



ARKANSAS SECRETARY OF STATE

MARK MARTIN

December 19, 2018

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

Re: City of Rogers Annexation Ordinance 18-55 with Detachment from the City of Cave Springs

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 § 14-40-2101 (annexation with detachment from adjoining city)
Effective Date: 10/09/2018 (municipal ordinance)
County: Benton City: Rogers
City Ordinance: 18-55 Dated: 09/11/2018
County Court Order: N/A

A file marked copy of the 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)
Ms. Kimberly Hutcheson, Cave Springs Recorder/Treasurer (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: 18-55 Date approved: 09/11/2018

County Court Case No: _____ Date Order Filed: _____

Type: Annexation with Detachment from adjoining city at city request A.C.A §14-40-2101

Date Change Effective: 10/09/2018 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: Peggy David Title: City Clerk

Street Address: 301 W Chestnut

City: Rogers St: AR Zip code: 72756

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: *Tiffany Woodcock* Title: Deputy Clerk

Date: 11-29-18

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: *Cynthia Fisher*

FILED

DEC 19 2018

**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

November 29, 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: City of Rogers Ordinance #18-55
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. 18-55 detaching certain real property from the City of Cave Springs.

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

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

2018 NOV 27 PM 3:36

ORDINANCE NO. 18-55

CITY OF ROGERS, BENTON COUNTY, ARKANSAS

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 owner of the lands described below, Reaves Family Limited Partnership, (the "Owner") which lands are located within the city limits of the City of Cave Springs, Arkansas, is 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 Owner has executed an Affidavit, filed with the Rogers City Clerk, in which it asserts 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 Owner's property through Shadow Valley in the City of Rogers. The Owner asserts that the only access to their property is through Shadow Valley and, therefore, the City of Rogers; and,

WHEREAS, all municipal services are available to the Owner's property from the City of Rogers; and,

WHEREAS, the subject property is an "island" of Cave Springs, completely surrounded by the City of Rogers and cut off from the City of Cave Springs; 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 streets, 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). The Proposed Detached Territory should be annexed into the City of Rogers as A-1; and

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DEC 19 2018

Arkansas
Secretary of State

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

CO. & PROB. CLERK
BENTON COUNTY, ARK.

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:

THE E 1/2 OF THE SW 1/4 OF THE SE 1/4 OF THE NE 1/4 OF SECTION 25,
TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY
ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SE 1/4 OF THE NE
1/4 OF SAID SECTION 25;
THENCE ALONG THE SOUTH LINE THEREOF S87°26'15"E 328.99 FEET
TO THE POINT OF BEGINNING;
THENCE LEAVING SAID SOUTH LINE N02°05'25"E 658.19 FEET;
THENCE S87°21'46"E 328.73 FEET;
THENCE S02°04'01"W 657.76 FEET;
THENCE N87°26'15"W 328.99 FEET
TO THE POINT OF BEGINNING, CONTAINING 4.97 ACRES, MORE OR
LESS AND SUBJECT TO ANY AND ALL EASEMENTS 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 said Ward 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.

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 A-1 Agricultural District.

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.

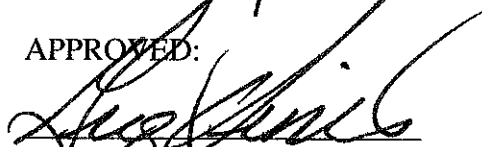
2018 4927

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.

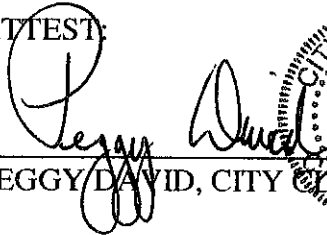
Section 7: All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED AND APPROVED this 11th day of September, 2018.

APPROVED:


GREG HINES, MAYOR

ATTEST:


PEGGY DAVID, CITY CLERK



2018 NOV 27 PM 3:36



**ARKANSAS
GIS OFFICE**

FILED
CO. & T. CLERK
BENTON COUNTY

July 24, 2018

Mr. Jeff Austin
City of Rogers
Planning and Transportation
301 W Chestnut Street
Rogers, AR 72756

RE: City of Rogers Annexation Coordination Requirement

Mr. Austin,

Thank you for coordinating with our office as you seek to detach property from the City of Cave Springs and annex said property into the City of Rogers, AR located in Section 25, Township 19 North, Range 31 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

