



JOHN THURSTON
ARKANSAS SECRETARY OF STATE

August 29, 2019

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

Re: City of Springdale Annexation Ordinance 5380

Dear Ms. Harrell,

This letter acknowledges receipt and filing of the following notice of municipal boundary change by the Office of the Arkansas Secretary of State:

Filing Type: Annexation pursuant to A.C.A §14-40-2002 (municipal services)

Effective Date: 5/28/2019

County: Benton

City Ordinance: 5380

County Court Order: N/A(Annexation under §14-40-2001 *et seq.*)

City: Springdale

Dated: 5/28/2019

Date Filed: 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 change by the Arkansas Secretary of State.

If you have any questions or concerns regarding this filing, please do not hesitate to contact our Office at 501-683-3717.

Sincerely,

A handwritten signature in black ink, appearing to read "Shantell McGraw".

Shantell McGraw
Elections Division

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 Hon. Doug Sprouse, Mayor of Springdale (w/encl)
Clayton Sedberry, GIS Manager (w/encl)

BENTON COUNTY

STATE OF ARKANSAS

BETSY HARRELL

COUNTY CLERK & VOTER REGISTRAR

215 EAST CENTRAL, SUITE 217
BENTONVILLE, AR 72712-5373
479-271-1013
Fax: 479-271-1019

June 20, 2019

PROBATE COURT CLERK
COURTHOUSE, 102 N.E. "A" STREET
BENTONVILLE, AR 72712-5350
479-271-5727
FAX: 479-271-1712

Honorable John Thurston
Secretary of State
Room 256 State Capitol
Little Rock, AR 72201-1094

RE: City of Springdale Ordinance #5380
Detach Certain Land from the City of Bethel Heights

Dear Secretary Thurston:

Enclosed please find a certified copy of the City of Springdale Ordinance No. 5380 detaching certain real property from the City of Bethel Heights.

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

Very truly yours,



Betsy Harrell

BH/tku
Enclosures

Cc Roderick Grieve
Benton County Assessor

NWA Regional Planning Commission
1311 Clayton Street
Springdale, AR 72765

Benton County 9-1-1 Administration

ROGERS OFFICE
2111 W. WALNUT
(479) 636-3727
FAX (479) 636-4922

ROGERS ARCHIVES
2111 W. WALNUT
(479) 636-1037
FAX (479) 636-1053

SILAM SPRINGS OFFICE
707 S. LINCOLN
479-271-1013
FAX (479) 524-8534



Arkansas Secretary of State

FILED

John Thurston

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

2019 JUN 20 PM 1:48

Municipal Boundary Change Checklist

Act 655 of 2017 and A.C.A. §14-40-103

ITSY HUBBELL
CO & PROBATE CLERK
BENTON COUNTY, AR

County: Benton City/Town: Springdale

City Ordinance/Resolution No: ORD 5380 Date approved: 5/28/2019

County Court Case No: _____ Date Order Filed: _____

Type: Municipal Services 14-40-2002

(Choose from the list of Arkansas Code Sections located on the back)

Date Change Effective: 5/28/2019 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)

Please indicate which ward(s) the territory will be assigned to: Ward 1

(See A.C.A § 14-40-203)

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 A.C.A. §14-40-501)
- 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: Clayton Sedberry Title: GIS Manager

Street Address: 201 Spring St

City: Springdale St: AR Zip code: 72764

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: Cleemasters Title: Deputy Clerk

Date: 20 June 2019

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: [Signature]

FILED

AUG 29 2019

Arkansas Secretary of State

Rev. 2/2019



**ARKANSAS
GIS OFFICE**

May 21, 2019

Mr. Clayton Sedberry
GIS Manager – City of Springdale
201 Spring Street
Springdale, AR 72764

RE: City of Springdale Annexation Coordination Requirement

Mr. Sedberry,

Thank you for coordinating with our office as you seek to detach property from Bethel Heights and annex property into the City of Springdale, AR described as the Blevins annexation and located in Section 14, Township 18 North, Range 30 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.

