



# ARKANSAS SECRETARY OF STATE

## MARK MARTIN

March 30, 2017

The Honorable Tena O'Brien  
Benton County Clerk  
215 E Central Ave, Suite 217  
Bentonville, AR 72712-5304

Re: City of Rogers Annexation Ordinance 17-12

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 with detachment pursuant to A.C.A § 14-40-2001 (petition by land owner)

Effective Date: 2/14/2017 (emergency declared in Cave Springs Detachment Ordinance 2017-08)

County: Benton

City: Rogers

City Ordinance: 17-12

Dated: 01/24/2017

County Court Order: N/A

A file marked copy of the ordinance, consenting detachment ordinance 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)  
Ms. Peggy David, Rogers City Clerk (w/encl)





# 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: Rogers

City Ordinance/Resolution No: 17-12 Date approved: 01/24/2017

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

Type: Annexation with Detachment from another municipality at landowner request A.C.A §14-40-2001

Date Change Effective: 02/14/2017 Set by:  Municipal Ordinance  Emergency Clause  Court Order  
*(Required)*

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 *(not required for A.C.A§ 14-40-1801)*
- File marked copy of County Court Order *(not required for A.C.A.§ 14-40-501)*
- Proof of Publication for all Legal Notices *(Hearing, Election, City Ordinance/Resolution)*
- Copy of Arkansas GIS approved printed map and certification letter *(Required)*
- File marked copy of Petition Part or File marked copy of the certified special election results *(if applicable)*
- File marked copy of Complaint and final Circuit Court Order *(Court Challenge only)*

### Municipal Contact:

Name: Ms. Peggy David Title: Rogers City Clerk

Street Address: 301 W. Chestnut

City: Rogers St: AR Zip code: 72758

*Complete one form for each ordinance/resolution and attach it as a cover page to the supporting document set. Submit the documents to your County Clerk*

### County Official:

Signature: Hon Tona O'Brien Title: Benton County Clerk

Date: \_\_\_\_\_

*Please sign and submit with file marked documents to Arkansas Secretary of State, Atten: Municipal Boundary Filing, 500 Woodlane St, Little Rock, AR 72201-1094*

*Office of the Arkansas Secretary of State use only*

Received by: *Lynthia Foster*

**F I L E D**

MAR 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

March 3, 2017

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

RE: City of Rogers Ordinance #17-12 and  
City of Cave Springs Ordinance #2017-08  
Detach Certain Land from the City of Cave Springs

Dear Secretary Martin:

Enclosed please find a certified copy of the City of Rogers Ordinance No. 17-12 detaching certain real property from the City of Cave Springs and the City of Cave Springs Ordinance No. 2017-08 approving the detachment.

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

Very truly yours,

*Tena O'Brien*

Tena O'Brien

By: T. Underwood

COUNTY CLERK  
(479) 271-1013  
FAX (479) 271-1019

VOTER REGISTRAR  
(479) 271-5704

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

SILAM 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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ORDINANCE NO. 17- 12

CITY OF ROGERS, BENTON COUNTY, ARKANSAS

TENA D'AMICO  
CLERK & PROPOSEE CLERK  
BENTON COUNTY, ARK.

AN ORDINANCE PROPOSING THE DETACHMENT OF CERTAIN TERRITORY FROM THE CITY OF CAVE SPRINGS, ARKANSAS AND THE ANNEXATION THEREOF INTO THE CITY OF ROGERS, ARKANSAS, AND MAKING SAME A PART OF THE CITY OF ROGERS, ASSIGNING SAME TO A WARD, AND ASSIGNING SAME TO A ZONING DISTRICT.

