

ORDINANCE NO. 0-94 24
AN ORDINANCE ESTABLISHING
WATER IMPROVEMENT DISTRICT NO. 9
OF CONWAY, ARKANSAS

WHEREAS, parties claiming to be the owners of record title of a majority in value of the real property, as shown by the last county assessment of the owners of real property, located within the territory hereinafter described, have filed a petition on March 18, 1994, praying that a water improvement district be established pursuant to Act 125 of the General Assembly of the State of Arkansas for the year 1913 for the purposes herein set out; and

WHEREAS, after due notice as required by law, the City Council of the City of Conway, Arkansas, has heard all the parties desiring to be heard and has ascertained that said petition was signed by a majority in assessed value of the owners of real property within said territory; and

WHEREAS, after ascertaining that said petition was signed by a majority in assessed value of the owners of real property within said territory, the City Council of the City of Conway, Arkansas, has the authority and duty to create and establish such a water improvement district.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Conway, Arkansas:

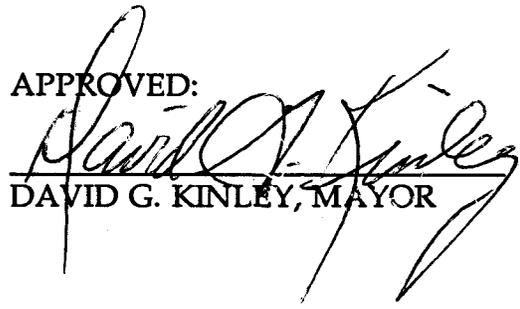
Section 1. There is hereby established a water improvement district embracing the property in the City of Conway, State of Arkansas, described on Exhibit "A", for the purpose of: (1) purchasing, accepting as a gift, constructing and/or maintaining facilities for waterworks and water distribution, together with facilities related to the foregoing or for more than one of such purposes, and such purposes shall include the acquisition of rights of way by purchase or the exercise of the power of eminent domain, and to maintain such facilities lying within the boundaries of the district or beyond the boundaries of the district if the district would be benefited thereby; and (2) for all purposes authorized by Arkansas Code Annotated, §14-88-202, and any and all other statutes or acts which shall be deemed necessary in order to purchase, construct, accept as a gift, operate, and maintain any and all improvements authorized herein, all as set forth in the petition described above. Said purposes are to be accomplished in the manner and with the materials that the Commissioners of the District shall deem to be in the best interest of the District and as specified by law. The cost of the project shall be assessed upon the

real property described in Exhibit "A" according to the benefits received. Such assessment of benefits shall be performed following the creation of the District.

Said district shall be known as "Water Improvement District No. 9 of Conway, Arkansas"; and Lonnie Williams, Bill Hannah and John Bumpers, who are owners of real property in said District, are hereby named Commissioners and shall compose the Board of Commissioners of the District.

Section 2: It is hereby determined by the City Council that there is an immediate need for the improvements contemplated to be constructed by the District in order to provide for the public peace, health, and safety. Therefore, an emergency is declared to exist, and this ordinance shall take effect and be in force from and after its passage.

PASSED: 4-12-94

APPROVED:

DAVID G. KINLEY, MAYOR

ATTEST:

MARTHA HARTWICK, CITY CLERK

EXHIBIT A TO
PETITION FOR FORMATION OF
WATER IMPROVEMENT DISTRICT

Part of Sections 31, 32 and 33, Township 6 North, Range 13 West described as follows:

Begin at the Northeast corner of W1/2 NW1/4 of Section 33, Township 6 North, Range 13 West and run thence West along the North line of the W1/2 NW1/4, Section 33, Township 6 North, Range 13 West and the North line of Section 32, Township 6 North, Range 13 West to a point on the East right of way line of Arkansas Highway #65 where said right of way line connects the North line of Section 32, Township 6 North, Range 13 West; run thence Southwestwardly along the East right of way line of Arkansas Highway #65 to a point where said right of way intersects the West line of the SE1/4 NW1/4, Section 32, Township 6 North, Range 13 West; run thence South along the said West line of the said SE1/4 NW1/4 to the South line of the NW1/4 of Section 32, Township 6 North, Range 13 West; run thence West along the said South line of the NW1/4, Section 32, Township 6 North, Range 13 West and the South line of the NE1/4, Section 31, Township 6 North, Range 13 West to a point where the said South line intersects Arkansas Highway #65; run thence Southwestwardly along said Arkansas Highway #65 right of way to a point on the West line of the E1/2 SE1/4, Section 31, Township 6 North, Range 13 West; run thence South along the West line of the E1/2 SE1/4, Section 31, Township 6 North, Range 13 West to the Southwest corner of the said E1/2 SE1/4, Section 31, Township 6 North, Range 13 West; run thence East to the Southeast corner of the E1/2 SE1/4, Section 31, Township 6 North, Range 13 West; run thence North along the West line of the SW1/4 SW1/4, Section 32, Township 6 North, Range 13 West to the Northwest corner of the SW1/4 SW1/4, Section 32, Township 6 North, Range 13 West; run thence East to the Northeast corner of the SW1/4 SW1/4, Section 32, Township 6 North, Range 13 West; run thence South to the Southeast corner of the SW1/4 SW1/4, Section 32, Township 6 North, Range 13 West; run thence East along the South line of Section 32, Township 6 North, Range 13 West to a point 44 rods West of the Southeast corner of the SE1/4, Section 32, Township 6 North, Range 13 West; run thence North 160 rods to the North line of SE1/4, Section 32, Township 6 North, Range 13 West; run thence East along the said North line of the SE1/4, Section 32, Township 6 North, Range 13 West and along the South line of the W1/2 NW1/4, Section 33, Township 6 North, Range 13 West to the Southeast corner of the W1/2 NW1/4, Section 33, Township 6 North, Range 13 West; run thence North to the Northeast corner of the W1/2 NW1/4, Section 33, Township 6 North, Range 13 West, the same being the true point of beginning, containing 590 acres, more or less.

LESS AND EXCEPT the following described lands that were annexed to the City of Conway by Ordinance No. 0-93-26 on May 25, 1993.

The East 1/2 SE1/4 of Section 31, Township 6 North, Range 13 West, and part of the South 1/2 of Section 32, Township 6 North, Range 13 West, Faulkner County,

Arkansas and described as follows: Beginning at the Northwest corner of the NE1/4 SE1/4 of Section 31, Township 6 North, Range 13 West, said point being Highway 65 right of way; thence run Eastwardly along the North line of said NE1/4 SE1/4 of Section 31 and the North line of the South 1/2 of Section 32, to the Northeast corner of Sun Valley Subdivision, approximately 198 feet East of the Northeast corner of the NE1/4 SW1/4 of Section 32; thence run South 100 feet; thence run East to a point 100 feet South and 986 feet West of the Northeast corner of the SE1/4 of Section 32; thence run North 100 feet to the North line of the SE1/4 of Section 32; thence run East along said North line of the SE1/4 260 feet; thence run South to a point on the South line of said SE1/4 of Section 32, said point being 1914 feet East of the Southwest corner of said SE1/4; thence running West along the South line of Section 32 to the Southwest corner of the SE1/4 SW1/4 of Section 32; thence running North to the Northwest corner of said SE1/4 SW1/4 of Section 32; thence running West to the Northwest corner of the SW1/4 SW1/4 of Section 32; thence running South to the Southeast corner of the SE1/4 SE1/4 of Section 31; thence running West to the Southwest corner of said SE1/4 SE1/4 of Section 31; thence running North to the point of beginning, containing 313 acres. Containing 277 acres, more or less, in the aggregate.