



JOHN THURSTON

ARKANSAS SECRETARY OF STATE

May 3, 2019

The Hon. Betsy Harrell
Benton County Clerk
215 East Central, Suite 217
Bentonville, AR 72712-5373

Re: City of Rogers Annexation Ordinance 18-50

Dear Ms. Harrell,

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. §14-40-2001 (annexation into adjoining municipality)

Effective Date: 8/28/18

County: Benton

City Ordinance: 18-50

City: Rogers

Dated: 08/28/18

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.

Sincerely,

Rusty Jackson
Elections Division

Room 26

501-682-3478

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 Greg Hines, Mayor of Rogers (w/encl)
The Honorable Randy Noblett, Mayor of Cave Springs (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: 18-50 Date approved: 08/28/2018

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: 08/28/2018 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)*

*NOT Required for annexation under 14-40-2001 per legal/RK; circuit court attached 5/3/19

Municipal Contact:

Name: Greg Hines Title: Mayor

Street Address: 301 W Chestnut St

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 Underwood* Title: Deputy Clerk

Date: 09/05/2018

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: _____

BENTON COUNTY

STATE OF ARKANSAS

TENA O'BRIEN

COUNTY CLERK & VOTER REGISTRAR

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

September 5, 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 #18-50
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. 18-50 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

Deputy Clerk

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

FILED

2018 SEP -4 PM 2:46



TENA S BARKER
CO. & PROBATE CLERK
MONTGOMERY COUNTY, ARK

Office of the City Clerk-Treasurer

301 W. Chestnut

Rogers, Arkansas, 72756

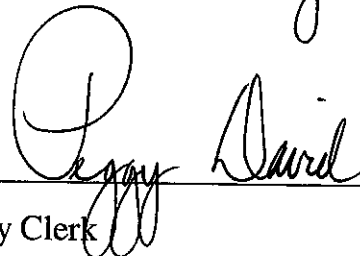
479-621-1117 • (FAX) 479-631-3341

www.rogersar.gov

CERTIFICATE

The undersigned, City Clerk of the City of Rogers, Arkansas, hereby certifies that the foregoing pages are a true and correct copy of **Ordinance No. 18-50**, adopted at a regular session of the City Council of the City of Rogers, Arkansas, held at the regular meeting place in the city at 6:30 o'clock P.M. on the 28th day of August, 2018 and that **Ordinance No. 18-50**, is of record in **Ordinance Book No. 27**, now in my possession.

GIVEN under my hand and seal on this 30th day of August, 2018.



City Clerk



2018 SEP -4 PM 2: 46

ORDINANCE NO. ~~18-50~~ 18-50
CITY OF ROGERS, ARKANSAS

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

**AN ORDINANCE ACCEPTING AND ANNEXING
CERTAIN REAL PROPERTY TO THE CITY OF ROGERS, ARKANSAS,
PURSUANT TO ACT 779 OF THE 82nd GENERAL ASSEMBLY
AND ASSIGNING SAID PROPERTY TO A CITY WARD,**

WHEREAS, The Petitioner, Co-Trustees of the Georgia M. Fletcher Revocable Trust, the owner of real property contiguous to and adjacent to the City of Rogers, Arkansas, has petitioned for annexation of said real property by the City of Rogers, Arkansas, pursuant to Act 779 of the 82nd General Assembly and assignment of said property to a City ward; and

WHEREAS, the Co-Trustees of the Georgia M. Fletcher Revocable Trust, pursuant to said Act 779, did make demand upon the City of Cave Springs to provide a commitment to the Petitioners to provide sanitary sewer services to the property of the Petitioners; and

WHEREAS, the City of Cave Springs has not made such commitments and has otherwise failed to take the necessary actions required of it by Act 779; and

WHEREAS, the City of Rogers, as annexing municipality, shall take substantial steps within 180 calendar days after this petition is filed toward making the services available, and within each 30 day period thereafter, continue to take steps demonstrating a consistent commitment to provide the requested water and sanitary sewer services within a reasonable time; and

WHEREAS, Rogers Water Utility has expressed its intent to take substantial steps toward making water and sanitary sewer available to the property, and it is available to the above named property owners at their own expense if annexed into the City of Rogers, Arkansas; and

WHEREAS, the City of Rogers has coordinated with Arkansas Geographic Information Systems as required by Arkansas Code § 14-40-101, and the relevant correspondence is attached as Exhibit "A".

