

JOHN THURSTON

ARKANSAS SECRETARY OF STATE

June 3, 2019

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

Re: City of Fayetteville Annexation Ordinance 6110

Dear Ms. Lewallen,

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 (annexation by 100% of the landowners)

Effective Date: 12/10/18 County: Washington City Ordinance: 6110

County Court Order: 2017-11

City: Fayetteville Dated: 11/8/18 Date Filed: 10/13/17

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 filing, please contact our office at 501-682-3478.

Elections Division

Room 26 501-682-3478

Since

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 Honorable Lioneld Jordan, Mayor of Fayetteville (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

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County: Washington	City/Town: _	Fayetteville		ယ္ က	
City Ordinance/Resolution No: 6110	Date approved: November 8, 2018				
County Court Case No: CC 2017-11	Date Order Filed: October 13, 2017				
Type: Annexation of land in adjoining County	A.C.A. 14-40	404.			-
Type: Annexation of land in adjoining County Annexation by Petition, 100	20 Landon	uneus Ros	6/6/19	?	
Date Change Effective: December 10, 2018 Set by: (Required by Act 655 of 2017)	Municipal Ordinar	nce O Emergency C	lause O Cour	t O Defa	ault
For Circuit Court Challenge: Date Order Filed:	O Upl	held Overturned	Other (attac	ch explanati	ion
Please indicate which ward(s) the territory will be as	ssigned to: War	d 4			
Initiating party:	(See A.C.A § 14-40-203)				
All Landowners	nicipal Governing	Body OState C	Other		_
Supporting Documentation attached (check all that app	oly):				
File marked copy of City Ordinance/Resolution (re	auired)				
File marked copy of County Court Order or certifie		rtion results /require	d except for A	C A \$1A.	AD 501
Copy of Arkansas GIS approved printed map and			u except joi 11.	J.M. 914-	70-201
✓ Proof of Publication for all Legal Notices (include H			alution natices)		
File marked copy of Petition Part (if applicable)	earnig, Liection, an	a City Oralliance/Nest	nation notices)		
	unt Ordor / Court	Shaddanaa aa bab			
File marked copy of Complaint and final Circuit Co	urt Order (court c	nalienge only)			
Municipal Contact:					
_{Name:} Andrew Garner	_{Title:} City	/ Planning Direc	tor		
Street Address: 113 West Mountain					
_{City:} Fayetteville	_{St:} AR	Zip code: 727	01		
Complete one form per ordinance/resolution, attach it as a cov within 45 days of the Effe			submit to the Cou	nty Clerk's	Office
County Official:	1	h. Da	. 01-		
Signature: MANUAL TOUR TOUR	Title: 	hief Depu	ty Clerk		_
Date: 5/12/119		•			
Pursuant to Act 655 of 2017, County Officials must submit a file-r to: Arkansas Secretary of State, Attn: Municipal Boun					of receip
Office of the Arkansas Secretary of State use only			nu -		_

Received by:

N)

FILED



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

Ordinance: 6110

Doc ID: 018331560004 Type: REL Kind: ORDINANCE Recorded: 12/04/2018 at 11:03:52 AM Fee Amt: \$30.00 Page 1 of 4 Washington County, AR Kyle Sylvester Circuit Clerk

F11-2018-00035810

File Number: 2018-0608

ANX 17-5990 (NORTH OF RUPPLE RD./MCFARLAND FAMILY TRUST) APPEAL:

AN ORDINANCE TO APPROVE THE ANNEXATION PETITION OF THE MCFARLAND FAMILY TRUST AND ANNEX 68.65 ACRES ADJOINING AND WEST OF THE PROPOSED NORTHERN EXPANSION OF RUPPLE ROAD

WHEREAS, the McFarland Family Trust has properly secured the Washington County Judge's authorization to annex their 68.65 acres west of and along the planned Rupple Road expansion north toward Howard Nickell Road; and

WHEREAS, the McFarland Family Trust through Swope Engineering has offered to donate and dedicate sufficient right of way along their frontage with the Rupple Road expansion to enable its construction; and

