #1272 being the true point of beginning and running thence N29°39'42"E 76.19 feet to a set #4 rebar, thence S53°59'17"E 159.63 feet to a set #4 rebar, thence S35°38'09"W 74.99 feet to an existing #4 rebar, thence N54°16'00"W 151.70 feet to the point of beginning, containing 0.27 acres, more or less.

AND

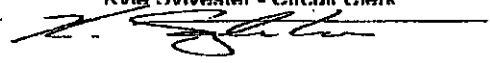
LOT 2:

A part of the Northeast Quarter of the Northeast Quarter of Section 4, and a part of the Northwest Quarter of the Northwest Quarter of Section 3, all in Township 15 North, Range 31 West of the Fifth Principal Meridian, Washington County, Arkansas, being more particularly described as follows, to-wit: Commencing at the SW corner of said NE1/4 NE1/4 of Section 4, Township 15 North, Range 31 West, thence S89°05'05"E 353.77 feet, thence N00°54'48"E 286.39 feet, thence S89°06'45"E 820.07 feet, thence N15°48'00"E 57.71 feet, thence N29°07'59"E 73.75 feet to an existing #4 rebar PLS #1272, thence N29°39'42"E 76.19 feet to a set #4 rebar being the true point of beginning and running thence N37°34'29"E 70.00 feet to an existing #4 rebar, thence S55°38'13"E 158.45 feet to a set #4 rebar, thence S36°31'19"W 74.54 feet to a set #4 rebar, thence N53°59'17"W 159.63 feet to the point of beginning, containing 0.26 acres, more or less.

Subject to easements, rights-of-way, and protective covenants of record, if any.  
Subject to all prior mineral reservations and oil and gas leases.

Washington County, AR  
I certify this instrument was filed on  
10/16/2019 10:43:08 AM  
and recorded in REAL ESTATE

File# 2019-00031629  
Kvle Silvester - Circuit Clerk



FILED

ORDINANCE NO. 2019-36 2019 DEC 19 PM 1:22

**AN ORDINANCE CONCURRING WITH FARMINGTON ORDINANCE NO. 2019-11, PROVIDING FOR THE VOLUNTARY DETACHMENT OF CERTAIN LANDS FROM THE CITY OF PRAIRIE GROVE AND ATTACHING SAID LANDS TO THE CITY OF FARMINGTON.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE GROVE, ARKANSAS, THAT:

Section One: Title. This Ordinance shall be known as the 2019 Aspen Rentals Detachment Ordinance of 2019.

Section Two: Purpose. At the request of the property owner, Aspen Rentals, LLC, the City of Farmington passed Ordinance 2019-11 calling for the simultaneous detachment and annexation of a portion of two lots divided by the city limits between Prairie Grove and Farmington, out of Prairie Grove and into Farmington, pursuant to A.C.A. 14-40-2101.

Section Three: Public Hearing Held. The Prairie Grove City Council held a public hearing on this subject as required by A.C.A. §14-40-2101 on November 18, 2019 following Farmington's publication of a notice for this public hearing at least fifteen (15) days before the hearing.

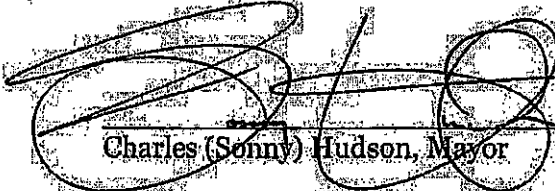
Section Four: Concurrence. The City of Council of Prairie Grove, Arkansas hereby concurs with Farmington Ordinance No. 2019-11 providing for the simultaneous detachment from Prairie Grove and annexation into Farmington of that property described in Exhibit A (attached).

Section Five: Repealing Clause. Ordinances or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith, are hereby repealed.


Section Six: Saving Clause. Nothing herein shall be deemed to affect any rights or obligations existing at the time of the passage of this ordinance.

Section Seven: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

Approved this 18 day of November 2019.

  
Charles (Sonny) Hudson, Mayor

(Attest)

  
Christine Kelly, City Clerk

All that part of the following described property currently located within the City Limits of Prairie Grove

**EXHIBIT "A"**

**LOT 1:**

A part of the Northeast Quarter of the Northeast Quarter of Section 4, and a part of the Northwest Quarter of the Northwest Quarter of Section 3, all in Township 15 North, Range 31 West of the Fifth Principal Meridian, Washington County, Arkansas, being more particularly described as follows, to-wit:  
Commencing at the SW corner of said NE1/4 NE1/4 of Section 4, Township 15 North, Range 31 West, thence S89°05'05"E 353.77 feet, thence N00°54'48"E 286.39 feet, thence S89°06'45"E 820.07 feet, thence N15°48'00"E 57.71 feet, thence N 29°07'59"E 73.75 feet to an existing #4 rebar PLS #1272 being the true point of beginning and running thence N29°39'42"E 76.19 feet to a set #4 rebar, thence S53°59'17"E 159.63 feet to a set #4 rebar, thence S35°38'09"W 74.99 feet to an existing #4 rebar, thence N54°16'00"W 151.70 feet to the point of beginning, containing 0.27 acres, more or less.