Please note that during the mapping process we noticed that this annexation uses tiny strips of land in order to maintain contiguity for the City of Bethel Heights. Based on historic court rulings on contiguity, please be aware that this annexation may not be found valid if it were to be challenged.

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
/jw

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

H:\City_Annexations\Cities\Springdale\20190520\Doc\20190520_Springdale_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

P.O. BOX 1607, FAYETTEVILLE, AR, 72702 • 479-442-1800 • FAX: 479-895-1118 • WWW.NWADG.COM

BETSY HARRIS
CO & PROBATE CLERK
SECTION 2
BENTON COUNTY, AR

AFFIDAVIT OF PUBLICATION

I Cathy Staggs, do solemnly swear that I am the Accounting Manager of the Northwest Arkansas Democrat- Gazette, printed and published in Washington and Benton County, Arkansas, and of bona fide circulation, that from my own personal knowledge and reference to the files of said publication the advertisement of:

City of Springdale
Ord 5380

Was inserted in the Regular Edition on:
June 7, 2019

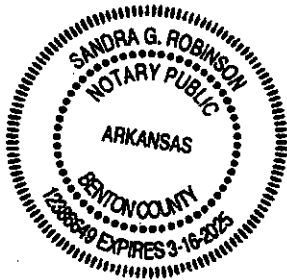
Publication Charges: \$327.60

Cathy Staggs
Cathy Staggs

Subscribed and sworn to before me
This 7th day of June, 2019.

Sandra G. Robinson

Notary Public
My Commission Expires: 3-16-25



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

ORDINANCE NO. 5380
AN ORDINANCE ANNEXING
CERTAIN REAL PROPERTY
TO THE CITY OF
SPRINGDALE, ARKANSAS,
PURSUANT TO ARK. CODE
ANN. §14-40-2002, AND
MAKING A COMMITMENT
TO MAKE MUNICIPAL
SERVICES AVAILABLE TO
SAID PROPERTY AS
REQUIRED BY ARK. CODE
ANN. §14-40-2002.

WHEREAS, Loneta
Blevins and Blevins
Family Farms, LLC ("the
Blevins"), are the owners of the
following real property currently
located in Bethel Heights,
Benton County, Arkansas, and
which is contiguous to and
adjacent to the City of
Springdale, Arkansas ("the
Property") (legal descriptions and
map attached hereto):

- Tract 1: Benton County Parcel No. 20-00075-000, containing 69.91 acres, more or less, less and except a twenty (20) foot strip along the North boundary thereof;
- Tract 2: Benton County Parcel No. 20-00075-100, containing 20.78 acres, more or less, less and except a twenty (20) foot strip along the North boundary thereof; and
- Tract 3: Benton County Parcel No. 20-00065-005, containing 10.42 acres, more or less, less and except a twenty (20) foot strip along the North and West boundaries thereof.

WHEREAS, the Blevins wish to avail themselves of the detachment and annexation procedure contained in Ark. Code Ann. §14-40-2001, et seq. as they are seeking additional municipal services, namely sewer and water services, to the Property;

WHEREAS, pursuant to Ark. Code Ann. §14-40-2002, the Blevins made demand upon the City of Bethel Heights to make a commitment to provide the requested municipal services to the Property; namely, municipal sewer service sufficient to provide not less than an eight (8) inch service main to serve a mixed use commercial and residential development of the Property, and municipal water service;

WHEREAS, the City of Bethel

Heights has expressed in writing that it can or will make such a commitment as required by Ark. Code Ann. §14-40-2002;

WHEREAS, the present condition and status of the Bethel Heights "step system" is such that its sanitary sewer system is unable to serve present capacity and cannot be expected to provide the additional capacity necessary to provide sanitary sewer service adequate for the intended and planned use on the Property within the time provided by Ark. Code Ann. §14-40-2002, thereby rendering Bethel Heights' written commitment to provide sewer services untenable;

WHEREAS, the City of Bethel Heights has otherwise not complied with the requirements of Ark. Code Ann. §14-40-2002;

WHEREAS, the City of Springdale, as annexing municipality pursuant to Ark. Code Ann. §14-40-2002, by the adoption of this Ordinance, does hereby commit to make substantial steps within 180 calendar days after the adoption of this Ordinance toward making the requested services available to the Property, and within each 30 day period thereafter, to continue to take steps demonstrating a consistent commitment to make the requested sanitary sewer services available to the Property within a reasonable time; and,

WHEREAS, upon the City of Springdale making the commitment to make the requested municipal services available to the Property, the Blevins now seek approval of the request for detachment from Bethel Heights and annexation into the City of Springdale, Arkansas, pursuant to Ark. Code Ann. §14-40-2002.

