



ARKANSAS SECRETARY OF STATE
MARK MARTIN

April 17, 2018

The Honorable Tena O'Brien
Benton County Clerk
215 East Central St, Suite 217
Bentonville, AR 72712-5373

Re: City of Lowell Annexation Ordinance 1007

Dear Ms. O'Brien,

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 (petition by 100% of the landowners)

Effective Date: 03/22/2018

County: Benton

City: Lowell

County Ordinance: 1007

Dated: 02/20/2018

County Court Order: CC-2017-15

Date Filed: 02/06/2018 Honorable Barry Moehring, Benton County Judge

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 pending filing, please contact our office at 501-682-3401.

Sincerely,

Cynthia Fisher
Arkansas Secretary of State Legal Division
500 Woodlane St, Room 256
Little Rock, AR 72201
501-682-3401

cc: Arkansas Geographic Information Systems Office (w/ encl)
Arkansas Highway and Transportation Department Mapping Department (w/ encl)
Department of Finance and Administration (w/encl)
Arkansas Public Service Commission (w.encl)
UALR Institution for Economic Advancement (w/encl)
Tom-Tom (w/encl)
Honorable Eldon Long, Mayor of Lowell (w/encl)



BENTON COUNTY

STATE OF ARKANSAS

TENA O'BRIEN

COUNTY CLERK & VOTER REGISTRAR

215 EAST CENTRAL, SUITE 217
BENTONVILLE, AR 72712-5373

April 6, 2018

PROBATE COURT CLERK

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

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

RE: Tuscany Vines, LLC
City of Lowell Annexation
Benton County Court Case No. CC# 2017-15

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 February 6, 2018
3. Ordinance No. 1007 adopted on February 20, 2018, by the City of Lowell

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
()

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

SILOAM SPRINGS
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



Arkansas Secretary of State

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

Municipal Boundary Change Checklist

County: Benton City/Town: Lowell

City Ordinance/Resolution No: 1007 Date approved: 02/20/2018

County Court Case No: CC 2017-15 Date Order Filed: 02/06/2018

Type: Annexation by Petition of all Landowners A.C.A §14-40-609

Date Change Effective: 02/20/2018 Set by: Municipal Ordinance Emergency Clause Default
(Required by Act 653 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 Office 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: Eldon Long Title: Mayor

Street Address: 216 N Lincoln St

City: Lowell St: AR Zip code: 72745

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:  Title: Deputy County Clerk
Date: 04/06/2018

Pursuant to Act 655 of 2017, County Officials must submit a file-marked copy of municipal boundary change documentation 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

APR 17 2018

**Arkansas
Secretary of State**

FILED

2018 APR -5 PM 1:17

ORDINANCE NO. 1007

CITY OF LOWELL, BENTON COUNTY, ARKANSAS

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

AN ORDINANCE AGAIN ACCEPTING THE ANNEXATION INTO THE CITY OF LOWELL, ARKANSAS, OF CERTAIN LANDS CONTIGUOUS TO AND ADJOINING THE CITY, AND MAKING SAME A PART OF THE CITY OF LOWELL.

WHEREAS, a Petition for Annexation by 100% of the Landowners was filed on July 21, 2017, with the County Clerk of Benton County, Arkansas, by Tim Graham, Incorporator/Organizer for Tuscan Vines, LLC, as the owners of the hereinafter described lands, praying that said territory be annexed into, and made a part of the City of Lowell, Arkansas; and,

WHEREAS, this same land was previously accepted by Ordinance No. 995 however, after an error was discovered in the process of annexation and subsequently corrected by the City, it must now be accepted again; and

WHEREAS, no appeal of the Annexation Order is expected, if one should occur, the City Council will revisit this subject.