**AND**

**LOT 2:**

A part of the Northeast Quarter of the Northeast Quarter of Section 4, and a part of the Northwest Quarter of the Northwest Quarter of Section 3, all in Township 15 North, Range 31 West of the Fifth Principal Meridian, Washington County, Arkansas, being more particularly described as follows, to-wit:  
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Subject to easements, rights-of-way, and protective covenants of record, if any.  
Subject to all prior mineral reservations and oil and gas leases.



CERTIFICATION OF ORDINANCE

I, Christine Kelly, City Clerk of the City of Prairie Grove, Arkansas, hereby certify that the attached is a true and correct copy of an ordinance, which was duly passed and approved by a two-thirds vote of the total number of members the City Council of the City of Prairie Grove, Arkansas, on the 18 day of November, 2019.

Seal



*Christine Kelly*  
Christine Kelly, City Clerk  
City of Prairie Grove, Arkansas

# AFFIDAVIT OF PUBLICATION

BC  
10-29-19

2019 DEC 19 PM 1:23

I, Carla Gardner, solemnly swear that I am the Director of Finance for the

Northwest Arkansas Newspapers, LLC, and I do solemnly swear that I am the CLERK

BECKY LEWALLEN  
CO. & PROBATE CLERK  
WASHINGTON CO. AR

attached advertisement:

City of Farmington  
PH Legal Notice

was published in the following weekly paper(s):

X  Washington County Enterprise Leader

Of general and bona fide circulation in Washington County, Arkansas

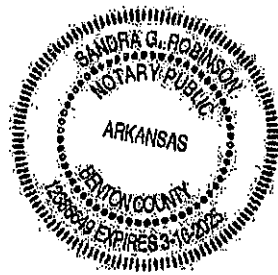
Date(s) of Publication: October 23, 2019

Publication Charges: \$113.25

Carla Gardner  
Carla Gardner

Subscribed and sworn to before me  
This 23rd day of Oct, 2019.

Bandra Robinson  
Notary Public  
My Commission Expires: 3-16-25



**LEGAL NOTICE**  
 NOTICE IS HEREBY GIVEN that an ordinance has been proposed by the Farmington City Council to simultaneously detach territory from the City of Prairie Grove and annex said territory into the City of Farmington in accordance with Arks Code Ann, §01-40-2101. The property situated in Washington County, Arkansas is described as:

**LOT 1:**  
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 Subject to easements, rights-of-way, and protective covenants of record, if any.  
 Subject to all prior mineral reservations and oil and gas leases.  
 A public hearing will be held regarding this matter at 7:00 p.m. on November 18, 2019, in the District Court Room located at 955 E. Douglas Street, Prairie Grove, Arkansas. The public and, in particular, property owners within the area proposed to be annexed, are advised of their right to appear at the public hearing to present their views on the proposed annexation.  
 Ernie Penn, City of Farmington Mayor  
 October 15, 2019  
 75119933 10/23/2019

**\*\*NOTE\*\***

Please do not pay from Affidavit.  
Invoice will be sent.



**ARKANSAS  
GIS OFFICE**

Department of Transformation  
and Shared Services  
Governor Asa Hutchinson  
Secretary Amy Fecher  
Director Shelby Johnson

December 16, 2019

Mr. Steven D. Tennant, P.A.  
Attorney at Law  
8 E. Main  
Farmington, AR 72730

RE: Proposed Detachment from City of Prairie Grove with Annexation into City of Farmington

Mr. Tennant,

Thank you for coordinating with our office as you seek to detach property from Prairie Grove and annex into Farmington, located in Sections 3 & 4, Township 15 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 90<sup>th</sup> General Assembly.

Our office will wait completion of any additional steps necessary for the proposed boundary change, which normally comes from the Arkansas Secretary of State Elections Division after any appropriate filing by your County Clerk.

Thank you,

Jennifer Wheeler, GIS Analyst

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

H:\City\_Annexations\Cities\Farmington\20191216\Doc\20191216\_Farmington\_Annexation\_Coordination\_Letter.docx

