

FILED

2017 AUG 23 PM 12: 21



Arkansas Secretary of State

Mark Martin Arkansas Secretary of State, 500 Woodlane Ave., Little Rock, AR 72201-1094

TO: JUDGE
CO. & PROBATE CLERK
BENTON COUNTY, AR

Municipal Boundary Change Checklist

County: Benton City/Town: Gentry

City Ordinance/Resolution No: 17-763 Date approved: 8/7/17

County Court Case No: CC-2017-13 Date Order Filed: 7-28-17

Type: 14-40-609
(Choose from the list of Arkansas Code Sections located on the back)

Date Change Effective: 8/7/17 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)

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 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: KEVIN D. JOHNSTON Title: MAYOR

Street Address: 101 WEST MAIN STREET

City: GENTRY St: AR Zip code: 72734

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: Tuffy Unbeck Title: Deputy County Clerk

Date: 8-23-17

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: Cynthia Fisher

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AUG 30 2017

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

PROBATE COURT CLERK

COURTHOUSE, 102 N.E. "A" STREET
BENTONVILLE, AR 72712-5350

August 23, 2017

Honorable Mark Martin
Secretary of State
Room 256 State Capitol
Little Rock, AR 72201-1094

RE: Terry and Marla England, ET AL
City of Gentry Annexation
Benton County Court Case No. CC# 2017-13

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 July 28, 2017
3. Ordinance No. 17-763 adopted on August 7, 2017, by the City of Gentry

If you have any questions regarding this matter, please do not hesitate to call my office.

Sincerely,

Tena O'Brien

Tena O'Brien

By: T. Underwood

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
(479) 271-5704

BENTONVILLE
(479) 271-1013
FAX (479) 271-1019

SILOAM SPRINGS
(479) 238-0120
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

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2017 AUG 23 PM 12:21

ORDINANCE NO. 17-763

TENA GARDEN
CO. & PROBATE CLERK
BENTON COUNTY, ARK.

**AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN
LANDS TO THE CITY OF GENTRY; DECLARING AN EMERGENCY;
AND FOR OTHER PURPOSES**

WHEREAS, a petition was filed, pursuant to A.C.A. 14-40-609, for the annexation of certain lands into the City of Gentry, Arkansas in the County Court of Benton County, Arkansas as County Case CC 2017-13, by Terry and Marla England; Wava Feemster, Trustee of the Wava Feemster Revocable Trust, dated November 25, 1996; and Donovan and Emily Kurtz, and;

WHEREAS, the Honorable Barry Moehring, Benton County Judge, did review and approve said Petition for Annexation; and

WHEREAS, it is the desire of the City Council for the City of Gentry that said territory be annexed into the City limits.

NOW, THEREFORE, BE IT ORDAINED by the City Council for the City of Gentry:

SECTION 1. That having given due consideration to the Decree of Annexation attached hereto as Exhibit "A"; and the map of the territory to be annexed attached hereto as Exhibit "B", the City Council of the City of Gentry, Arkansas does hereby accept the described territory, as evidenced by the adoption of this Ordinance.

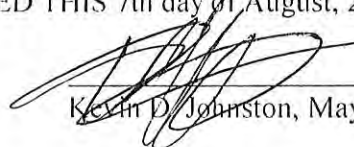
SECTION 2. That the following schedule of services shall be extended to the area by and through the City of Gentry within the statutorily required three-year period after the date the annexation becomes final, as follows:

- a) Police Protection
- b) Fire Protection
- c) Trash Service
- d) Water Service

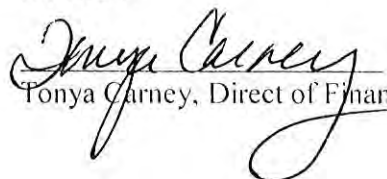
SECTION 3. Notice. The city clerk shall certify and send one (1) copy of the plat of the annexed territory and one (1) copy of this ordinance to the Benton County Clerk.