NOW THEREFORE, BE IT ENACTED, by the City Council of the City of Lowell, as follows:

Section 1. The following described lands and territory contiguous to and adjoining the City of Lowell, Arkansas, be, and the same is hereby accepted as part of and annexed into and made a part of the City of Lowell, Arkansas, to-wit:

[SEE EXHIBIT "A", LEGAL DESCRIPTION]

Section 2. A certified copy of this Ordinance shall be transmitted to the Benton County Clerk for transmittal to the Arkansas Secretary of State, as provided by Arkansas Code Annotated § 14-40-605.

Section 3. This Ordinance shall become effective immediately upon its passage, authentication and publication, as provided by law.

PASSED AND APPROVED this 20TH day of February, 2018.

APPROVED:

ELDON LONG, Mayor

FILED

APR 17 2018

Arkansas Secretary of State

ATTEST:

ELIZABETH ESTES, City Clerk
(Seal)



I certify that this is a true and correct copy of Ordinance No. 1007.

Elizabeth Estes, Lowell City Clerk



2017 AUG 30 PM 2:05

Exhibit "A"

TRACT 1:

A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 18 NORTH, RANGE 29 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 6; THENCE S02°37'52"W A DISTANCE OF 1,321.51 FEET TO A FOUND 5/8" REBAR; THENCE N88°19'20"W A DISTANCE OF 660.90 FEET TO A FOUND 1/2" REBAR; THENCE S02°30'05"W A DISTANCE OF 213.34 FEET TO THE POINT OF BEGINNING, SAID POINT BEING A SET IRON PIN WITH CAP "PLS 1156"; THENCE CONTINUING S02°30'05"W A DISTANCE OF 1,094.13 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N88°25'26"W A DISTANCE OF 727.30 FEET TO A FOUND 1/2" REBAR; THENCE N01°33'10"E A DISTANCE OF 98.74 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N88°25'07"W A DISTANCE OF 133.52 FEET TO THE EASTERLY RIGHT OF WAY LINE OF N. OLD WIRE ROAD, AS PER AHTD JOB #090373, SAID POINT BEING A SET IRON PIN WITH CAP "PLS 1156"; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE THE FOLLOWING FOUR CALLS, N16°30'44"W A DISTANCE OF 236.46 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N20°20'13"W A DISTANCE OF 595.58 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N07°23'18"W A DISTANCE OF 93.43 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N00°40'11"W A DISTANCE OF 127.86 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE, S88°34'11"E A DISTANCE OF 220.95 FEET TO A FOUND 3/8" REBAR; THENCE S88°15'50"E A DISTANCE OF 972.85 FEET TO THE POINT OF BEGINNING. CONTAINING 25.65 ACRES - 1,117,585 SQ.FT., MORE OR LESS, AND SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

LENA J. GIBSON
CO. & PROBATE CLERK
BENTON COUNTY, ARK.

2018 APR -5 PM 1:17

AND

TRACT 2:

Part of the fractional Northwest Quarter of the Southwest Quarter of Section 6, Township 18 North, Range 29 West, Benton County, Arkansas, more particularly described as follows:

Commencing at a railroad spike being used as the South Sixteenth Corner of Section 6; thence South 88°15'42" East along the South line of the fractional Northwest Quarter of the Southwest Quarter of Section 6 a distance of 285.84 feet to a point on the centerline of North Old Wire Road; thence North 15°14'41" West along said centerline a distance of 103.85 feet to the POINT OF BEGINNING; thence continue North 15°14'41" West along said centerline a distance of 795.83 feet to a point; thence in a Northwesterly direction along said centerline on a

curve to the right having a radius of 721.12 feet a distance of 33.75 feet having a chord bearing of North 13°54'14" West a distance of 33.75 feet to a point; thence continue in a Northwesterly direction along said centerline on a curve to the right having a radius of 721.12 feet a distance of 21.70 feet having a chord bearing of North 11°42'04" West a distance of 21.70 feet to a point on the West line of the fractional Northwest Quarter of the Southwest Quarter of Section 6; thence North 02°17'50" East along said West line a distance of 181.87 feet to a point; thence South 88°21'37" East a distance of 38.02 feet to a point on the Easterly right of way line of Arkansas State Highway 265 (Old Wire Road) as established by AHTD Job 090373; thence South 00°40'11" East along said right of way line a distance of 127.72 feet to a point; thence South 07°23'18" East along said right of way line a distance of 93.43 feet to a point; thence South 20°20'13" East along said right of way line a distance of 595.58 feet to a point; thence South 16°30'44" East along said right of way line a distance of 236.46 feet to a point; thence North 88°25'47" West a distance of 111.27 feet to a point of beginning and containing 1.78 acres, more or less, as shown on plans prepared by the AHTD referenced as Job 090373.