**WHEREAS**, the owners of the lands described below, Mike Hultquist and April Hultquist, (the "Owners") are constructing a home on the lands described below, which are located within the city limits of the City of Cave Springs, Arkansas, and are requesting the detachment of the territory from the City of Cave Springs and the annexation of same into the City of Rogers; and

**WHEREAS**, the Owners have executed an Affidavit, filed with the Rogers City Clerk, in which they assert that certain municipal services, specifically water and sewer, are not available from the City of Cave Springs and that other municipal services, specifically law enforcement, and life safety services, would only be available from the City of Cave Springs if its agencies accessed the Owners' property through Shadow Valley in the City of Rogers. The Owners assert that the only access to their property is through Shadow Valley and, therefore, the City of Rogers; and,

**WHEREAS**, a very small portion of the Owners' property is already within the city limits of the City of Rogers and located within said portion of the Owners' property are Rogers Water Utilities water and sewer taps. Therefore, water and sewer services are available to the Owners' property from the City of Rogers; and,

**WHEREAS**, at the request of the Owners and in order to assist the Owners in obtaining needed municipal services, the City Council of the City of Rogers desires to detach certain contiguous territory located within the City of Cave Springs as more particularly described below (the "Proposed Detached Territory") from the City of Cave Springs and annex the same into the City of Rogers to become part and parcel of the municipal limits of the City of Rogers; and

**WHEREAS**, the City Council of the City of Rogers has determined that the territory is needed for the extension of water, sewer, police, and fire protection services and that the territory was valuable and needed by reason of their adaptability for prospective municipal purposes; and

**WHEREAS**, the Rogers Municipal Code provides that property annexed into Rogers will be zoned A-1 (Agricultural) unless the annexing ordinance accepts such annexed area in a district other than A-1 (Agricultural). The Proposed Detached Territory is a part of the Shadow Valley subdivision which is Planned Unit Development in which the area surrounding the Proposed Detached Territory, including the small portion of the Owners' property that is already in the City of Rogers, is presently zoned as RSF-5. The Proposed Detached Territory should

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Arkansas  
Secretary of State

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be annexed into the City of Rogers as RSF-5; and

**WHEREAS**, the Owners wish the Proposed Detached Territory to be annexed into the City of Rogers as zoning district RSF-5 in accordance with the Rogers City Code; and

**WHEREAS**, the City Council has determined that the public interest and welfare will not be adversely affected by the requested zoning.

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

Section 1. The City Council of the City of Rogers calls for the simultaneous detachment of the following described lands and territory contiguous and adjoining the City of Rogers from the City of Cave Springs and that the same be hereby accepted as part of and annexed to and made a part of the City of Rogers:

PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 36, TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NE 1/4 OF THE NE 1/4 OF SAID SECTION 36;

THENCE ALONG THE EAST LINE THEREOF S00°08'13"W 32.92 FEET TO THE NORTHWEST CORNER OF THE FRACTIONAL NW 1/4 OF SECTION 31, TOWNSHIP 19 NORTH RANGE 30 WEST;

THENCE ALONG SAID EAST LINE S02°23'42"W 167.10 FEET;

THENCE LEAVING SAID EAST LINE N87°32'22"W 535.97 FEET;

THENCE N46°51'45"E 279.94 FEET TO THE NORTH LINE OF THE NE 1/4 OF THE NE 1/4 OF SAID SECTION 36;

THENCE ALONG SAID NORTH LINE S87°32'22"E 338.58 FEET TO THE POINT OF BEGINNING, CONTAINING 2.01 ACRES, MORE OR LESS AND SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR FACT.

Section 2. The above described Proposed Detached Territory, following completion of the process set forth in A.C.A. §14-40-2101, shall be annexed to and made a part of Ward 3 of the City of Rogers, and the same shall henceforth be a part of Ward 3 as fully as existing parts of said Ward.

Section 3. Upon passage and approval of this Ordinance calling for the simultaneous detachment and annexation of the Proposed Detached Territory from the City of Cave Springs, the City of Rogers, through its authorized municipal officers and agents, shall send this Ordinance to the Mayor and City Council of the City of Cave Springs for consideration pursuant to the provisions of A.C.A. § 14-40-2101.

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Section 4. Pursuant to the Rogers City Code the Proposed Detached Territory described above shall, upon its annexation into the City of Rogers, be zoned as RSF-5 Residential District

CLERK & PROBATE CLERK  
BOWEN COUNTY, ARK

Section 5. Upon detachment and annexation of the Proposed Detached Territory the official zoning map of the City of Rogers will be amended to include the Proposed Detached Territory described above and to reflect the zoning thereof as provided in Section 4 hereof.