FILED

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Secretary of State

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

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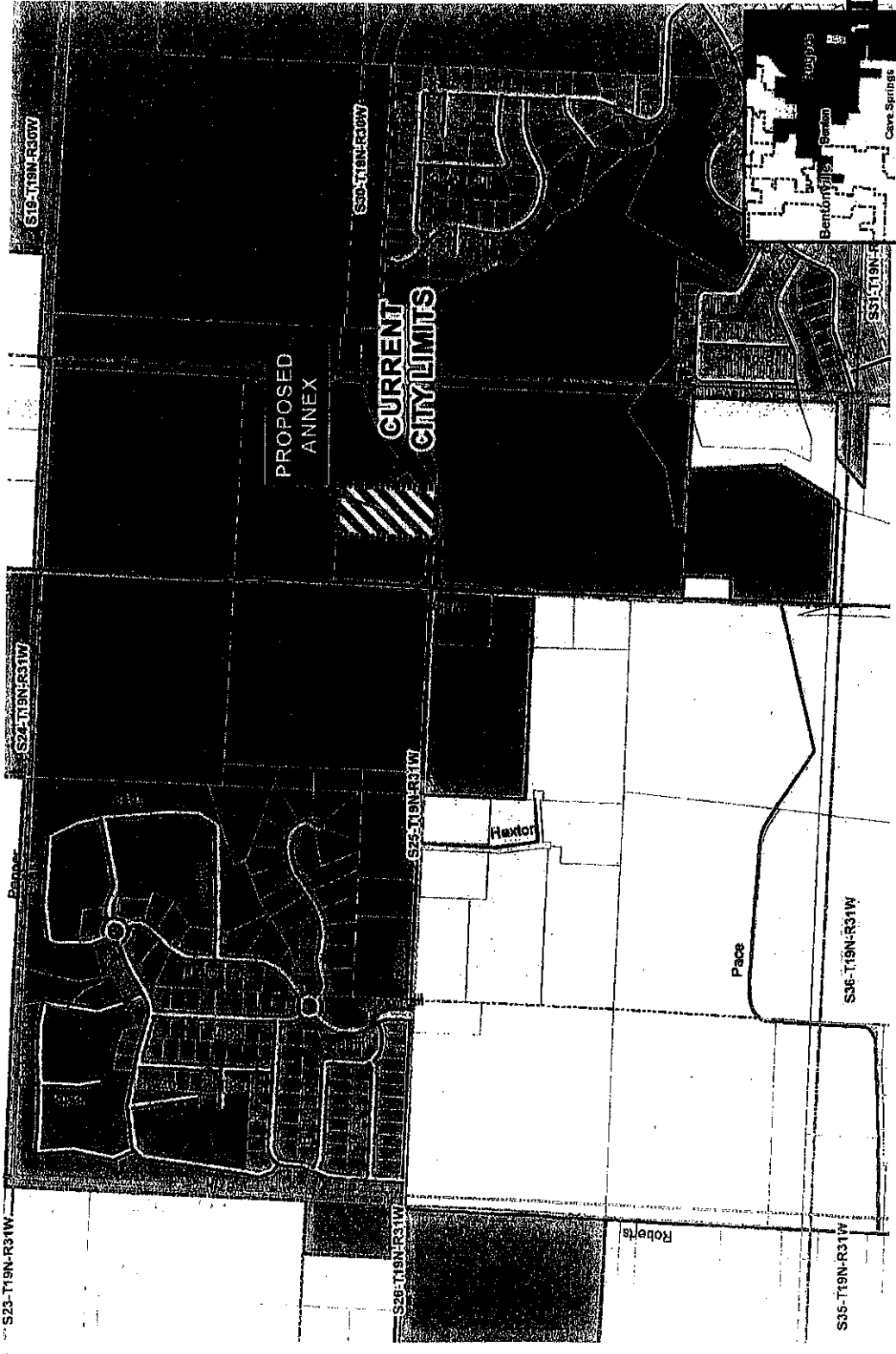
ARKANSAS GIS OFFICE · 1 CAPITOL MALL SUITE 6D · LITTLE ROCK · ARKANSAS · 72201

PHONE (501) 682-2767 · www.gis.arkansas.gov · FAX (501) 682-6077

2018 4929

Proposed Detachment from Cave Springs and Annex into City of Rogers
 July 2018

City: Rogers
 Mayor: Greg Hines

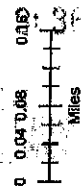


Arkansas Code 14-40-101.
 Before an entity undertakes an annexation, consolidation, or detachment, proceeding under this chapter, the entity shall coordinate with the Arkansas Geographic Information Systems Office for preparation of legal descriptions and digital mapping for the relevant annexation,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

[Symbol]	Proposed Annex
[Symbol]	Systems
[Symbol]	Parcels
[Symbol]	Water River
[Symbol]	Existing City
[Symbol]	Neighboring City

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ARKANSAS GIS OFFICE
 CO. & PROJECT
 BENTON



ARKANSAS GIS OFFICE

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DEC 19 2018

Arkansas
 Secretary of State

2018 4930

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ORDINANCE NO. 2018-19

CITY OF CAVE SPRINGS, BENTON COUNTY, ARKANSAS

AN ORDINANCE APPROVING ORDINANCE NO. 2018-55 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. 2018-55 on the 11th day of September, 2018 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. 2018-55 and the simultaneous detachment of the following described lands and territory which are surrounded by, contiguous with, 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:

THE E 1/2 OF THE SW 1/4 OF THE SE 1/4 OF THE NE 1/4 OF SECTION 25,
TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY ARKANSAS, MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SE 1/4 OF THE NE 1/4 OF
SAID SECTION 25;

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THENCE ALONG THE SOUTH LINE THEREOF S87°26'15"E 328.99 FEET TO THE POINT OF BEGINNING;
THENCE LEAVING SAID SOUTH LINE N02°05'25"E 658.19 FEET;
THENCE S87°21'46"E 328.73 FEET;
THENCE S02°04'01"W 657.76 FEET;
THENCE N87°26'15"W 328.99 FEET
TO THE POINT OF BEGINNING, CONTAINING 4.97 ACRES, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

RECORDED
CITY OF CAVE SPRINGS, AR
OCT 18 2018

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.

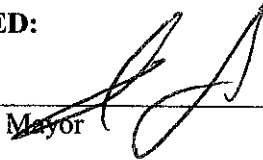
Section 3. Any ordinances in conflict herewith are hereby repealed to the extent of that conflict.

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 9 day of October, 2018.

APPROVED:


Travis Lee, Mayor

Attest:


City Clerk

FILED FOR RECORD
AT 9:05 O'CLOCK A.M.

OCT 10 2018

CITY OF CAVE SPRINGS, AR
CITY CLERK