09 AUG 30 11 05 AM
09 AUG 30 11 05 AM
09 AUG 30 11 05 AM

2017 AUG 30 PM 2:05

FILED

LENA O'BRIEN
CO. & PROBATE CLERK
MOUNTAIN COUNTY, ARK

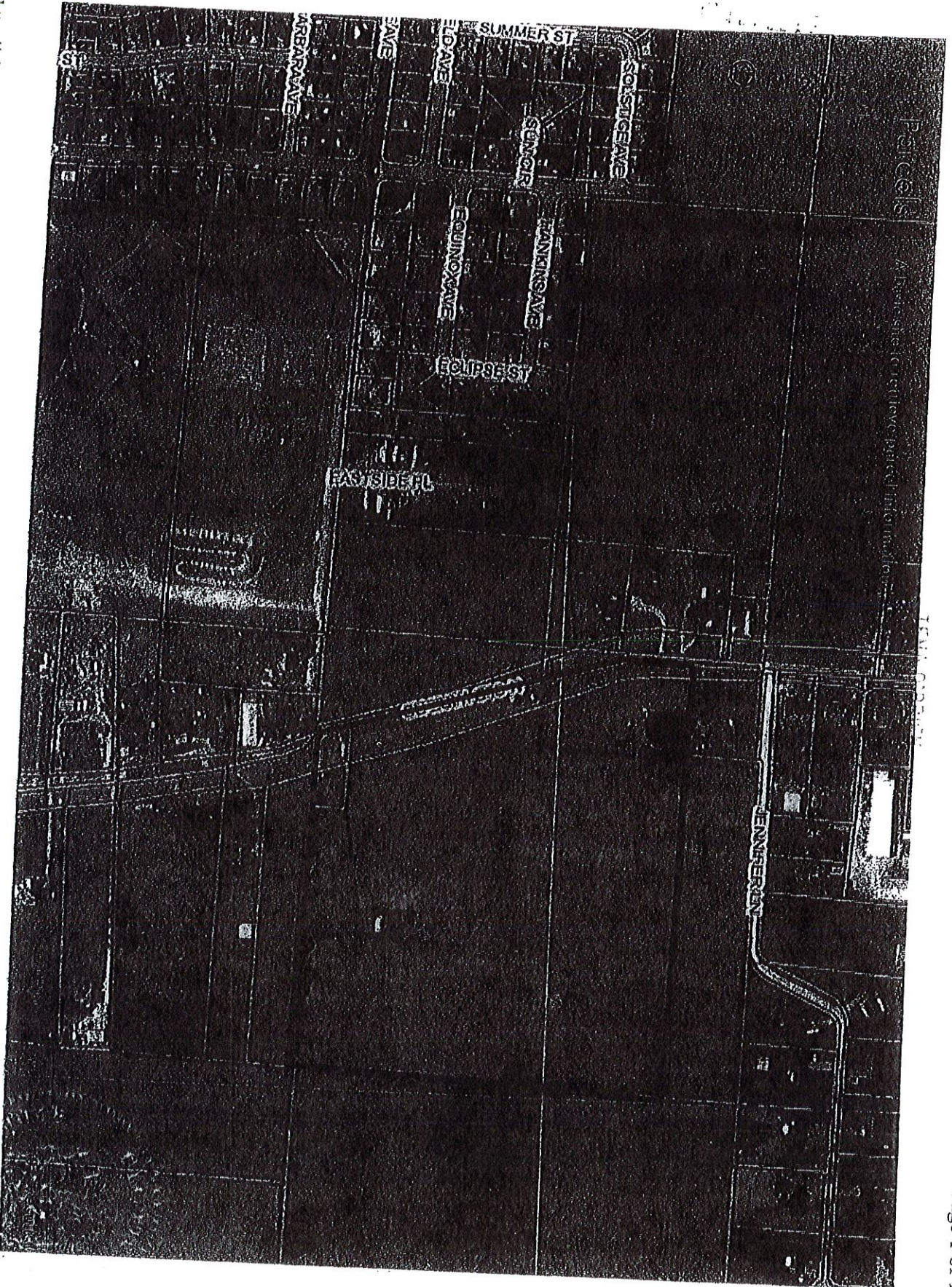
2018 APR -5 PM 1:17

FILED

2017 2638

FILED

2018 APR -5 PM 1:17



2017 2639

FILED

2018 FEB -6 PM 4: 23

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

IN THE MATTER OF ANNEXING TO THE
CITY OF LOWELL, BENTON COUNTY,
ARKANSAS CERTAIN TERRITORY
CONTINGOUS TO SAID CITY

COUNTY COURT NO. 2017-15

ORDER AUTHORIZING ANNEXATION PURSUANT TO ACA § 14-40-609

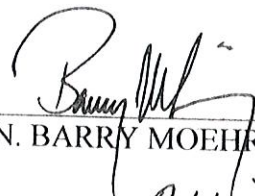
I, Barry Moehring, County Judge of Benton County, having reviewed the attached petition for annexation and verification of petition, hereby find:

(1) That this matter was originally filed as a Petition for Annexation by 100 % of the Landowners on July 21st, 2017. That thereafter, it appears that Petitioners sought to convert this to an annexation by majority of landowners. That thereafter, an order was erroneously entered approving the annexation, the errors being that notice of the petition was never published and that no hearing was held, and after said order, the City of Lowell adopted an ordinance approving the annexation.

(2) That petitioners have now requested that the attempt to convert this matter to a majority annexation petition be set aside and that this matter be allowed to continue to conclusion at an annexation by 100% of the landowners. Said request is granted. Due to the date the original petition for annexation was filed, this matter shall be considered under the law as it existed before the amendments made in 2017.

- (3) That the petition and verifications are complete and accurate;
