



JOHN THURSTON

ARKANSAS SECRETARY OF STATE

July 12, 2021

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

Re: City of Fayetteville Annexation Ordinance 6416

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 § 14-40-602 (petition majority of landowners)

Effective Date: 4/2/2021

County: Washington

City: Fayetteville

City Ordinance: 6416

Dated: 3/2/2021


County Court Order: 2020-013

Date Filed: 7/13/2020

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

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

Sincerely,


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. Lioneld Jordan, Mayor of Fayetteville (w/encl)
The Hon. Kara Paxton, Fayetteville City Clerk/Treasurer (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: Fayetteville

City Ordinance/Resolution No: 6416 Date approved: March 2, 2021

County Court Case No: 2020-013 Date Order Filed: July 13, 2020

Type: Annexation by Petition Majority of Landowners A.C.A. 14-40-602

Date Change Effective: April 2, 2021 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 1 Ward 3

(See A.C.A § 14-40-203)

Initiating party:

All Landowners Majority Landowners Municipal Governing Body State Other _____

Supporting Documentation attached (check all that apply):

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

Municipal Contact:

Name: Kara Paxton Title: City Clerk

Street Address: 113 W. Mountain St.

City: Fayetteville St: AR Zip code: 72701

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: *Samuel Stappan* Title: *Chief Deputy Clerk*

Date: *4/12/21*

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: _____

FILED

JUL 12 2021

Arkansas
Secretary of State

Rev. 2/2019



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

April 28, 2021

To whom it may Concern:

You will find enclosed an Annexation to the City of Fayetteville. If you have any further questions please don't hesitate to call.

Thanks,

A handwritten signature in black ink that reads "Jennifer Sharpshair". The signature is written in a cursive style.

Jennifer Sharpshair
Chief Deputy County Clerk
280 N. College Ave.; Suite 300
Fayetteville, AR 72701
(479)444-1711



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 annexed and foregoing is a true and correct copy of the entire file of an Annexation for the City of Fayetteville as filed therein.

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

This 28th day of April, 2021.

Becky Lewallen

County Clerk

By: *Jenell Shapshain*
Deputy County Clerk



FILED

2020 JUL 13 AM 8:10

BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

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

CC NO. 2020-013

ORDER CONCERNING ANNEXATION

On this regular day of a regular term of the County Court of Washington County, Arkansas, there is presented to the Court by Patricia Lynne Severino, as Trustee of the Robert Eugene Burge Irrevocable Trused, dated December 20, 2012, the petition of the real estate owner desiring the annexation of territory to the City of Fayetteville, Arkansas, more particularly described therein. The court has received the verification of the county assessor and county clerk required by A.C.A § 14-40-609. This Court being fully advised of the facts and the law does hereby find as follows:

1. The Court finds that the petition and verifications are complete and accurate.
2. The Court further finds that no enclaves will be created by the annexation.
3. The Court finds that the petition contains a schedule of services.
4. The Court finds that the territory consists of lands that:
 - a.. whether platted or not, are held to be sold as suburban property;
 - b. represent the actual growth of the municipality beyond its legal boundary; and
 - c. are needed for proper municipal purposes such as the extension of need police regulations.

C4-809

Therefore, the Court hereby ORDERS that the petition and this Order be delivered to the
City of Fayetteville, Arkansas.

DocuSigned by:
Joseph Wood
34F19462757444F...

JOSEPH K. WOOD, COUNTY JUDGE

DATED: Jul 10, 2020 | 3:30 PM CDT

DocuSigned by:
RS
ABF7527CDFB845C...

C4-810

FILED

2021 APR 16 PM 12:45

BECKY LEGALLEN
CLERK & PROBATE CLERK
WASHINGTON CO. AR



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

Ordinance: 6416



Doc ID: 019792830004 Type: REL⁴
Kind: ORDINANCE
Recorded: 03/29/2021 at 10:19:55 AM
Fee Amt: \$30.00 Page 1 of 4
Washington County, AR
Kyle Sylvester Circuit Clerk

File 2021-00011465

File Number: 2020-1136

ANX 2020-0001(3435 E. ZION RD./BURGE):

AN ORDINANCE TO APPROVE THE ANNEXATION PETITION OF PATRICIA LYNNE SEVERINO, AS TRUSTEE OF THE ROBERT EUGENE BURGE IRREVOCABLE TRUST, AND ANNEX 59.00 ACRES OF LAND LOCATED AT 3435 EAST ZION ROAD

WHEREAS, Patricia Lynne Severino, as Trustee of the Robert Eugene Burge Irrevocable Trust, has properly secured the Washington County Judge's authorization to annex 59.00 acres located at 3435 East Zion Road.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas 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 City Council of the City of Fayetteville, Arkansas hereby zones the newly annexed property R-A, Residential Agricultural.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends the official map and zoning map of the City of Fayetteville to recognize this annexation.