Section 6: In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 7: All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

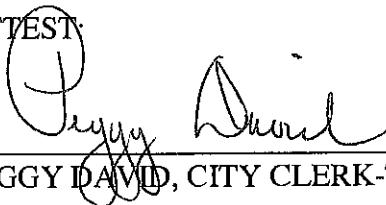
PASSED AND APPROVED this 4th day of January, 2017.

APPROVED:



GREG HINES, MAYOR

ATTEST



PEGGY DAVID, CITY CLERK-TREASURER



Requested by: Greg Hines, Mayor  
Prepared by: Bill Watkins  
Reviewed by: Jennifer A. Waymack, Senior Staff Attorney

FILED

Brenda DeShields-Circuit Clerk  
Benton County, AR  
Book/Pg: 2017/9352  
Term/Cashier: CASH4/Susan Holt  
02/23/2017 8:59:54AM  
Tran: 416571  
Total Fees: \$20.00

2017 MAR -2 PM 12:32

ORDINANCE NO. 2017-08

Book 2017 Page 9352  
Recorded in the Above  
DEED Book & Page  
02/23/2017

**CITY OF CAVE SPRINGS, BENTON COUNTY, ARKANSAS**  
**COUNTY CLERK**  
**ORDINANCE APPROVING ORDINANCE NO. 2017-12 OF THE CITY OF**  
**ROGERS, BENTON COUNTY, ARKANSAS FOR THE DETACHMENT OF**  
**CERTAIN TERRITORY FROM THE CITY OF CAVE SPRINGS, ARKANSAS**  
**AND THE ANNEXATION THEREOF INTO THE CITY OF ROGERS,**  
**ARKANSAS, PROVIDING FOR THE EMERGENCY CLAUSE AND FOR**  
**OTHER PURPOSES.**

WHEREAS, Ark. Code Ann. § 14-40-2101 provides a procedure by which property may be simultaneously detached from one municipality and annexed into an adjoining municipality; and

WHEREAS, the City of Rogers, Arkansas passed Ordinance No. 2017-12 on the 24<sup>th</sup> day of January, 2017 approving the detachment of certain contiguous territory located within the City of Cave Springs as more particularly described below (the "Proposed Detached Territory") from the City of Cave Springs, Arkansas and the annexation thereof into the City of Rogers, Arkansas, making the same a part of the City of Rogers in accordance with Ark. Code Ann. § 14-40-2101; and

WHEREAS, the City of Cave Springs, Arkansas is in receipt of said Ordinance from the City of Rogers, Arkansas, approving the simultaneous detachment of the Proposed Detached Territory located in the City of Cave Springs and the annexation thereof into the jurisdiction of the City of Rogers; and

WHEREAS, after due notice as required by law, the City of Cave Springs has, at the time and place mentioned in the published notice thereof, held the public hearing required pursuant to Ark. Code Ann. § 14-40-2101, and has heard all persons desiring to be heard on the question and has ascertained that the simultaneous detachment of the Proposed Detached Territory from the City of Cave Springs and the annexation thereof into the City of Rogers should be approved; and

WHEREAS, the Cave Springs City Council has determined that the public interest and welfare will not be adversely affected by the proposed simultaneous detachment and annexation and, further, that the Proposed Detached Territory can only receive water and sewer services from the Rogers water utilities and that such services to the Proposed Detached Territory cannot be provided by the City of Cave Springs; and,

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

Section 1. The City Council of the City of Cave Springs, Arkansas approves City of Rogers Ordinance No. 2017-12 and the simultaneous detachment of the following described lands and territory which are contiguous and adjoining the City of Rogers, being the Proposed Detached Territory, from the City of Cave Springs and the annexation thereof into the City of Rogers:

PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 36, TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NE 1/4 OF THE NE 1/4 OF SAID SECTION 36;