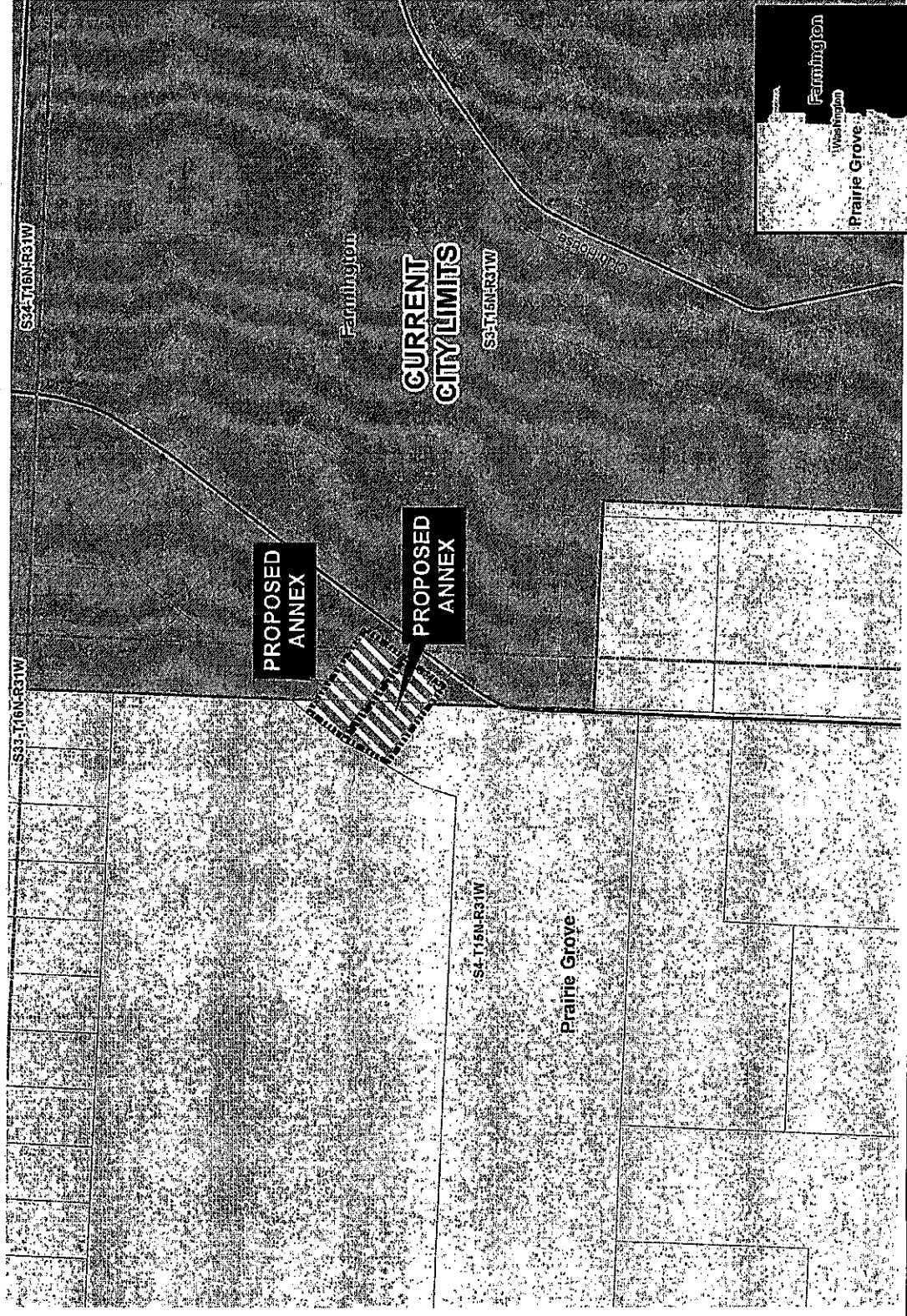
**ARKANSAS GIS OFFICE**  
1 Capitol Mall, Suite 6D • Little Rock, AR 72201 • 501.682.2767  
gis.arkansas.gov • transform.ar.gov



FILED  
2019 DEC 19 PM 1:22  
BECKY TENNANT  
CO. & PROBATE CLERK  
WASHINGTON CO. AR

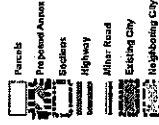
Proposed Detach from City of Prairie Grove with Annex into City of Farmington  
December 2019

City: Farmington  
Mayor: Ernie Penn



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



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Miles

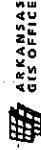


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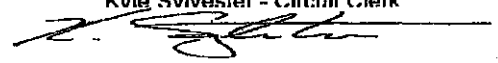
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Washington County, AR  
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File# 2019-00031629  
Kvle Sylvester - Circuit Clerk





# 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

BECKY LEWALLEN  
County And Probate Clerk

December 30, 2019

To whom it may Concern:

You will find enclosed a De-Annex from Prairie Grove and Annex to Farmington. If you have any further questions please don't hesitate to call.

Thanks,

Jennifer Sharpshair



# 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

BECKY LEWALLEN  
County And Probate Clerk

## 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 the entire case file of an Annexation that Detaches Territory from Prairie Grove and Annexing said Land into Farmington as it appears of Record File Thereof.

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

This 30<sup>th</sup> day of December, 2019.

*Becky Lewallen*

County Clerk

By: *Jennalee Shoemaker*

Deputy County Clerk