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby assigns this 59.00 acres to Ward Three of the City of Fayetteville.

PASSED and APPROVED on 3/2/2021

Approved:


Lioneld Jordan, Mayor

Attest:


Kara Paxton, City Clerk Treasurer



FILED
2020 JUL 13 AM 8:10
BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

**IN THE MATTER OF ANNEXING TO THE
CITY FAYETTEVILLE, ARKANSAS,
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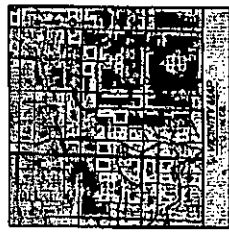
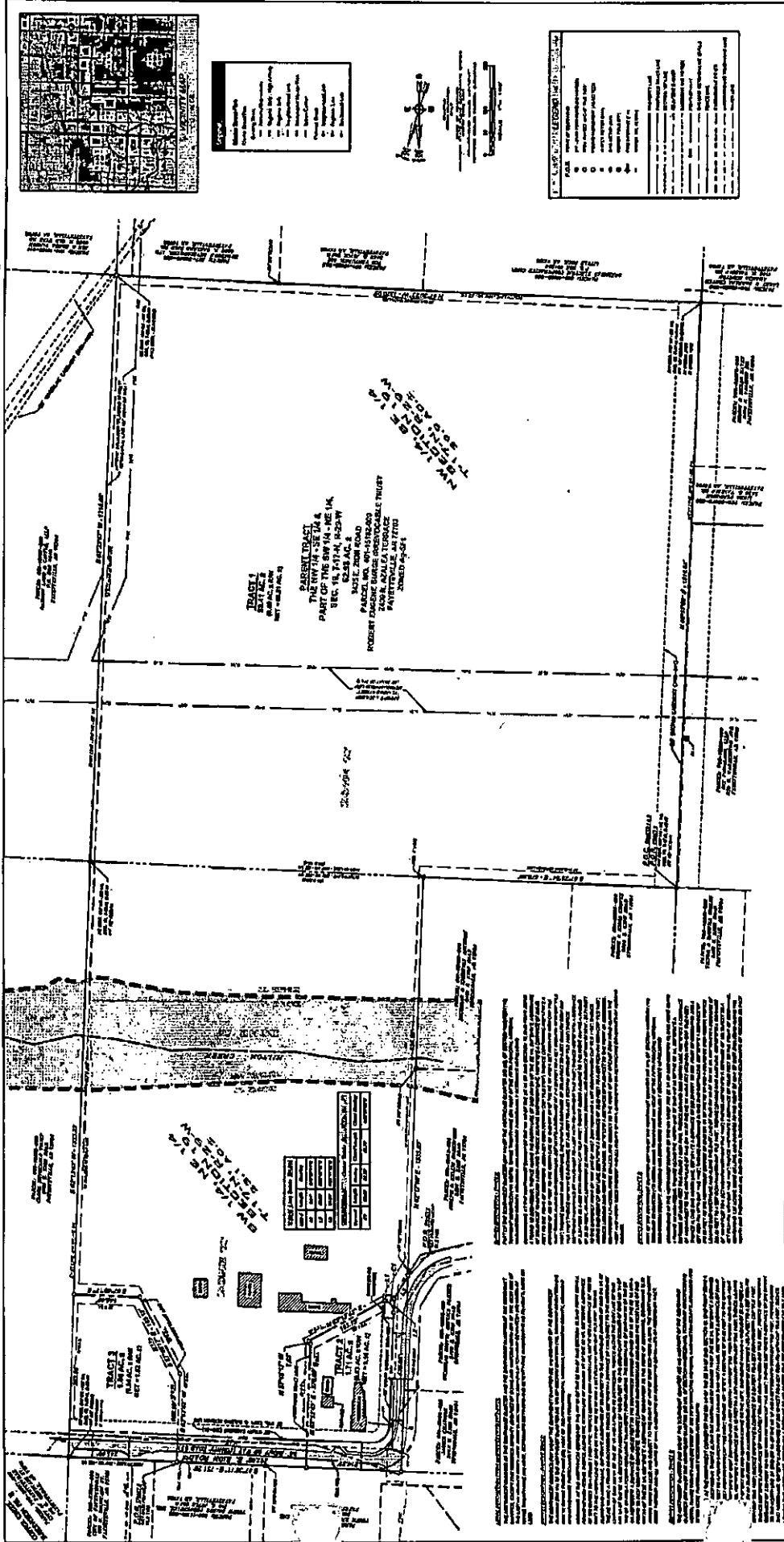
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 - a.. whether platted or not, are held to be sold as suburban property;
 - b. represent the actual growth of the municipality beyond its legal boundary; and
 - c. are needed for proper municipal purposes such as the extension of need police regulations.