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Secretary of State

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THENCE ALONG THE EAST LINE THEREOF S00°08'13"W 32.92 FEET TO THE NORTHWEST CORNER OF THE FRACTIONAL NW 1/4 OF SECTION 31, TOWNSHIP 19 NORTH RANGE 30 WEST;  
THENCE ALONG SAID EAST LINE S02°23'42"W 167.10 FEET;  
THENCE LEAVING SAID EAST LINE N87°32'22"W 535.97 FEET;  
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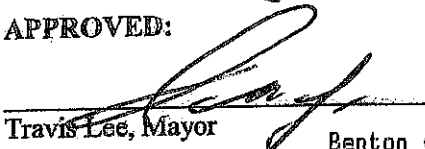
Section 2. The official city map of the City of Cave Springs is hereby amended to exclude the Proposed Detached Territory as described above from the city limits of the City of Cave Springs, Arkansas.

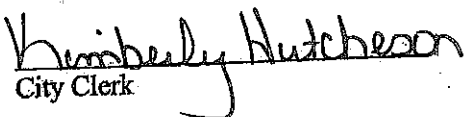
Section 3. Any ordinances in conflict herewith are hereby repealed to the extent of that conflict.

Section 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distant and independent provision and such holdings shall not affect the validity of the remaining portions thereof.

Section 5: Emergency clause. That because the City is herein detaching property which is subject to a present use and said use should be brought into conformity with the laws of the City of Rogers, Arkansas, and because provision of water and sewer services to the detaching property is critically necessary, an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

PASSED AND APPROVED this 14 day of February, 2017.

APPROVED:  
  
Travis Lee, Mayor

Attest:  
  
Kimberly Hutcherson  
City Clerk

Benton County, AR  
I certify this instrument was filed on  
02/23/2017 8:59:54AM  
and recorded in DEED Book  
2017 at pages 9352 - 9353  
Brenda DeShields-Circuit Clerk



FILED FOR RECORD  
AT 4:00 O'CLOCK P.M.

FEB 17 2017  
CITY OF CAVE SPRINGS, AR  
CITY CLERK



City of Cave Springs

RSF-5

A-1

A-1

A-1

W BROOKVIEW RD

NR

NR

PACE LN

HIGHWAY 112

S BROOKHAVEN ST

S BROOKMERE ST

W BROOKRIDGE RD

RSF-5

SHADOW VALLEY RD

RSF-5

A-1

ALTAMONTE RD

Detach from Cave Springs  
Annex into Rogers



RSF-5

BRIGHTON RD

BALMORAL DRIVE

City of Cave Springs

RSF-5

RSF-5

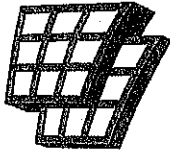
BRIGHTON RD

ALTAMONTE RD

W. WALLIS ROAD

City of Cave Springs





**ARKANSAS  
GIS OFFICE**

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March 29, 2017

Mrs. Cynthia Fisher  
Special Projects Manager  
AR Secretary of State Legal Division

RE: City of Rogers Annexation Coordination Requirement

Mrs. Fisher,

Thank you for coordinating with our office as you seek to annex property into the City of Rogers, AR ordinance number 2017-12. 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  
/jjw

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

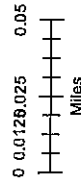
H:\City\_Annexations\Cities\Rogers\20170329\Sent\20170329\_Rogers\_Annexation\_Coordination\_Letter.docx