WHEREAS, the McFarland Family Trust has further offered to designate a conservation area preservation of natural habitat along the creek and the construction or extension of city trails within its property;

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

<u>Section 1</u>. That the City Council of the City of Fayetteville, Arkansas hereby accepts the offer of the McFarland Family Trust for its donation and dedication of Rupple Road right of way, conservation easements and trail right of way and construction and confirms the annexation to the City of Fayetteville, Arkansas of about 68.65 acres as described in Exhibit B and the map shown on Exhibit A both attached to the Planning Department's agenda memo.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby zones the newly annexed

Ordinance: 6110

File Number: 2018-0608

property R-A, Residential Agricultural.

<u>Section 3</u>. 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 and zoning.

Section 4. That the City Council of the City of Fayetteville, Arkansas hereby assigns this 68.65 acres to Ward Four of the City of Fayetteville.

PASSED and APPROVED on 11/8/2018

Approved:

Lioneld Jordan, Mayor

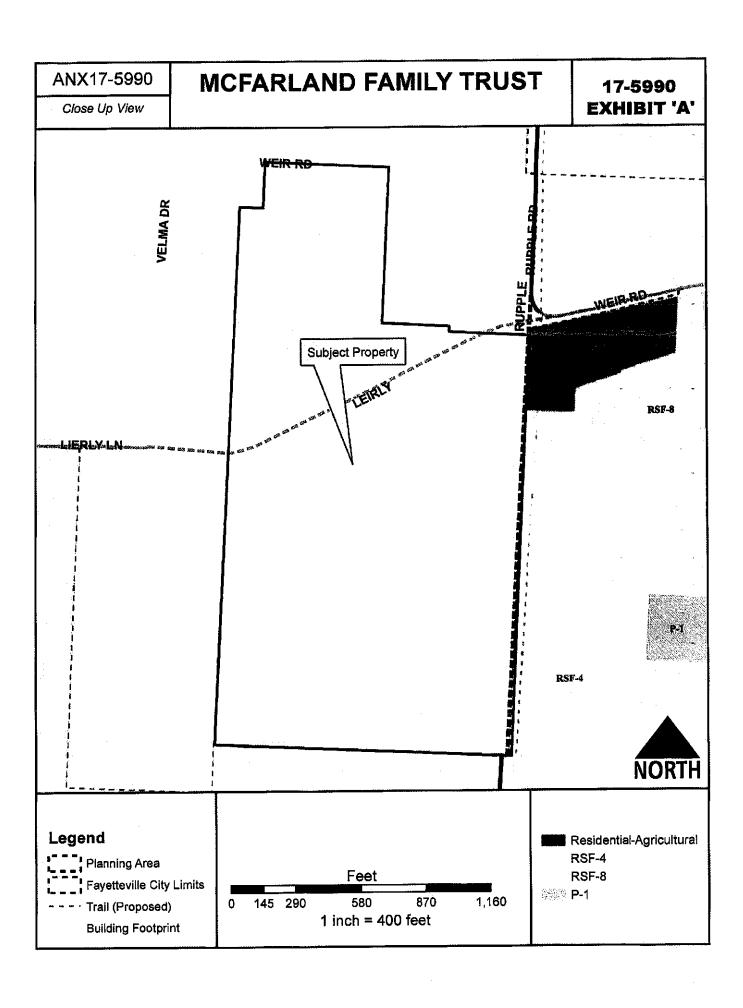
Attest:

Sondra E. Smith, City Clerk Treasurer

FILE

JUN 06 2019

Arkansas Secretary of State



17-5990 EXHIBIT 'B'