SURVEY DESCRIPTION:

THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) AND PART OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4), OF SECTION NINETEEN (19), TOWNSHIP SEVENTEEN (17) NORTH, RANGE TWENTY-NINE (29) WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NW 1/4 OF THE SE 1/4 OF SAID SECTION 19, SAID POINT BEING A FOUND 1/2 INCH REBAR; THENCE ALONG THE NORTH LINE OF SAID NW 1/4 OF THE SE 1/4, S87°29'54"E A DISTANCE OF 570.00 FEET TO A FOUND 1 INCH PIPE; THENCE LEAVING SAID NORTH LINE, N02°17'19"E A DISTANCE OF 894.88 FEET; THENCE N31°17'12"E A DISTANCE OF 61.88 FEET; THENCE N02°17'19"E A DISTANCE OF 30.12 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 26.00 FEET, AN ARC LENGTH OF 32.86 FEET AND A CHORD BEARING & DISTANCE OF S33°54'56"E – 30.71 FEET; THENCE S70°07'11"E A DISTANCE OF 2.84 FEET; THENCE N62°13'43"E A DISTANCE OF 193.73 FEET; THENCE N27°46'17"W A DISTANCE OF 7.88 FEET; THENCE N02°13'43"E A DISTANCE OF 216.09 FEET; THENCE S87°36'11"E A DISTANCE OF 292.00 FEET; THENCE S02°13'43"W A DISTANCE OF 136.99 FEET; THENCE S27°46'17"E A DISTANCE OF 193.19 FEET; THENCE S87°46'17"E A DISTANCE OF 148.40 FEET TO THE EAST LINE OF SAID SW 1/4 OF THE NE 1/4; THENCE ALONG SAID EAST LINE, S02°13'43"W A DISTANCE OF 971.65 FEET TO THE NORTHEAST CORNER OF SAID NW 1/4 OF THE SE 1/4 AND A FOUND 1/2 INCH REBAR; THENCE ALONG THE EAST LINE OF SAID NW 1/4 OF THE SE 1/4, S02°23'57"W A DISTANCE OF 1316.65 FEET TO THE SOUTHEAST CORNER OF SAID NW 1/4 OF THE SE 1/4 AND A FOUND MONUMENT "ALAN REID"; THENCE ALONG THE SOUTH LINE OF SAID NW 1/4 OF THE SE 1/4, N87°30'23"W A DISTANCE OF 1320.05 FEET TO THE SOUTHWEST CORNER OF SAID NW 1/4 OF THE SE 1/4 AND A FOUND 1/2 INCH REBAR IN CONCRETE; THENCE LEAVING SAID SOUTH LINE AND ALONG THE WEST LINE OF SAID NW 1/4 OF THE SE 1/4, N02°17'05"E A DISTANCE OF 1316.84 FEET TO THE POINT OF BEGINNING, CONTAINING 59.00 ACRES, MORE OR LESS.