SECTION 4. Emergency. Certain factors exist to make completion of such annexation urgent, including the desirability of immediate police protection for the lands in question. Accordingly, the immediate operation of the provisions of this Ordinance is necessary and proper for the preservation of the peace, health, safety, and welfare of the residents of Gentry, Arkansas; and, therefore, an emergency is declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED, APPROVED AND ADOPTED THIS 7th day of August, 2017.


Kevin D. Johnston, Mayor

ATTEST:


Tonya Carney, Direct of Finance

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AUG 30 2017

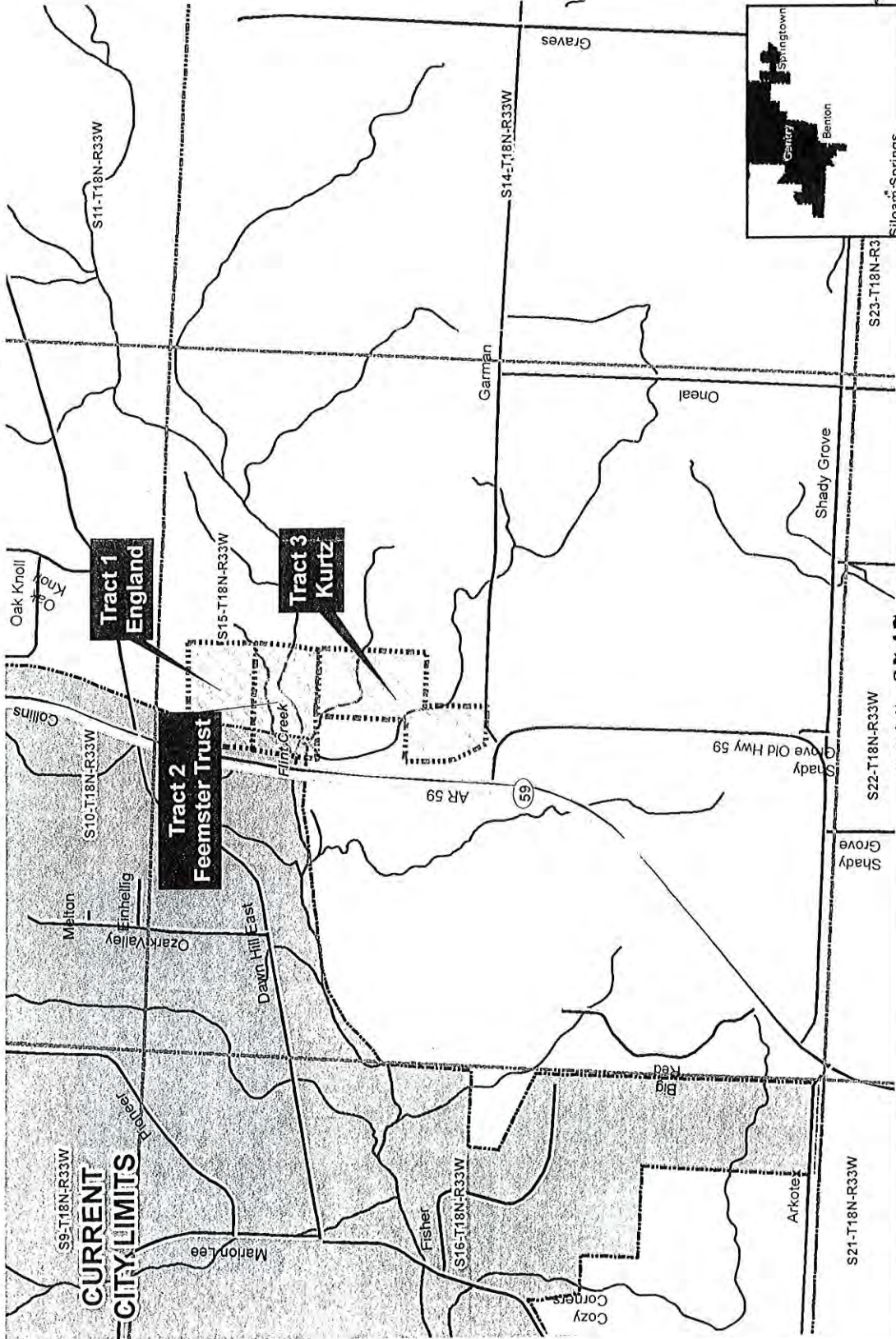
Arkansas
Secretary of State

2017 2546

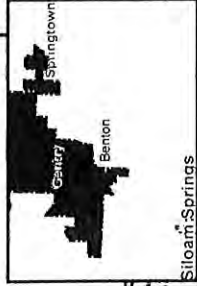
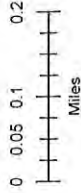
Arkansas Code 14-40-101.

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



- Proposed Annex
- Township-Range
- Sections
- Highway
- Minor Road
- River Flowline
- Existing City



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2017 AUG 23 PM 12: 21

TERRA O'BRIEN
CLERK
BENTON COUNTY, ARK

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2017 JUL 28 AM 10: 36

TERRA O'BRIEN
CLERK
BENTON COUNTY, ARK

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

TERRY AND MARLA ENGLAND, et al
PETITIONER(S)

COUNTY COURT NO. CC 2017-13

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 records of matter, hereby find:

- (1) That the petition and records are complete and accurate;
- (2) That no enclaves will be created by the proposed annexation; and
- (3) That the petition contains a schedule of services.

The County Clerk is directed to forward a copy of this order and the related Petition to the Mayor of the City of Gentry.



HON. BARRY MOEHRING, County Judge

JUL 28 2017

Date

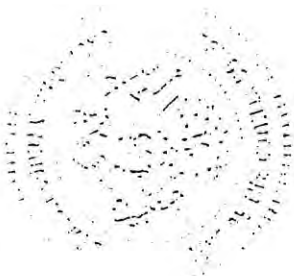
FILED

AUG 30 2017

Arkansas
Secretary of State

EXHIBIT
"A"