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

SECTION 1: Utilities. That, pursuant to Act 779 of the 82nd General Assembly, Regular Session, 1999, as amended and codified as A.C.A. 14-40-2001, et. seq., The City of Rogers shall, within 180 days, take substantial steps toward making water and sanitary sewer services available to the hereafter described property and within each 30 day period thereafter continue to take steps demonstrating a consistent commitment to provide the requested services within a reasonable time;

SECTION 2: Annexation. That, pursuant to Act 779 of the 82nd General Assembly, Regular Session, 1999, certain real property be and the same is hereby accepted for annexation to the City of Rogers, Arkansas, and the same shall hereafter be a part of the City of Rogers, and the people residing therein shall be citizens and qualified voters of the City of Rogers;

SECTION 3: Legal Description. That said real property is described as follows:

The East Half (E1/2) of the Northwest Quarter (NW1/4) of Section 5, Township 18 North, Range 30 West, Benton County, Arkansas;

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SECTION 4: Ward Assignment. That the aforesaid real property be and the same is hereby assigned to Ward 3 of the City of Rogers;

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

SECTION 5: Zoning. That the above described lands should be and the same are hereby zoned A-1;


SECTION 6: Severability Provision. 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; and

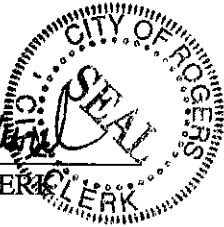
SECTION 7: Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED THIS 28th DAY OF August, 2018.


ROGERS, ARKANSAS

ATTEST:


PEGGY DAVID, CLERK



APPROVED:


C. GREG HINES, MAYOR

FILED

2018 SEP -4 PM 2:46

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



**ARKANSAS
GIS OFFICE**

August 17, 2018

Mr. Jeff Austin
City of Rogers
Planning and Transportation
301 W. Chestnut St.
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 5, Township 18 North, Range 30 West. This letter represents confirmation that you have properly coordinated with the 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,

Jonathan Duran, Deputy Director

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

H:\City_Annexations\Cities\Rogers\20180817\Doc\20180817_Rogers_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

2018 3139

City: Rogers
Mayor: Greg Hines

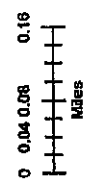
Arkansas Code 14-40-101.

Before an entity undertakes an annexation, consolidation, or other action, 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, and the entity has met requirements of Act 514 of 2015

Legend:

