

**AN ORDINANCE CALLING FOR THE SIMULTANEOUS DETACHMENT AND ANNEXATION OF LAND CURRENTLY LOCATED IN CAVE SPRINGS, BENTON COUNTY, ARKANSAS; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City Council of the City of Rogers, Arkansas voted to pass Ordinance No. 24-15, titled AN ORDINANCE CALLING FOR THE SIMULTANEOUS DETACHMENT AND ANNEXATION OF LAND CURRENTLY LOCATED IN CAVE SPRINGS, BENTON COUNTY, ARKANSAS; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES on March 26, 2024;

**WHEREAS**, in further coordination with both cities, their respective engineers, and the State of Arkansas GIS Office, it has been determined that revisions to the legal descriptions and accompanying maps provided for in Ordinance No. 24-15 are needed to more accurately describe the land which is to be included in the call for the detachment and annexation of certain land into the City of Rogers;

**WHEREAS**, the City of Rogers, Arkansas desires this Ordinance to replace Ordinance No. 24-15; and

**WHEREAS**, the City of Rogers, Arkansas desires to detach and annex the following described five (5) areas of property ("the Property") currently located in the City of Cave Springs, Benton County, Arkansas:

**AREA 1**

**(Benton County Parcels 05-10073-001, 05-10073-002, 05-10073-003, 05-10073-004, & 05-10073-005)**

The W 1/2 of the SE 1/4 of Section 29, T-19-N, R-30-W, Benton County, Arkansas; more particularly described as follows: Beginning at the SW corner of said W 1/2 of the SE 1/4, Section 29; thence N 00°15'20" W 2640.00 feet to the NW corner of said W 1/2 of the SE 1/4; thence S 89°41'55" E 1332.70 feet to the NE corner of said W 1/2 of the SE 1/4; thence S 00°14'15" E 2640.00 feet to the SE corner of said W 1/2 of the SE 1/4; thence N 89°41'55" W 1331.88 feet to the Point of Beginning, containing 80.74 acres, more or less, subject to the right of way of the County Road along the south, west, and north.

**AREA 2**

**(Benton County Parcel 05-10121-000)**

The SW1/4 of the NW1/4 of Section 32, Township 19 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows, to-wit:

Beginning at a set mag nail with washer "PLS 1759" marking the Southwest Corner of said SW 1/4 of the NW 1/4; thence along the west line of said SW 1/4 of the NW 1/4, N02°26'23"E 1320.80 feet to a set mag nail with washer "PLS 1759" at the Northwest Corner of said SW 1/4 of the NW 1/4; thence along the north line of said SW 1/4 of the NW 1/4, S87°07'45"E 1332.54 feet to a set mag nail with washer "PLS 1759", being the Northeast Corner of said SW 1/4 of the NW 1/4; thence along the east line of said SW 1/4 of the NW 1/4, S02°30'48"W 1323.83 feet to a found 5/8-inch rebar with cap stamped "Ridout", being the Southeast Corner of said

SW 1/4 of the NW 1/4; thence along the south line of said SW 1/4 of the NW 1/4, N86°59'53"W 1330.87 feet to the Point of Beginning, containing 40.42 acres, more or less. Subject to the right of way of S. Rainbow Rd. along the west line, W. Wallis Rd. along the north line, and S. Stratsman Ln. along the east line. Subject to any easements, covenants, or restrictions of record or fact.

AND

**(Benton County Parcels 05-10118-000, 05-10118-005, 05-10118-004, 05-10119-000, & 05-10120-000)**

The S 1/2 of the SE 1/4 of the NW 1/4 of Section 32, Township 19 North, Range 30 West in Benton County, Arkansas, and described as follows, to-wit; Beginning at the Southeast Corner of said S 1/2 of the SE 1/4 of the NW 1/4 of Section 32; thence North 89°35'18" West 1330.14 feet to the Southwest Corner of said S 1/2 of the SE 1/4 of the NW 1/4; thence North 00°01'27" East 662.84 feet to the Northwest Corner of said S 1/2 of the SE 1/4 of the NW 1/4; thence South 89°37'09" East 1333.71 feet to the Northeast Corner of said S 1/2 of the SE 1/4 of the NW 1/4; thence South 00°19'58" West 663.54 feet to the Point of Beginning, containing 20.82 acres, more or less, and subject to the right-of-way of Stratsman Lane along the north.