2017 2256



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2017 AUG 23 PM 12: 21

TERA O'BRIEN
CO. & PROBATE CLERK

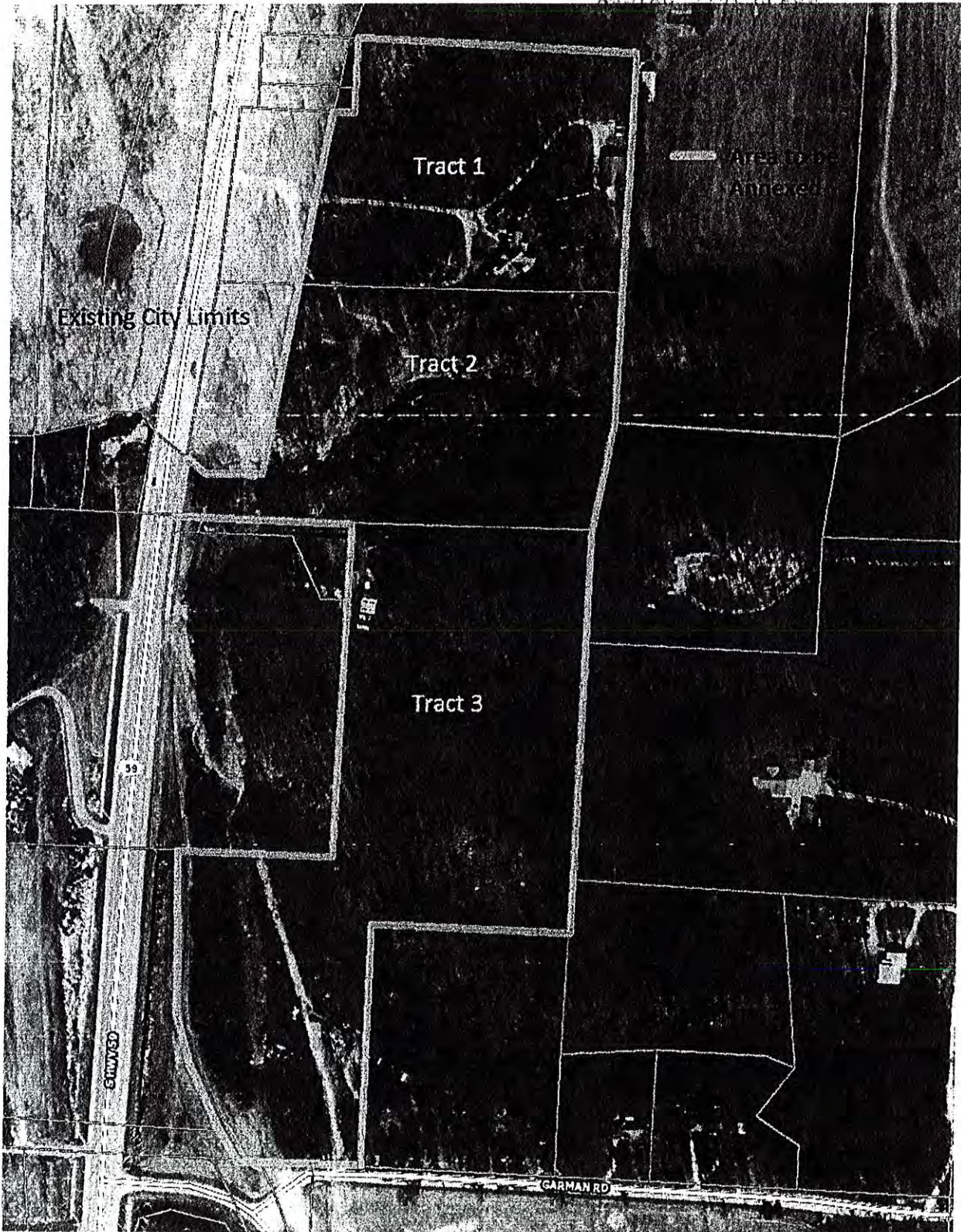


EXHIBIT
"B"



ARKANSAS
GIS OFFICE

FILED

2017 JUL 25 AM 9:48

TERRY O'BRIEN
CO & PROBATE CLERK
BENTON COUNTY, AR

July 24, 2017

Mr Terry M. & Marla J. England -
Petitioners
12910 S Hwy 59
Gentry AR 72734-8762

Donovan Joel & Emily Suzanne Kurtz -
Petitioners
20392 Garmon Rd
Gentry AR 72734-8821

Wava Feemster, Trustee - Petitioner
Feemster Revocable Trust
PO BOX 243
Gentry AR 72734-0243

RE: City of Gentry Annexation Coordination Requirement

Dear Petitioners,

Thank you for coordinating with our office as you seek to annex property into the City of Gentry, AR Benton County Case number CC2017-13. 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,

Shelby D Johnson, State Geographic Information Officer
/sdj

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

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AUG 30 2017

Arkansas
Secretary of State

H:\City_Annexations\Cities\Gentry\20170721\Doc\20170724_Gentry_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