SURVEY DESCRIPTION FOR ANNEXATION:A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER AND A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT A FOUND IRON PIN, LOCATED AT THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT AND THENCE N87°08'20"W 680.17 FEET TO A SET PK NAIL, SAID POINT BEING THE TRUE POINT OF BEGINNING AND RUNNING THENCE S02°43'44"W 702.02 FEET TO A SET IRON PIN, THENCE S87°08'20"E 359.09 FEET TO A SET IRON PIN, THENCE S02°39'43"W 25.00 FEET TO A SET IRON PIN, THENCE S87°08'20"E 359.09 FEET TO A SET IRON PIN, THENCE S02°39'43"W 1904.10 FEET TO A SET IRON PIN, THENCE N87°25'05"W 1326.48 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION, THENCE N02°48'50"E 2428.66 FEET TO A FOUND IRON PIN, THENCE S87°06'15"E 104.59 FEET TO A FOUND IRON PIN, THENCE N02°47'54"E 208.99 FEET TO A FOUND COTTON SPINDLE, THENCE S67°08'20"E 554.78 FEET TO THE POINT OF BEGINNING. CONTAINING IN ALL 68.65 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

Washington County, AR
I certify this instrument was filed on 12/04/2018 11:03:52 AM and recorded in Real Estate
File Number 2018-00035810
Kyle Sylvester - Circuit Clerk

bν

Office of the City Clerk Treasurer

Sondra E. Smith - City Clerk Treasurer Lisa Branson - Deputy City Clerk



113 W. Mountain Street, Suite 308 Fayetteville, AR 72701

CERTIFICATE OF RECORD

Phone 479.575.8323 cityclerk@fayetteville-ar.gov

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State of Arkansas)
)ss:
City of Fayetteville)

I, <u>Sondra E. Smith, City Clerk Treasurer</u> for the City of Fayetteville, Arkansas, do hereby certify that the foregoing instrument is a true and correct copy of the original <u>Ordinance 6110 ANX 17-5990</u> (North Rupple Rd./McFarland Family Trust) Appeal filed in my office November 8, 2018.

WITNESS my hand and seal this 12th day of December 2018.

Sondra E. Smith, City Clerk Treasurer City of Fayetteville, Arkansas

Order of Annexation

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANS

IN THE MATTER OF THE PETITION OF CERTAIN PROPERTY TO FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS

CC 2017-11

ORDER OF ANNEXATION

NOW on this 13th day of October, 2017, comes on for consideration before this Court the matter of annexation of certain lands from the unincorporated area of Washington County, Arkansas to the city of Fayetteville, Arkansas. Said land is described as follows:

A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER AND A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT A FOUND IRON PIN, LOCATED AT THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT AND THENCE N87"08'20"W 660.17 FEET TO A SET P/K NAIL, SAID POINT BEING THE TRUE POINT OF BEGINNING AND RUNNING THENCE S02°43'44"W 702.02 FEET TO A SET IRON PIN, THENCE S87°08'20"E 301.90 FEET TO A SET IRON PIN, THENCE S02°39'43"W 25.00 FEET TO A SET IRON PIN, THENCE S87°08'20"E 359.09 FEET TO A SET IRON PIN, THENCE S02°39'43"W 1904.10 FEET TO A SET IRON PIN, THENCE N87"25'05"W 1326.48 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION, THENCE N02°48'50"E 2428.66 FEET TO A FOUND IRON PIN, THENCE S87°05'15"E 104.59 FEET TO A FOUND IRON PIN, THENCE N02°47'54"E 208.99 FEET TO A FOUND COTTON SPINDLE, THENCE S87"08'20"E 554.78 FEET TO THE POINT OF BEGINNING. CONTAINING IN ALL 68.65 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

From the evidence presented by the Petitioners through their representative, Joseph Orr, the Court finds as follows:

1. The Petitioners have petitioned this Court to annex the above described property into the City of Fayetteville, Washington County, Arkansas. Said annexation is brought pursuant to A.C.A. §14-40-609.