AND

**(Benton County Parcels 05-10115-000 & 05-10116-000)**

Part of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE1/4), and the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE1/4), of Section 32, Township 19 North, Range 30 West, Benton County, Arkansas, being more particularly described as follows: Beginning at the Southwest Corner of the SW 1/4 of the SW 1/4 of the NE 1/4 of said Section 32; thence North 00°22'14" East 663.21 feet to the Northwest Corner of said SW 1/4 of the SW 1/4 of the NE 1/4; thence South 89°37'09" East 665.84 feet to the Northwest Corner of the SE 1/4 of the SW 1/4 of the NE 1/4; thence South 89°37'09" East 665.83 feet to the Northeast Corner of said SE 1/4 of the SW 1/4 of the NE 1/4; thence South 00°07'17" West 664.10 feet to the Southeast Corner of said SE 1/4 of the SW 1/4 of the NE 1/4; thence North 89°34'53" West 667.28 feet to the Southeast Corner of said SW 1/4 of the SW 1/4 of the NE 1/4; thence North 89°34'53" West 667.27 feet to the Point of Beginning; LESS and EXCEPT the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4); in all containing 17.77 acres more or less, and subject to the Right-of-Way of a county road along the North boundary thereof.

AND

**(Benton County Parcels 05-10108-000, 05-10109-000, 05-10110-000 & 05-10108-001)**

The E1/2 of the NE1/4 of Section 32, Township 19 North, Range 30 West, Benton County, Arkansas, more particularly described as follows:

Beginning at the NE Corner of said E1/2 of NE1/4 of Section 32; thence S 0°21'25" W 2662.79 feet to the SE Corner of said E1/2 of the NE1/4; thence N 89°32'31" W



1325.52 feet to a point in the County Road; thence N 0°15'18" E 2657.91 feet along and in said Road to the centerline of the County Road; thence South 89°45'10" E 1330.26 feet along said centerline to the Point of Beginning, containing 81.09 acres, more or less, subject to the Right-of-way of said Road.

AND

**(Benton County Parcel 05-10124-000)**

Part of the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of Section 33, Township 19 North, Range 30 West, Benton County, Arkansas, being more particularly described as follows: Beginning at the Northwest Corner of said 40 acres; run thence East 190 feet; thence South 420 feet; thence West 190 feet to the west line of said Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4); thence North 420 feet to the Place of Beginning. Subject to Right of Way/Easements and Restrictions if Any.

**AREA 3**

**(Benton County Parcel 05-10077-000)**

Part of the NW1/4 of the NE1/4 of Section 31, Township 19 North, Range 30 West, in Benton County, Arkansas, and being more particularly described as follows:

Commencing North 89 degrees 19' 30" West 430.0 feet from the SE corner of said NW 1/4 of the NE 1/4; thence North 20.0 feet to the Point of Beginning; thence North 310 feet; thence South 89 degrees 19' 30" East 265.0 feet; thence South 310.0 feet; thence North 89 degrees 19' 30" West 265.0 feet to the point of beginning, containing 1.89 acres, more or less, and being subject to a county road along the South side.

**AREA 4**

**(Benton County Parcels 05-12316-000, 05-12317-000, & 05-12111-001, and the west portion of numerous platted lots Shadow Valley, PH 8)**

Part of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 25, Township 19 North, Range 31 West, Benton County, Arkansas, more particularly described as follows:

Beginning at the Southeast Corner of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 25; thence along the south line thereof, North 87°32'22" West 617.14 feet; thence leaving said south line, North 31°34'06" East 449.71 feet; thence North 02°12'38" West 603.45 feet; thence South 87°37'08" East 439.87 feet to the east line of said Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4); thence along said east line, South 02°01'13" West 995.00 feet to the Point of Beginning, containing 10.34 acres, more or less and subject to easements of record or fact.