- (4) That no enclaves will be created by the proposed annexation; and
- (5) 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 Lowell, who is it is requested put this annexation again before the City Council for consideration and adoption of an appropriate ordinance.



HON. BARRY MOEHRING, County Judge

Date

2/6/18

FILED

APR 17 2018

Arkansas
Secretary of State

2018 0437

FILED

2017 AUG -3 AM 9: 35



ARKANSAS
GIS OFFICE

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

July 31, 2017

Tim Graham
Tuscany Vines LLC
1800 S Osage St STE 230
Rogers AR 72758

RE: City of Lowell Annexation Coordination Requirement

Mr. Graham,

Thank you for coordinating with our office as you seek to annex property into the City of Lowell, AR Benton County case number CC2017-15, being a part of the Northwest ¼ of the Southwest ¼ of Section 6, Township 18 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
/jjw

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

FILED

APR 17 2018

Arkansas
Secretary of State

H:\City Annexations\Templates\Folder Structure\Doc\20170303_CityName 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

Proposed Annex: City of Lowell
July 2017

City: Lowell
Mayor: Eldon Long

Frisco Cemetery

Paige

PROPOSED ANNEX
25.65 Acres

Jennifer

PROPOSED ANNEX
1.78 Acres

S6-T18N-R29W

Nail

S7-T18N-R29W

Today

S1-T18N-R30W

Dickson
Highland
Barber

Evergreen

Applewood

Summerset
Wildwood

Summer

Summerfield

Salsice

Sun

Hankins

Equinox

McClure

Barbara

Oak

Newlin

Melody

Bailey

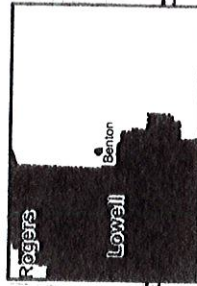
Michael

Monroe

S12-T18N-R30W

Eastside

84M ROAD



- Proposed Annex
- Township-Range
- Sections
- Parcels
- Highway
- Minor Road
- Existing City