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

SECTION 1:
The City of Springdale, Arkansas hereby makes a commitment to make the requested municipal services available to the Property, and to take substantial steps within one hundred eighty (180) days after the passage of this ordinance to make the requested municipal services available and, within each thirty-day period thereafter, continue taking steps demonstrating a consistent commitment to make the

additional services available within a reasonable time, as determined by the City of Springdale, Arkansas.

Given the commitment made by the City of Springdale, Arkansas, to make the requested municipal services available, the Property is therefore accepted for annexation into the City of Springdale, Arkansas, pursuant to Ark. Code Ann. §14-40-2002, and the Property shall hereafter be a part of the City of Springdale, effective upon the date indicated below.

SECTION 3: The Property is hereby assigned to Ward _____ of the City of Springdale, Arkansas.

PASSED AND APPROVED this 28th day of May, 2019.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Legal Description

The East Half of the NW 1/4 of the SE 1/4, the West Half of the NE 1/4 of the SE 1/4, the West Half of the NW 1/4 of the SE 1/4, the South Half of the East Half of the NE 1/4 of the SE 1/4, the North Half of the East Half of the NE 1/4 of the SW 1/4, as tract of land 20 feet of equal and uniform width off the East of the South Half of the East Half of the NE 1/4 of the SW 1/4, and the East Half of the SW 1/4 of the SE 1/4, all lying in Section 14, Township 18 North, Range 30 West, Benton County, Arkansas.

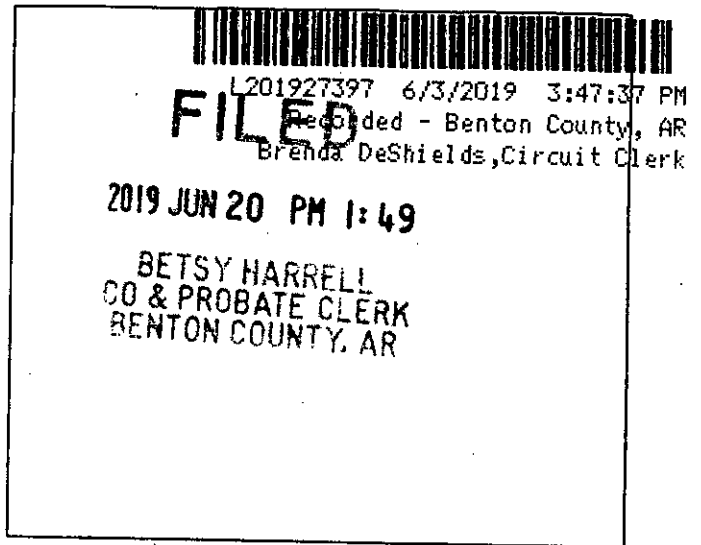
Less and except that portion of subject property deeded to the Arkansas State Highway Commission in Warranty Deed filed February 13, 1974, in Deed Record 471 at Page 317, records of Benton County, Arkansas.

Less and except a strip of land 20' of equal and uniform width taken from the northern boundary of the above described property. Said boundary also being the north line of the SW/4 of Section 14, Township 18 North, Range 30 West, and the north line of the SE/4 of Section 14, Township 18 North, Range 30 West.

Also, less and except a strip of land 20' of equal and uniform width taken from the western most boundary of the above described property. Said boundary also being the west line of the N/2 of the E/2 of the NE/4 of the SW/4 of Section 14, Township 18 North, Range 30 West." 74970908 June 7, 2019

ORDINANCE NO. 5380

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY TO THE CITY OF SPRINGDALE, ARKANSAS, PURSUANT TO ARK. CODE ANN. §14-40-2002, AND MAKING A COMMITMENT TO MAKE MUNICIPAL SERVICES AVAILABLE TO SAID PROPERTY AS REQUIRED BY ARK. CODE ANN. §14-40-2002.