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2017 JUL 25 AM 9:48

JENNIFER O'BRIEN
CO & PROBATE CLERK
BENTON COUNTY, AR

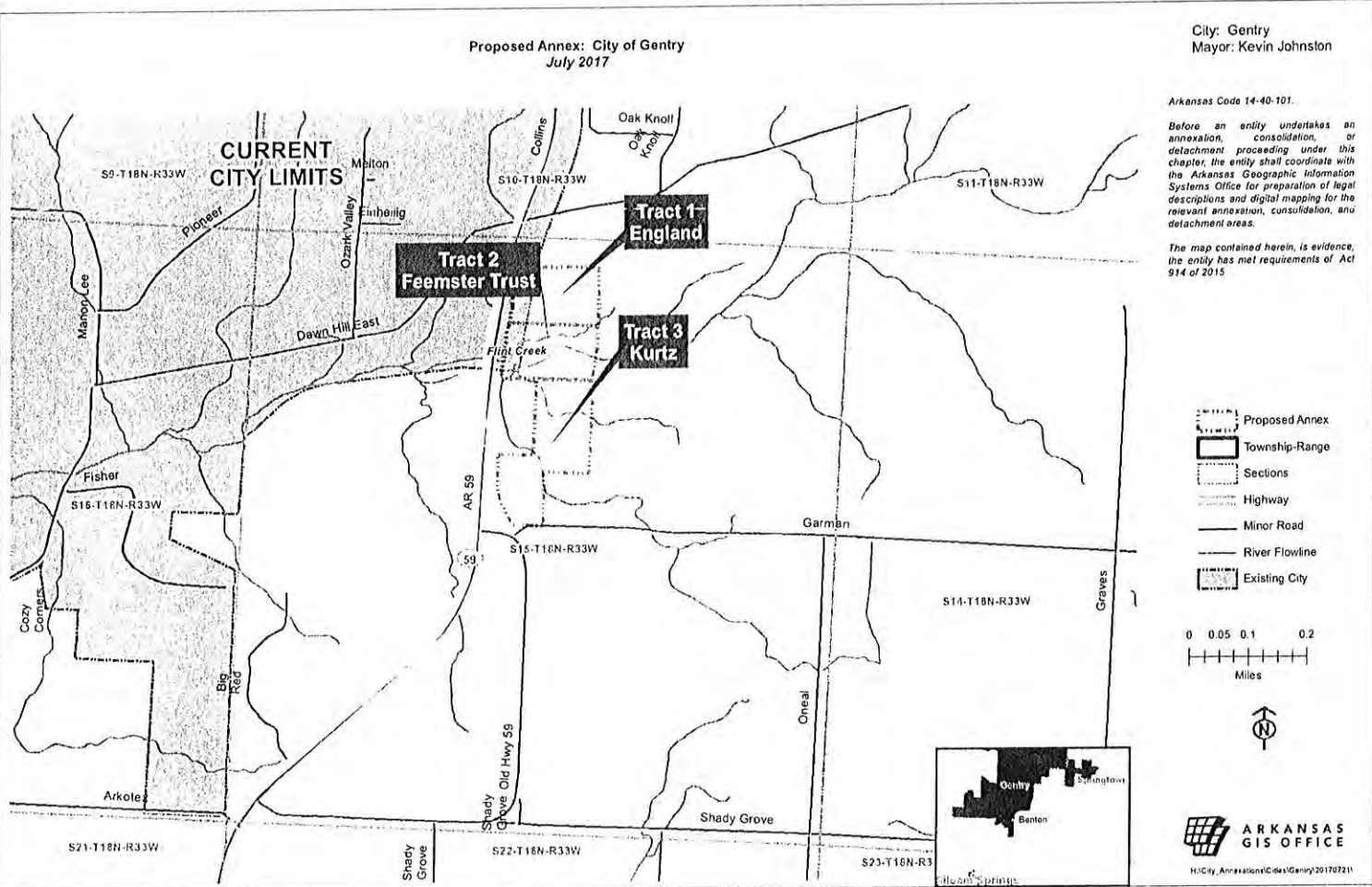
Proposed Annex: City of Gentry
July 2017

City: Gentry
Mayor: Kevin Johnston

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



FILED

AUG 30 2017

Arkansas
Secretary of State

FILED

2017 JUL 28 AM 10:36

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

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

TERRY AND MARLA ENGLAND, et al
PETITIONER(S)

COUNTY COURT NO. CC 2017-13

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 records of matter, hereby find:

- (1) That the petition and records are complete and accurate;
- (2) That no enclaves will be created by the proposed annexation; and
- (3) That the petition contains a schedule of services.