AND

Part of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section 36, Township 19 North, Range 31 West, Benton County, Arkansas, more particularly described as follows:

Commencing at the Northeast Corner of the NE1/4 of the NE1/4 of said Section 36; thence along the north line thereof, North 87°32'22" West 338.58 feet to the Point of Beginning; thence leaving said north line, South 46°51'45" West 279.94 feet; thence North 87°32'22" West 180.00 feet; thence North 16°43'50" East 206.37 feet to the north line of the NE1/4 of the NE1/4 of said Section 36; thence along said north line, South 87°32'22" East 325.00 feet to the Point of Beginning, containing 1.16 acres, more or less and subject to all easements and rights of way of record or fact.

## **AREA 5**

### **(Benton County Parcel 05-10268-000)**

Part of the South three-fourths of the SE1/4 of the SE1/4 of Section 25, Township 19 North, Range 31 West, in Benton County, Arkansas, and being more particularly described as follows:

Commencing at the southeast corner of the SE1/4 of the SE1/4 of said Section 25; thence South 89°53'12" West 1312.80 feet to the southwest corner of said SE1/4 of the SE1/4; thence North 00°32'33" West 995.01 feet; thence North 89°53'12" East 24.47 feet to the Point of Beginning on the east right of way line of Arkansas Highway No. 112; thence North 89°53'12" East 162.00 feet; thence South 01°34'17" East 306.57 feet; thence South 88°07'32" West 162.00 feet to the east right of way line of said Highway; thence North 01°33'46" West 311.55 feet along said right of way line to the Point of Beginning, and containing 1.15 acres ±, subject to Highway 112 right of way line, also subject to electrical and telephone line right of way.

**WHEREAS**, a map showing the location of the property is attached hereto as Exhibit "A";

**WHEREAS**, the City of Rogers proposes this action to remove various islands within its boundaries, and the City of Rogers stands ready to provide all municipal services to the above described Property; and

**WHEREAS**, the City of Rogers, Arkansas wishes to comply with the provisions of Ark. Code Ann. § 14-40-2101.

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

Section 1: The Property described herein and shown in the maps attached as Exhibit "A" shall be simultaneously de-annexed from the City of Cave Springs, Arkansas, and annexed into the City of Rogers, Arkansas, pursuant to Ark. Code Ann. § 14-40-2101;

Section 2: The City Clerk is hereby directed to send a copy of this Ordinance to the governing body of the City of Cave Springs, Arkansas, pursuant to Ark. Code Ann. § 14-40-2101(a);

Section 3: Pursuant to Ark. Code Ann. § 14-40-2101(b)(2), the City of Cave Springs, Arkansas shall conduct a public hearing within sixty (60) days of the date of the passage of this Ordinance;

Section 4: Pursuant to Ark. Code Ann. § 14-40-2101(b)(3), the City Clerk of the City of Rogers, Arkansas is directed to publish a legal notice of the public hearing at least fifteen (15) days prior to the public hearing, and such notice shall set out the legal description of the property proposed to be detached and annexed;



Section 5: If the City Council for the City of Cave Springs, Arkansas approves of the proposed detachment and annexation ordinance, the City of Rogers shall proceed to render services to the newly annexed area, pursuant to Ark. Code Ann. § 14-40-2101(c)(2);

Section 6: If the City Council for the City of Cave Springs, Arkansas approves the proposed detachment and annexation ordinance, and if no suit is brought within thirty (30) days to review the mutual actions of the City of Rogers and the City of Cave Springs, then the detachment and annexation of the land shall be final, pursuant to Ark. Code Ann. § 14-40-2101(d), and the City Clerk of the City of Rogers, Arkansas shall at that time certify a copy of the plat of the annexed property and a copy of the ordinances passed to the County Clerk of Benton County, Arkansas, pursuant to Ark. Code Ann. § 14-40-2101(e)(2), who shall forward a copy of each document to the Secretary of State for the State of Arkansas, who shall file and preserve them.

Section 7: Emergency Clause: The need to detach and annex the Property as described in Section 1 of this Ordinance is immediate in order to protect the public peace, health, safety, and welfare. An emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

Section 8: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 9: Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this 9<sup>th</sup> day of April, 2024.

