ORDINANCE NO. O-07-84

AN ORDINANCE ESTABLISHING THE VILLAGE AT HENDRIX MUNICIPAL PROPERTY OWNERS MULTIPURPOSE IMPROVEMENT DISTRICT NO. 1 OF THE CITY OF CONWAY, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, property owners, claiming to be all the owners of record title of real property located within the territory hereinafter described have filed petitions on June 28, 2007, praying that a municipal property owners improvement district be established pursuant to Ark. Code Ann. Title 14, Chapter 94 for the purposes herein set out, and

WHEREAS, the City Council of the City of Conway, Arkansas has authority to create such a municipal property owners improvement district in that all of the said territory lies completely within the boundaries of said municipality, and

WHEREAS, the City Council of the City of Conway, Arkansas has heard all the parties desiring to be heard, and has ascertained that said petitions were signed by all the owners of real property within said territory, now, therefore,

IT IS ORDAINED by the City Council of the City of Conway, Arkansas:

Section 1. There is hereby established a municipal property owners improvement district embracing the property in the City of Conway, State of Arkansas, described in the attached Exhibit A, for the purposes of (i) constructing such street and road improvements as may be depicted in the map attached hereto; and to open, grade, drain, pave, curb, gutter or otherwise improve such other streets, roads, highways, and every other way for passage and use of vehicles, and including sidewalks, pedestrian trails and walkways, viaducts, underpasses and appurtenant lighting, within the boundaries of the district if the property of the district will be benefited thereby, and such purposes shall include the acquisition of rights of way; (ii) constructing water mains along various streets and roadways and additional water mains at other locations within the District as may be depicted on the map attached as Exhibit B and other appurtenant water improvements within the boundaries of the District if the property of the District will be benefited thereby; (iii) constructing sanitary sewer mains and storm sewers as may be depicted on the map attached as Exhibit
B and other appurtenant sewer improvements within the boundaries of the District if the property of the District will be benefited thereby; (iv) acquiring and constructing electric junction boxes, electric conduits, underground power lines, street lighting and other electric utility improvements as may be depicted on the map attached hereto as Exhibit B within the boundaries of the District if the property of the District will be benefited thereby; (v) construction of public plazas, playgrounds, parks, open spaces, blueways and greenways within and adjacent to the District; (vi) improvement and/or relocation of the existing streams adjacent to the District, and the creation of retention, detention, and treatment basins which together will become functioning components of the storm water management system for the District; (vii) construction or relocation of on-site and off-site water and sanitary sewer mains as deemed necessary to accommodate the planned improvements to Harkrider Street and also to provide sufficient capacity in those systems in order to allow for the development of the District; (viii) all other purposes authorized by Ark. Code Ann. Title 14, Chapter 94 and amendments thereto; (ix) paying the costs associated with such improvements including, but not limited to, engineering, legal, environmental surveys, governmental approvals and permits; and (x) conducting any and all other acts which shall be deemed necessary in order to purchase, construct, accept as a gift, operate and maintain any and all improvements authorized therein (the "Improvements").

Said purposes are to be accomplished in the manner and with the materials that the commissioners for 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 of the district according to the benefits received.

Section 2. Said district shall be known as the "The Village at Hendrix Municipal Property Owners Multipurpose Improvement District No. 1 of the City of Conway, Arkansas" (the "District"); and J. Scott Schallhorn, Robert L. Chapman III and David Knight, who are the persons nominated in the petition, are hereby named commissioners and shall compose the initial Board of Commissioners of the District.
Section 3. Emergency. It is hereby found and declared that an immediate need exists for the street and other improvements in order to achieve the most cost effective financing for the accomplishing of the various public improvements to be constructed within the boundaries of the City. It is, therefore, declared that an emergency exists. This Ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall take effect and be in force from and after its passage.


APPROVED:

[Signature]
Tab Townsell, Mayor

ATTEST:

[Signature]
Michael O. Garrett, City Clerk/Treasurer

APPROVED AS TO FORM:

[Signature]
Mike Murphy, City Attorney
EXHIBIT A

THE VILLAGE AT HENDRIX MUNICIPAL PROPERTY OWNERS
MULTIPURPOSE IMPROVEMENT DISTRICT NO. 1
OF THE CITY OF CONWAY, ARKANSAS

Phase I

A parcel of land, being part of Section 1, T-5-N, R-14-W, Faulkner County, Arkansas, and being more particularly described as follows:

Commencing at a found ½” rebar being the N.E. corner of Section 1 Township 5 North, Range 14 West thence along the North line of Section 1, to the East right of way of U.S. Hwy. 65B (Harkrider Street) N88°22’06”W 1246.95’ to a found ½” rebar; thence S01°43’30”W 406.60’ to the point of beginning; thence S89°04’38”E 39.41’ to a point; thence S87°04’38”E 699.58 to a point; thence along a curve to the right having a radius of 1029.00’, 501.62’ and having a chord bearing and distance of S73°06’43”E 496.66’ to a point; thence S19°43’36”W 351.99’ to a point; thence S15°12’55”E 178.41’ to a point; thence S75°06’36”W 414.35’ to a point; thence S08°03’44”E 138.33’ to a point; thence S81°56’16”W 91.70’ to a point; thence S86°00’02”W 70.57’ to a point; thence S81°56’16”W 244.07’ to a point; thence along a curve to the right having a radius of 87.00’, 81.02’ and having a chord bearing and distance of N71°23’00”W 78.12 to a point; thence along a curve to the left having a radius of 28.00’, 30.31’ and having a chord bearing and distance of N75°42’59”W 28.85’ to a point; thence N01°04’38”E 91.40’ to the point of beginning, containing 22.63 acres more or less.