The County Clerk is directed to forward a copy of this order and the related Petition to the Mayor of the City of Gentry.



HON. BARRY MOEHRING, County Judge

JUL 28 2017
Date

2017 2256

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2017 AUG 23 PM 12: 21

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

AFFIDAVIT OF PUBLICATION

I, Karen Caler, solemnly swear that I am the Legal Advertising Clerk for the Northwest Arkansas Newspapers, LLC, and I do solemnly swear that the attached advertisement
CITY OF GENTRY-LEGALS

Ord No 17-763

- Bella Vista Weekly Vista
- The Times of NE Benton County (Pea Ridge)
- Siloam Springs Herald Leader
- Siloam Sunday (Section of Arkansas Democrat Gazette)
- Westside Eagle Observer

Of general and bona fide circulation in Benton County, Arkansas

Date(s) of Publication August 16, 2017

Publication Charges: \$ 134.28

Karen Caler
Karen Caler

Subscribed and sworn to before me,
This 17 day of AUG, 2017.

Sandra Robinson
Notary Public
My Commission Expires:



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

ORDINANCE NO. 17-763
AN ORDINANCE ACCEPTING
THE ANNEXATION OF CERTAIN
LANDS TO THE CITY OF
GENTRY; DECLARING AN
EMERGENCY; AND FOR OTHER
PURPOSES

WHEREAS, a petition was filed, pursuant to A.C.A. 14-40-609, for the annexation of certain lands into the City of Gentry, Arkansas in the County Court of Benton County, Arkansas as County Case CC 2017-13, by Terry and Marla England; Wava Feemster, Trustee of the Wava Feemster Revocable Trust, dated November 25, 1996; and Donovan and Emily Kurtz; and:

WHEREAS, the Honorable Barry Moehring, Benton County Judge, did review and approve said Petition for Annexation; and

WHEREAS, it is the desire of the City Council for the City of Gentry that said territory be annexed into the City limits.

NOW, THEREFORE, BE IT ORDAINED by the City Council for the City of Gentry:

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- b) Fire Protection
- c) Trash Service
- d) Water Service

SECTION 3. Notice. The city clerk shall certify and send one (1) copy of the plat of the annexed territory and one (1) copy of this ordinance to the Benton County Clerk.

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PASSED, APPROVED AND ADOPTED THIS 7th day of August, 2017.

Kevin D. Johnston, Mayor
ATTEST:
Tonya Carney, Direct of Finance
7423929 August 16, 2017

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IN THE COUNTY COURT OF BENTON COUNTY
STATE OF ARKANSAS

2017 JUL -3 PM 2:44

In the Matter of Annexation of Lands
to the City of Gentry, Arkansas
certain lands contiguous to said City
of Benton County, Arkansas

TEKA O'BRIEN
CO & PROBATE CLERK
BENTON COUNTY, AR

CASE NO. CC-2017- 13

Terry M. England and Marla J. England,
Wava Feemster, Trustee of the Wava Feemster
Revocable Trust, dated November 25, 1996,
and Donovan Joel Kurtz and Emily Suzanne Kurtz,

PETITIONERS.

PETITION FOR ANNEXATION

COME NOW the Petitioners, Terry M. England and Marla J. England, Wava Feemster,
Trustee of the Wava Feemster Revocable Trust, dated November 25, 1996, and Donovan Joel
Kurtz and Emily Suzanne Kurtz, and for their Petition for Annexation, state the following:

1. The undersigned constitute the owners of 100% of the property described as:

Tract 1 (*England*):

Part of the NE1/4 of the NW1/4 and also part of the NW1/4 of the NE1/4 of Section 15, Township 18 North, Range 33 West, Benton County, Arkansas, more particularly described as follows: From the SW corner of said NW1/4, NE1/4, Section 15, run thence North 00°02'24" West 496.10 feet to the point of beginning; thence South 88°33'23" West 313.01 feet to a point in the centerline of Arkansas State Highway 59; thence following said centerline North 06°42'17" East 128.18 feet; thence North 04°15'23" East 139.31 feet; thence North 02°44'04" East 91.22 feet; thence leaving said centerline North 89°33'59" East 191.16 feet; thence North 02°44'04" East 150.00 feet; thence North 89°33'59" East 577.78 feet; thence South 01°46'19" East 492.54 feet; thence South 88°33'23" West 508.22 feet to the point of beginning. LESS AND EXCEPT all that part of the above described property lying within 220 feet of the centerline of Arkansas State Highway 59, which has previously been annexed into City limits.