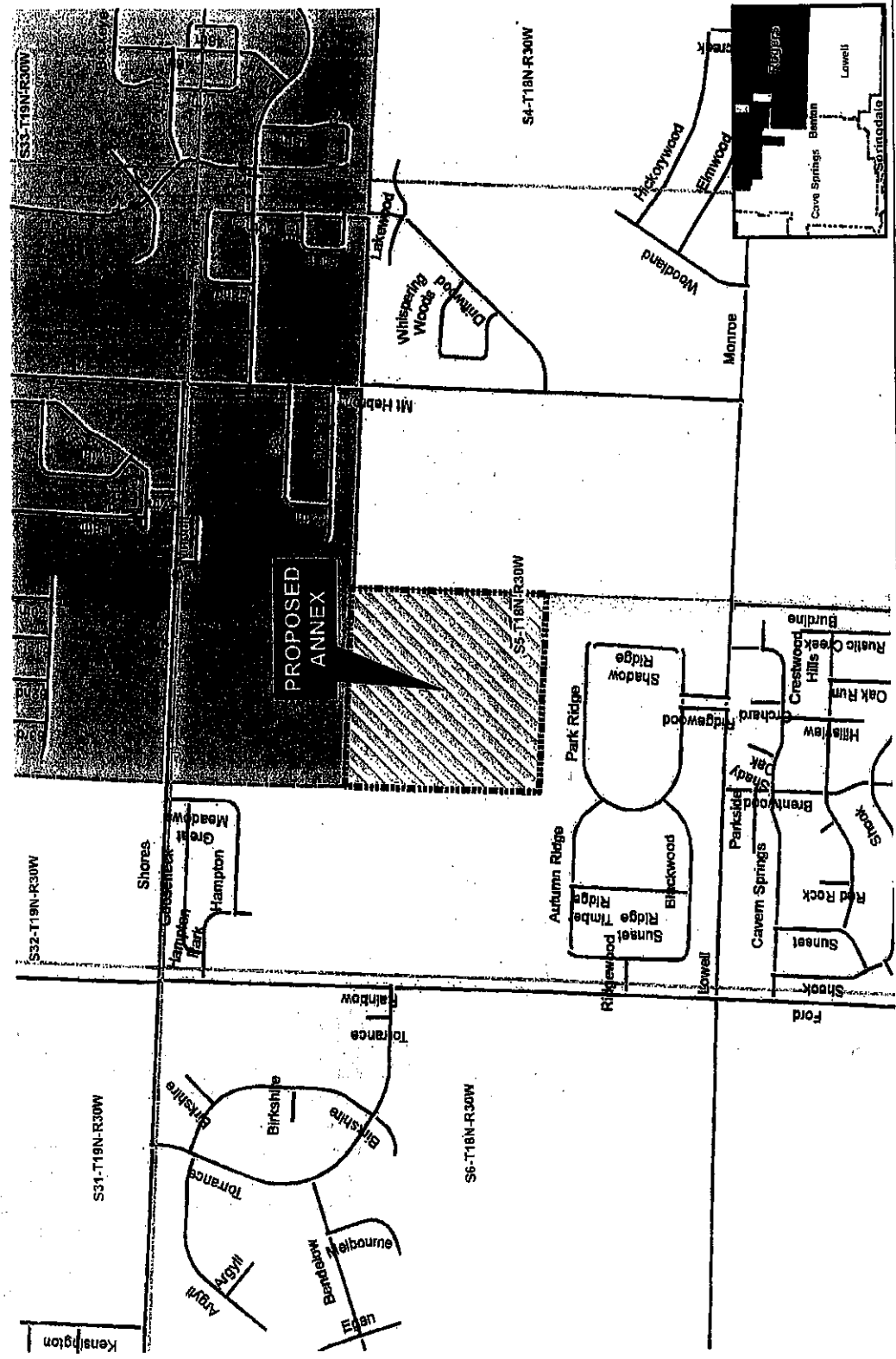
- Proposed Annex
- Annexation Boundary
- City Boundary
- County Boundary
- City of Rogers
- City of Fayetteville
- City of Springdale
- City of Benton
- City of Lowell
- City of Cave Springs
- City of Bantam



2018 SEP - 4

TELLA BROWN
CLERK
CLERK OF COUNTY, ARK.

Proposed Annex: City of Rogers
August 2018



L201920606
BENTON CO. AR FEE \$30.00
PRESENTED & E-RECORDED
06/01/2019 08:08:58 AM
BRENDA DESHIELDS
Circuit Clerk & Recorder

UNIFORM COVER PAGE

COURT: CIRCUIT COURT OF BENTON COUNTY
REAL ESTATE

Act 779 Detachment of Lands

**WATKINS, BOYER,
GRAY & CURRY, PLLC**

ATTORNEYS AT LAW

WILLIAM P. WATKINS, III, P.A.
RONALD L. BOYER, P.A.
JENNIFER E. GRAY, P.A. *
ANDREW T. CURRY, P.A.