- 2. The petition was submitted in writing and attested by the property owners.
- 3. The petition contains an accurate description of the relevant property or properties.
- 4. The petitioners have provided a schedule of services that will be extended to the area within three (3) years after the date the annexation becomes final.
- 5. The County Assessor and County Clerk have verified the identity of the petitioners, that there are no property owners included in the petition that do not wish to have their property annexed, that the property or properties are contiguous with the city, and that no enclaves will be created if the petition is accepted by the city.
- 6. The property which is legally described in the petition has been accurately described, an accurate map thereof has been made and filed, and the prayer of the petitioners is right and proper.
- 7. This court therefore determines that and Order of Annexation is proper and that the petition and this order shall be submitted to the city of Fayetteville, Arkansas.

IT IS THEREFORE, CONSIDERED, ORDERED AND DECREED that the above described tracts of land be, and hereby are annexed to and made a part of the City of Fayetteville, Washington County, Arkansas, subject to approval by the City Council for the City of Fayetteville, Arkansas.

IT IS SO ORDERED.

HONORABLE JOSEPH K. WOOD

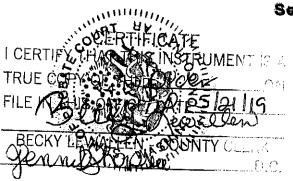
COUNTY JUDGE

Prepared by: Brian R. Lester Washington County Attorney 280 North College Ave., Suite 500 Fayetteville, AR 72701 t/(479) 973-8415 f/(479) 444-1889 blester@co.washington.ar.us

FILED

JUN 06 2019

Arkansas **Secre**tary of State



Planning Commission November 27, 2017 Agenda Item 5 17-5990 McFarland Page 15 of 20



July 20, 2017

Mr Joseph Orr – Representing Petitioner Juliana Salazar Blew & Associates, P.A. 524 W Sycamore St STE D Fayetteville AR 72703

RE: City of Fayetteville Annexation Coordination Requirement

Mr. Orr,

Thank you for coordinating with our office as you seek to annex property into the City of Fayetteville, AR situated in the Northeast Quarter and Southeast Quarter of the Northeast Quarter of Section 31, Township 17 North Range 30 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,

Attachments:

/sdj

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

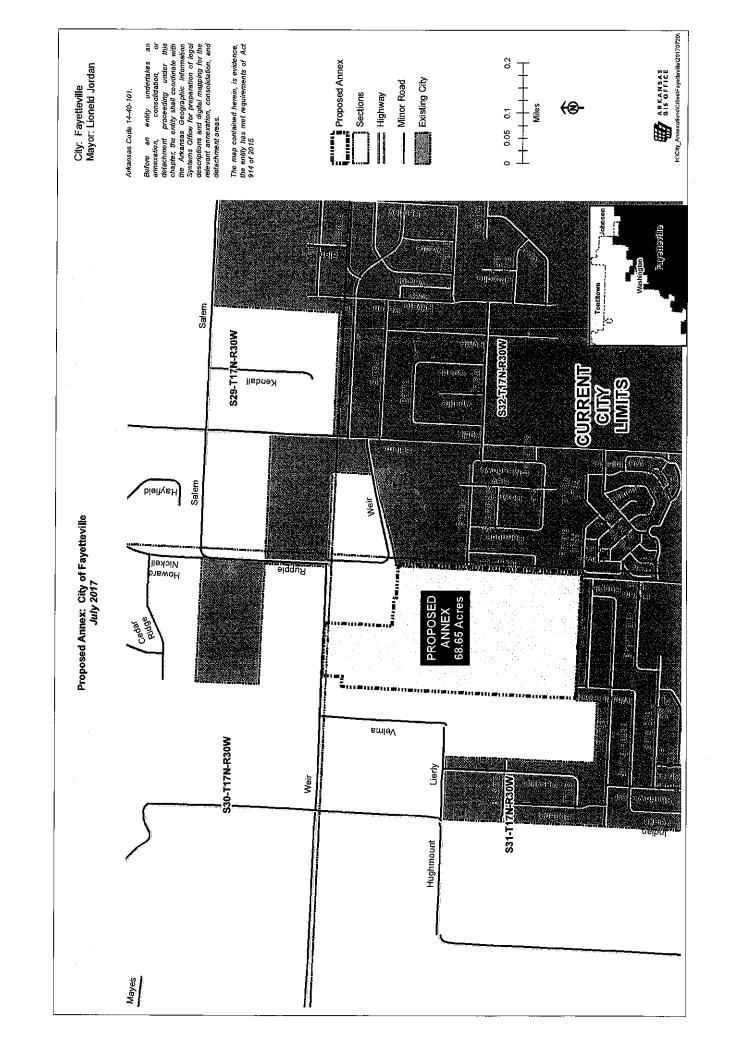
Shelby D Johnson, State Geographic Information Officer