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 evident the entity has met requirements of A.C. 914 of 2015

FILED

APR 17 2018
2017 AUG 3 AM 9:35
Arkansas Secretary of State
Arkansas State Office
Arkansas GIS Office

FILED

2017 JUL 31 PM 2: 19

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

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

TUSCANY VINES LLC

PETITIONERS

CC 2017-15

Amended

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 *Amended* 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 Lowell, and
- (D) no enclaves will be created if the petition is accepted by the City of Lowell



HON. TENA O'BRIEN, County Clerk



HON. RODERICK GRIEVE, County Assessor

FILED

IN THE COUNTY COURT OF BENTON COUNTY, ARKANSAS

2017 JUL 21 AM 11:49

IN THE MATTER OF ANNEXING TO
THE CITY OF LOWELL, ARKANSAS
CERTAIN TERRITORY CONTIGUOUS TO
SAID CITY OF BENTON COUNTY,
ARKANSAS

TENA C. BERLIN
CO. & PROBATE CLERK
BENTON COUNTY AR

CASE NO. 2017 15

TUSCANY VINES LLC
1800 S. Osage St STE 230
Rogers, AR 72758

Petitioners

PETITION FOR ANNEXATION

We, as property owners of the following described area, do hereby petition the County Court of Benton, Arkansas, to annex the following lands to the City of Lowell, Arkansas: SEE ATTACHED "EXHIBIT A". We further state that the petition is signed by 100% of the owners, owning 100% of the property in said area, and that said property described herein is contiguous to and adjoining the present city limits of the City of Lowell. The following services shall be extended to the annexed area within three (3) years after the date the annexation becomes final:

- Potable Water Service
- Sanitary Sewer Service

Tim Graham
Signature of Property Owner

Tim Graham
Printed Name

1800 S Osage Spring Dr
Address
Suite 230
Rogers, AR 72758

[Signature]
Signature of Attesting Witness

7-21-17
Date

FILED

Exhibit "A"

2017 JUL 21 AM 11:49

A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 18 NORTH, RANGE 29 WEST OF THE FIRST PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 6; THENCE S02°37'52"W A DISTANCE OF 1,321.51 FEET TO A FOUND 5/8" REBAR; THENCE N88°19'20"W A DISTANCE OF 660.90 FEET TO A FOUND 1/2" REBAR; THENCE S02°30'05"W A DISTANCE OF 213.34 FEET TO THE POINT OF BEGINNING, SAID POINT BEING A SET IRON PIN WITH CAP "PLS 1156"; THENCE CONTINUING S02°30'05"W A DISTANCE OF 1,094.13 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N88°25'26"W A DISTANCE OF 727.30 FEET TO A FOUND 1/2" REBAR; THENCE N01°33'10"E A DISTANCE OF 98.74 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N88°25'07"W A DISTANCE OF 133.52 FEET TO THE EASTERLY RIGHT OF WAY LINE OF N. OLD WIRE ROAD, AS PER AHTD JOB #090373, SAID POINT BEING A SET IRON PIN WITH CAP "PLS 1156"; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE THE FOLLOWING FOUR CALLS, N16°30'44"W A DISTANCE OF 236.46 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N20°20'13"W A DISTANCE OF 595.58 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N07°23'18"W A DISTANCE OF 93.43 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N00°40'11"W A DISTANCE OF 127.86 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE, S88°34'11"E A DISTANCE OF 220.95 FEET TO A FOUND 3/8" REBAR; THENCE S88°15'50"E A DISTANCE OF 972.85 FEET TO THE POINT OF BEGINNING. CONTAINING 25.65 ACRES - 1,117,585 SQ.FT., MORE OR LESS, AND SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