APPROVED:

C. Greg Hines  
C. GREG HINES, Mayor

Attest:

Jessica Rush  
JESSICA RUSH, City Clerk

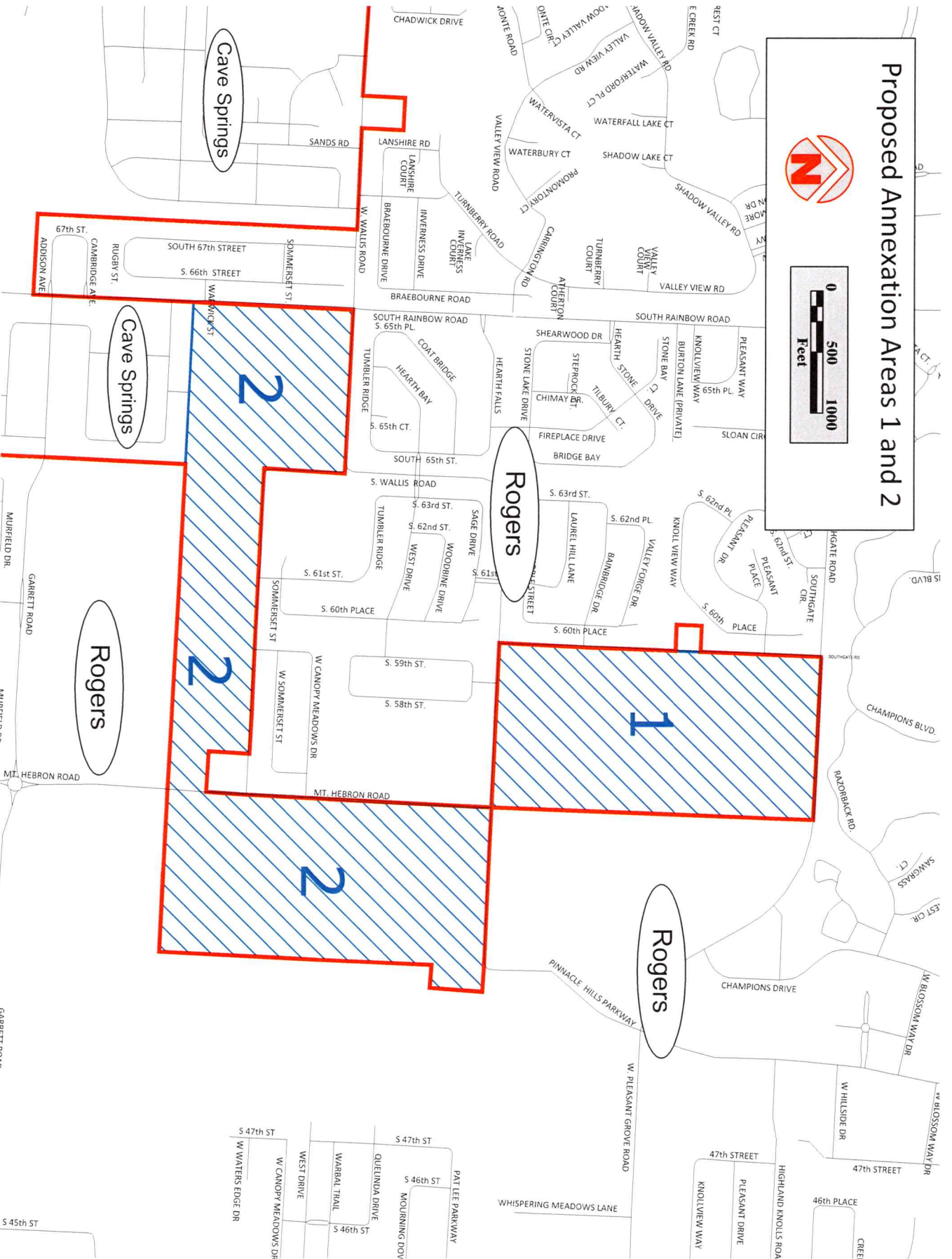
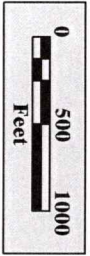


Requested By: C. Greg Hines, Mayor

Prepared by: John M. Pesek, Senior Staff Attorney

Exhibit “A”

# Proposed Annexation Areas 1 and 2



Proposed Annexation Areas 3, 4 & 5



Rogers