- 1. Easement
- 2. Right of Way
- 3. Easement
- 4. Easement
- 5. Easement
- 6. Easement
- 7. Easement
- 8. Easement
- 9. Easement
- 10. Easement

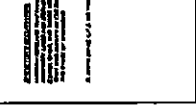
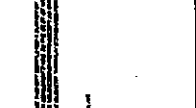
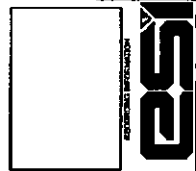


LEGEND

SYMBOL	DESCRIPTION
(Symbol)	1. Easement
(Symbol)	2. Right of Way
(Symbol)	3. Easement
(Symbol)	4. Easement
(Symbol)	5. Easement
(Symbol)	6. Easement
(Symbol)	7. Easement
(Symbol)	8. Easement
(Symbol)	9. Easement
(Symbol)	10. Easement

NOTES

1. This plan is subject to all existing laws, ordinances, and regulations.
2. The owner warrants that the information provided is true and correct.
3. The plan is prepared in accordance with the standards of the Surveying Board of Arkansas.
4. The plan is subject to the approval of the Surveying Board of Arkansas.
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ROBERT ENGINE BUIRRE IRREVOCABLE TRUST
 WASHINGTON COUNTY, ARKANSAS
 CASE NO. 123456789
 ENGINEERING SERVICES, INCORPORATED
 SPRINGFIELD, ARKANSAS
 MAP CASE NO. 123456789-12-13-14-15-16-17-18-19-20

ES
 REGISTERED PROFESSIONAL SURVEYOR

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NORTHWEST ARKANSAS
Democrat & Gazette

P.O. BOX 1607, FAYETTEVILLE, AR, 72707 • 479-442-1700 • FAX: 479-695-1118 • WWW.NWADG.COM

AFFIDAVIT OF PUBLICATION

I, Brittany Smith, do solemnly swear that I am the Accounting Legal Clerk of the Northwest Arkansas Democrat-Gazette, a daily newspaper printed and published in said County, State of Arkansas; that I was so related to this publication at and during the publication of the annexed legal advertisement the matter of: Notice pending in the Court, in said County, and at the dates of the several publications of said advertisement stated below, and that during said periods and at said dates, said newspaper was printed and had a bona fide circulation in said County; that said newspaper had been regularly printed and published in said County, and had a bona fide circulation therein for the period of one month before the date of the first publication of said advertisement; and that said advertisement was published in the regular daily issues of said newspaper as stated below.

City of Fayetteville
Ord 6416

Was inserted in the Regular Edition on:
March 14, 2021

Publication Charges: \$104.88

Brittany Smith
Brittany Smith

Subscribed and sworn to before me
This 15 day of Mar, 2021.

Cathy Wiles
Notary Public
My Commission Expires: 2/20/24

Cathy Wiles
Benton COUNTY
NOTARY PUBLIC - ARKANSAS
My Commission Expires 02-20-2024
Commission No. 12397118

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

Ordinance: 6416
File Number: 2020-1136
ANX 2020-0001(3435 E. ZION RD./BURGE):
AN ORDINANCE TO APPROVE THE ANNEXATION PETITION OF PATRICIA LYNNE SEVERINO, AS TRUSTEE OF THE ROBERT EUGENE BURGE IRREVOCABLE TRUST, AND ANNEX 59.00 ACRES OF LAND LOCATED AT 3435 EAST ZION ROAD
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PASSED and APPROVED on 3/2/2021
Approved:
Lionel Jordan, Mayor
Attest:
Kara Paxton, City Clerk Treasurer
75391416 3/14/21



**ARKANSAS
GIS OFFICE**

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

June 17, 2020

Mr. Will A. Kellstrom
Watkins, Boyer, Gray & Curry, PLLC
1106 W. Poplar
Rogers, AR 72756

RE: City of Fayetteville Annexation Coordination Requirement

Mr. Kellstrom,

Thank you for coordinating with our office as you seek to annex property into the City of Fayetteville, AR described as the "Burge Annex" and located in Section 19, Township 17 North, Range 29 West. This letter represents confirmation that you have properly coordinated with our office (Arkansas GIS Office) as specified in § 14-40-101 (Act 914 of 2015) of the 90th General Assembly.

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

Thank you,

Jennifer Wheeler, GIS Analyst

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

H:\City_Annexations\Cities\Fayetteville\20200617\Doc\20200617_Fayetteville_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



EXHIBIT
A

Proposed "Burge" Annex: City of Fayetteville
June 2020

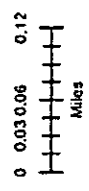
City: Fayetteville
Mayor: Lioneld Jordan

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 § 14-40-101.

- Proposed Annex
- Current City Limits
- County Boundary
- County Number
- City
- County
- State Road
- County City
- County Number



H:\City_Annexes\Burge\Annex\Map\14-40-101-17A