Proposed Annex: City of Rogers  
March 2017

City: Rogers  
Mayor: Greg Hines

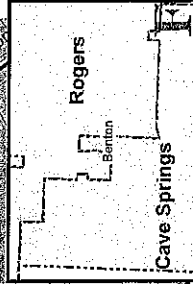
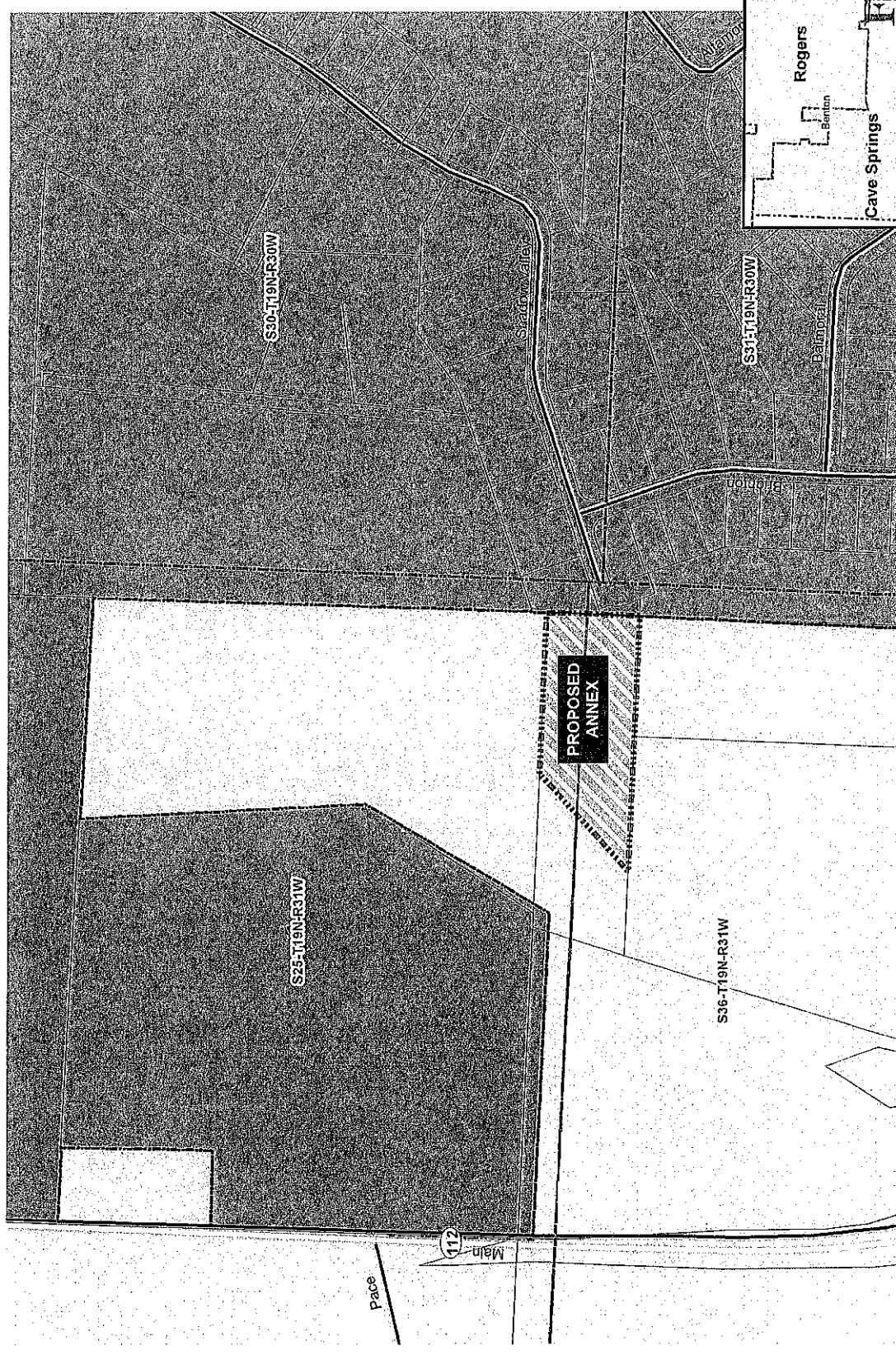
Arkansas Code 14-40-101.  
Before an entity undertakes an annexation, consolidation, or detachment, proceeding under this chapter, the entity shall coordinate with the Arkansas Geographic Information Systems Office for preparation of legal descriptions and digital mapping for the relevant annexation, consolidation, and detachment areas.  
The map contained herein, is evidence, the entity has met requirements of Act 914 of 2015

- Proposed Annex
- Parcels
- Highway
- Minor Road
- Existing City
- Neighboring City
- County Boundary



ARKANSAS  
GIS OFFICE

H:\City\_Annexes\2017\03\03\00170293\_Rogers.mxd



MAR 30 2017

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Secretary of State