DELYNN HALE, SECRETARY
AMY BENSON, PARALEGAL
WHITNEY DUCKER, OFFICE MANAGER

WRITER'S DIRECT E-MAIL
bwatkins@watkinslawoffice.com

*ALSO LICENSED IN MISSOURI

March 2, 2017

CERTIFIED MAIL ITEM NO. 7016 2140 0000 1187 3182

Mayor Travis Lee
City of Cave Springs
P.O. Box 36
Cave Springs, AR 72718

Re: Detachment of Lands Under Act 779 as revised

Dear Mayor Lee:

This firm represents Junior D. Fletcher and Doug Fletcher, Co-Trustees of the Georgia M. Fletcher Revocable Trust. As you are no doubt aware, my clients are attempting to sell for development certain lands consisting of 40 acres, more or less, in Cave Springs as a residential subdivision. At this time sewer service is not available to the property from Cave Springs and does not appear to be forthcoming in the foreseeable future. Given the apparent inability of the City of Cave Springs to provide the required sewer service, the purpose of this letter is to provide the City of Cave Springs with the formal statement and request for services pursuant to Act 779 of the 1999 legislative session, as revised and codified as A.C.A. 14-40-2001, et seq.

As stated, my clients' property consists of an approximately 40 acre tract, Parcel No. 05-10001-017, within the corporate limits of the City of Cave Springs. A complete legal description of the property is contained in the enclosed deed.

The specific service the landowners are seeking to have provided by the City of Cave Springs is municipal sewer service sufficient to serve a residential subdivision containing not less than One Hundred and Twenty (120) single family residences. The City of Cave Springs is not presently providing this service which is necessary in order to maximize the use and value of the subject property as provided by the above Arkansas code section. This service is presently available to the property from the City of Rogers just across the road.

Pursuant to Act 779, as revised, the City of Cave Springs is hereby placed on notice and requested to make a commitment, in writing, within 30 days, that the City of Cave Springs will take substantial steps within 180 calendar days after receipt of this statement toward making the requested service reasonably available to the subject property. My clients will make the subject property reasonably available to the City of Cave Springs for purposes of providing the requested services and will provide any additional available information reasonably requested by the City of Cave Springs.

In the interests of time, and since the City of Cave Springs has no ability to provide the requested

1106 WEST POPLAR STREET
ROGERS, AR 72756
PH: 479-636-2168
FX: 479-636-6098
WWW.WATKINSLAWOFFICE.COM

REAL ESTATE, CONSTRUCTION & LIEN LAW, LAND USE & PLANNING
CORPORATE & COMMERCIAL LAW, BANKING, BANKRUPTCY
CRIMINAL LAW, FAMILY LAW, GUARDIANSHIPS, LANDLORD-TENANT
ESTATE PLANNING, ELDER LAW, PROBATE, TRUST LITIGATION
CIVIL LITIGATION, COMMERCIAL & CONSUMER DEBT COLLECTION

Travis Lee
Mayor of Cave Springs
March 2, 2017
page 2

service at this time, if the City of Cave Springs is unable or unwilling to make the written commitment required by Act 779 within the required 30 days, my clients would appreciate it if you would simply so notify them in writing, through this office, of that fact. If the City of Cave Springs is unable to make the written commitment required it is the expectation that detachment from Cave Springs and annexation to Rogers as provided by the Act will be pursued.

As required under the revisions of Act 779 adopted in the 2001 legislative session a copy of this letter will be placed of record with the Benton County Circuit Clerk.

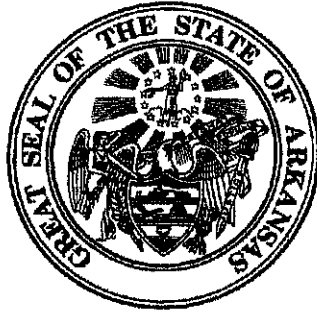
Sincerely,

WATKINS, BOYER,
GRAY & CURRY, PLLC



Bill Watkins

BW:ld
Enclosures
pc: client
Benton County Circuit Clerk



CERTIFICATE OF RECORD
STATE OF ARKANSAS, COUNTY OF BENTON
I hereby certify that this instrument was
Filed and Recorded in the Official Records
in Doc Num L201920806
05/01/2019 08:08:58 AM
Brenda DeShields
BENTON COUNTY Circuit Clerk & Recorder