Tract 2 (*Feemster Trust*):

Part of the NE1/4 of the NW1/4 and also part of the NW1/4 of the NE1/4 of Section 15, Township 18 North, Range 33 West, Benton County, Arkansas, more particularly described as follows: Beginning at the SW Corner of said NW1/4, NE1/4, Section 15, thence South 89°14'50" West 385.19 feet to a point in the

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issuance of an Order and that the Benton County Judge forward this Petition and the Judge's Order to the City of Gentry.

2017 JUL -3 PM 2:44

TEENA O'BRIEN
COUNTY CLERK
BENTON COUNTY, AR

WHEREFORE, Petitioners request that the lands described herein be annexed to the City of Gentry, Arkansas; that the Court enter an Order containing the findings required by law; and that the Petition and Order then be forwarded to the City of Gentry; and for such other and further relief as the Court deems just and equitable.

PETITIONERS

Terry M. England

Terry M. England

Marla J. England

Marla J. England

Wava Feemster, Trustee of the Wava Feemster Revocable Trust, dated November 25, 1996

Wava Feemster Trustee

Donovan Joel Kurtz

Joel Kurtz

Emily Suzanne Kurtz

Emily Kurtz

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2017 JUL -5 PM 2: 06

Exhibit "A"
Map of Proposed Annexation

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



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2017 JUL 27 PM 2:46

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

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

TERRY AND MARLA ENGLAND, ET AL

PETITIONERS

CC 2017-13

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:

- (A) the identity of the petitioner or petitioners has been confirmed;
- (B) there are no property owners included in the petition that do not wish to have their property annexed;
- (C) the property described in the petition is contiguous with the City of Gentry, and
- (D) no enclaves will be created if the petition is accepted by the City of Gentry



HON. TENA O'BRIEN, County Clerk



HON. RODERICK GRIEVE, County Assessor

FILED

2017 JUL 27 PM 2:46

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



Date: July 11, 2017 – Revised July 25, 2017

Subject: Petition for Annexation (CC2017-13)

Parcel Number and owners:

Owner(s): England, Terry and Marsha (1996-92910) Parcel number 18-13653-001
Feemster Trust (1996-98432) Parcel number 18-13653-000
Kurtz, Donovan and Emily (2017-3864) Parcel number 18-13654-000
(Only a portion of this parcel is described in the petition))

I have reviewed the subject petition for annexation of territory into the City of Gentry, AR and find the following:

1. Two of the three properties described in the petition are currently contiguous with the existing city boundary of Gentry, AR. (Tracts 1 and 2 as described in the petition). The Kurtz property (Tract 3 per the petition) is not currently contiguous with the city limit line of the City of Gentry.
2. The submitted descriptions substantially conform to the size and location of the properties.
3. The submitted descriptions close mathematically and generally conform to the deed(s) of record noted above with the exception of Tract 3 (Kurtz) it is a portion of the parcel described in 2017-3864.
4. The owners that signed the petition match the owners of record.
5. 100% of the property owners on the petition wish to have their property annexed.
6. The proposed annexation does not appear to create any enclaves.
7. Received the Arkansas GIS Office review of this annexation petition 7-25-17 acknowledging compliance and awaiting final steps for completion.

Please contact me if you have any questions.

Michael D. Million
Manager – GIS-Mapping Dept.
Benton County Assessor's Office
Phone: 479-271-1037
Email: michael.million@bentoncountyar.gov