WHEREAS, Loneta Blevins and Blevins Family Farms, LLC ("the Blevins"), are the owners of the following real property currently located in Bethel Heights, Benton County, Arkansas, and which is contiguous to and adjacent to the City of Springdale, Arkansas ("the Property")(legal descriptions and map attached hereto):

- Tract 1: Benton County Parcel No. 20-00075-000, containing 69.91 acres, more or less, less and except a twenty (20) foot strip along the North boundary thereof;
- Tract 2: Benton County Parcel No. 20-00075-100, containing 20.78 acres, more or less, less and except a twenty (20) foot strip along the North boundary thereof; and
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WHEREAS, the City of Bethel Heights has expressed in writing that it can or will make such a commitment as required by Ark. Code Ann. §14-40-2002;

WHEREAS, the present condition and status of the Bethel Heights "step system" is such that its sanitary sewer system is unable to serve present capacity and cannot be expected to provide the additional capacity necessary to provide sanitary sewer service adequate for the intended and planned use on the Property within the time provided by Ark. Code Ann. §14-40-2002, thereby rendering Bethel Heights' written commitment to provide sewer services untenable;

WHEREAS, the City of Bethel Heights has otherwise not complied with the requirements of Ark. Code Ann. §14-40-2002;

FILED

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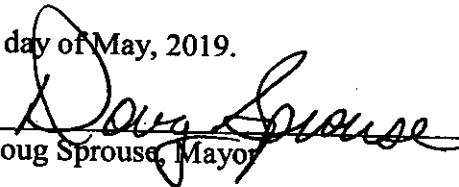
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SECTION 2: Given the commitment made by the City of Springdale, Arkansas, to make the requested municipal services available, the Property is therefore accepted for annexation into the City of Springdale, Arkansas, pursuant to Ark. Code Ann. §14-40-2002, and the Property shall hereafter be a part of the City of Springdale, effective upon the date indicated below.

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PASSED AND APPROVED this 28th day of May, 2019.



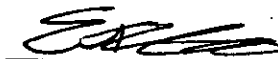
Doug Sprouse, Mayor

ATTEST:



Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest B. Cate, City Attorney

Legal Description

FILED

The East Half of the NW 1/4 of the SE 1/4, the West Half of the NE 1/4 of the SE 1/4, the West Half of the NW 1/4 of the SE 1/4, the South Half of the East Half of the NE 1/4 of the SE 1/4, the North Half of the East Half of the NE 1/4 of the SE 1/4, as tract of land 20 feet of equal and uniform width off the East of the South Half of the East Half of the NE 1/4 of the SW 1/4, and the East Half of the SW 1/4 of the SE 1/4, all lying in Section 14, Township 18 North, Range 30 West, Benton County, Arkansas.