FILED

JUN 06 2019

Arkansas Secretary of State

 $H:\City_Annexations\Templates\Folder\ Structure\Doc\20170720_Fayetteville_Annexation_Coordination_Letter.docx$



BLEW & ASSOCIATES, PA CIVIL ENGINEERS & LAND SURVEYORS

July 20, 2017

City of Fayetteville 113 West Mountain Street Fayetteville, AR 72701

SUBJECT: Annexation Legal Description

To Whom It May Concern:

SURVEY DESCRIPTION FOR ANNEXATION:A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER AND A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT A FOUND IRON PIN, LOCATED AT THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT AND THENCE N87°08'20"W 660.17 FEET TO A SET P/K NAIL, SAID POINT BEING THE TRUE POINT OF BEGINNING AND RUNNING THENCE S02°43'44"W 702.02 FEET TO A SET IRON PIN, THENCE S87°08'20"E 359.09 FEET TO A SET IRON PIN, THENCE S02°39'43"W 25.00 FEET TO A SET IRON PIN, THENCE S87°08'20"E 359.09 FEET TO A SET IRON PIN, THENCE S02°39'43"W 1904.10 FEET TO A SET IRON PIN, THENCE N87°25'05"W 1326.48 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION, THENCE N02°48'50"E 2428.66 FEET TO A FOUND IRON PIN, THENCE S87°05'15"E 104.59 FEET TO A FOUND IRON PIN, THENCE N02°47'54"E 208.99 FEET TO A FOUND COTTON SPINDLE, THENCE S87°08'20"E 554.78 FEET TO THE POINT OF BEGINNING. CONTAINING IN ALL 68.65 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

Northwest Arkansas Democrat To Gazette

THE BOX TRUE SERVICE PROPERTY OF TRUE AND A SERVICE OF THE SERVICE

AFFIDAVIT OF PUBLICATION

I Karen Caler, do solemnly swear that I am the Legal Clerk of the Northwest Arkansas Democrat-Gazette, printed and published in Washington County and Benton County, Arkansas, and of bona fide circulation, that from my own personal knowledge and reference to the files of said publication, the advertisement of:

CITY OF FAYETTEVILLE Notice of Public Hearing

Was inserted in the Regular Edition on:

November 10, 2017

Publication Charges: \$42.90

Subscribed and sworn to before me This $| \neg |$ day of $| \neg |$, 2017.

Notary Public

My Commission Expires: 2/20

CATRY Wit Fo

Arkansas - Benton County
Notary Public - Comm# 12397118
Av Commission Explains Esh 20, 2024

My Commission Expires Feb 20, 2024

NOTE

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

NOTICE OF PUBLIC HEARING At 5:30 p.m., in room 219, Fayetteville Administration Building at 113 W. Mountain Street, Fayetteville, Arkansas. 72701 the following items will be heard at the Monday, November 27, 2017 Fayetteville Planning Commission meeting. RZN 17-5993: Rezone (NORTH OF 7008 W. WEDINGTON DR./PRESLEY, 395): The request is to rezone the properties to C-2, THOROUGHFARE COMMERCIAL. RZN 17-5991: Rezone (NORTH OF N. RUPPLE RD./MCFARLAND FAMILY TRUST, 244): The request is to rezone the properties to RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE. ANX 17-5990: Annexation (NORTH OF N. RUPPLE RD./MCFARLAND FAMILY TRUST, 244): The request is to be annexed into the City Limits of Fayetteville. 74335826 Nov. 10, 2017

TYPE: Purchase

ACCT: Visa

\$ 42.90 USD

CARDHOLDER NAME: City of Fayetteville
CARD NUMBER: ############2501
DATE/TIME: 07 Nov 17 08:11:17
REFERENCE #: 001 0276856 M
AUTHOR. #: 035492
TRANS. REF. : C6014528

Approved - Thank You 100

Please retain this copy for your records.