2019 JUN 20 AM 5:49
RETSY HARRELL
CLERK
BENTON COUNTY, AR

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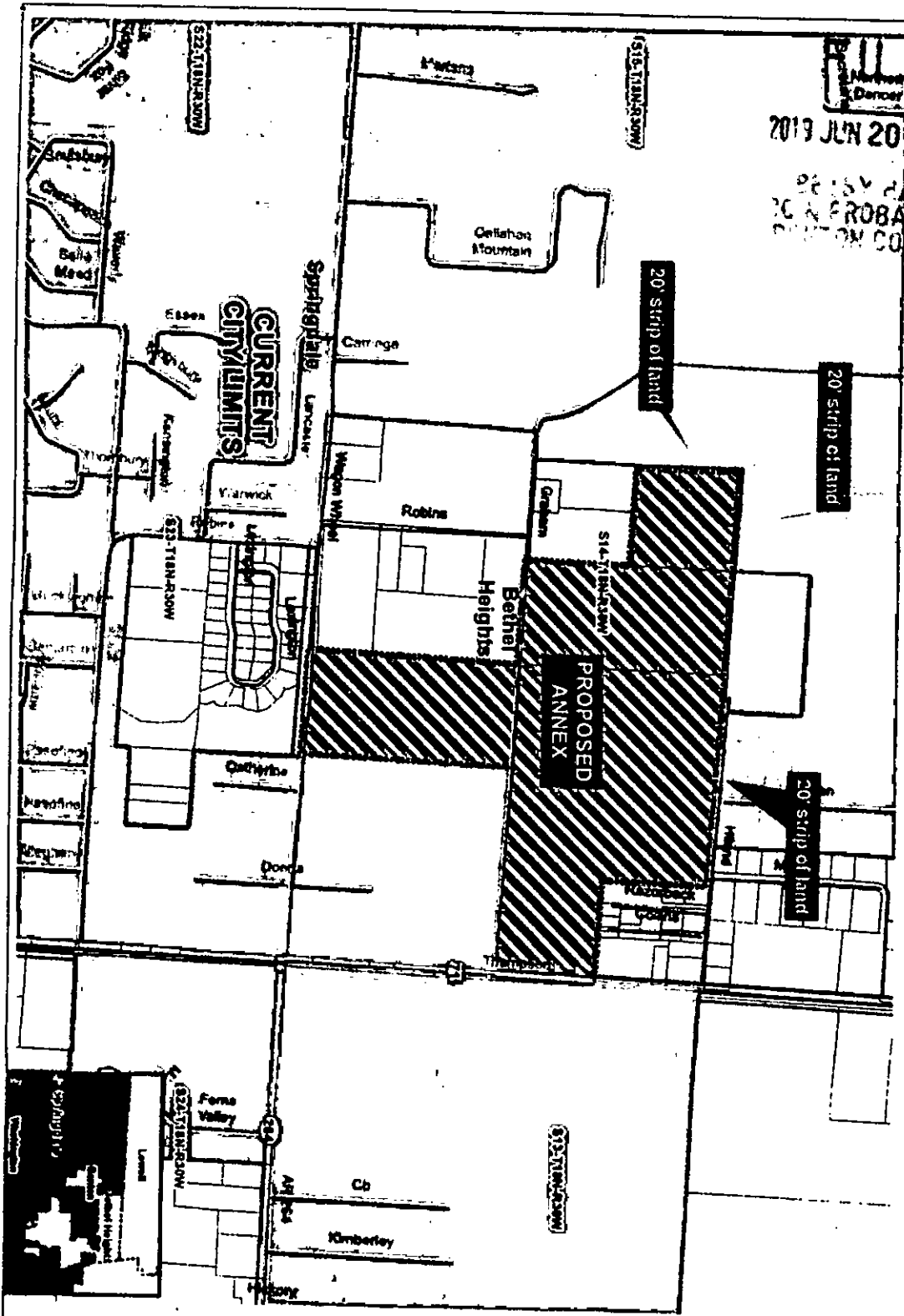
User Name: LAURA
CERTIFICATE OF RECORD
STATE OF ARKANSAS, COUNTY OF BENTON
I hereby certify that this instrument was
Filed and Recorded in the Official Records
L201927397 6/3/2019 3:47:37 PM
Brenda DeShields, Circuit Clerk
BENTON CO, AR FEE \$25.00

FILED

2019 JUN 20 PM 1:49

DESSY CARRELL
CLERK & PROBATE CLERK
CLAYTON COUNTY, AR

Proposed Detachment from Bethel Heights and Annex into Springdale
May 2018

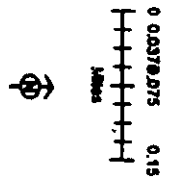


City: Springdale
Mayor: Doug Sprouse

Arkansas Code 14-40-101.

Before an entity, subdivision or
development, construction, or
other activity, including utility, is
undertaken in the City of Springdale, the
City of Springdale, Arkansas
System Code for preparation of legal
instruments and legal requests for the
purpose of recording, construction, and
development of:

- 1. Subdivisions
- 2. Construction
- 3. Utility
- 4. Other
- 5. Other
- 6. Other
- 7. Other
- 8. Other
- 9. Other
- 10. Other



Arkansas GIS Office

2019 2136