Cardholder will pay above amount to card issuer pursuant to cardholder agreement.

RFCEIVED DEC 11 2018



AFFIDAVIT OF PUBLICATION

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I Cathy Wiles, do solemnly swear that I am the Legal Clerk of the Northwest Arkansas Democrat-Gazette, printed and published in Washington County and Benton County, Arkansas, and of bona fide circulation, that from my own personal knowledge and reference to the files of said publication, the advertisement of:

CITY OF FAYETTEVILLE Ord 6110

Was inserted in the Regular Edition on

November 22, 2018

Publication Charges: \$

Cathy Wiles

Subscribed and sworn to before me This 5 in day of Dec , 2018.

Notary Public

My Commission Expires: 3-16-25

Dandra OY &

17386C49 76-2025 ³ 16-2025

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

Ordinance: 6110 File Number: 2018-0608 ANX 17-5990 (NORTH OF RUPPLE RD:/MCFARLAND FAMILY TRUST) APPEAL: AN ORDINANCE TO APPROVE THE ANNEXATION PETITION OF THE MCFARLAND FAMILY TRUST AND ANNEX 68,65 ACRES ADJOINING AND WEST OF THE PROPOSED NORTHERN EXPANSION OF RUPPLE ROAD WHEREAS, the McFarland Family Trust has properly secured the Washington County Judge's authorization to annex their 68.65 acres west of and along the planned Rupple Road expansion north toward Howard Nickell Road; and WHEREAS, the McFarland Family Trust through Swope Engineering has offered to donate and dedicate sufficient right of way along their fromage with the Rupple Road expansion to enable its construction; and WHEREAS, the McFarland Family Trust has further offered to designate a conservation area preservation of natural habital along the creek and the construction or extension of city trails within its property; 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 accepts the offer of the McFarland Family Trust for its donation and dedication of Rupple Road right of way, conservation easements and trail right of way and construction and confirms the annexation to the City of Fayetteville, Arkansas of about 68,65 acres as described in Exhibit B and the map shown on Exhibit A both attached to the Planning Department's agenda memo. 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 and zoning Section 4. That the City Council of the City of Fayetteville, Arkansas hereby assigns this 68.65 acres to Ward Four of the City of Fayetteville,

PASSED and APPROVED on 11/8/2018 Approved: Lioneld Jurdan, Mayor

Attest:

Sondra E. Smith, City Clerk Treasurer 74754322 Nov. 22, 2018

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

May 22, 2019

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,

Jennifer Sharpshair





APR 8 2019

CITY OF FAYETTEVILLE MAYOR'S OFFICE

April 4, 2019

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

Re:

Fayetteville City Ordinance 6110 - Missing Information

Dear Ms. Lewallen:

This letter acknowledges receipt of the Fayetteville City Ordinance 6110 and it's supporting documentation by the Office of the Arkansas Secretary of State. However, our Office is unable to file the annexation at this time because a completed Municipal Boundary Change form was not included or completed incorrectly. This form is required for all municipal boundary changes pursuant to Ark. Code Ann. \$ 14-40-103. A blank copy of the form is enclosed for your convenience. A fillable PDF is also available online at:

https://www.sos.arkansas.gov/uploads/elections/Municipal Change Checklist Fillable.pdf.

To complete this filing, please provide the completed Municipal Boundary Change form as soon as it becomes available. If you have any questions or concerns regarding this matter, please do not hesitate to contact me at (501) 682-3478. Thank you for your assistance in this matter.

Sincerely.

Flections Division

Enclosure as stated

cc: The Honorable Lioneld Jordan, Mayor of Fayetteville