

016904

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 d i s t r i c t 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**.

PASSED: July 10,2007.

APPROVED:



Tab Townsell, Mayor

ATTEST:


Michael O. Garrett, City Clerk/Treasurer

APPROVED AS TO FORM:

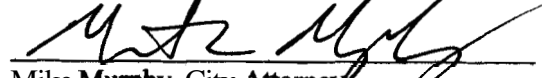

Mike Murphy, City Attorney

EXHIBIT A

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

Phase I

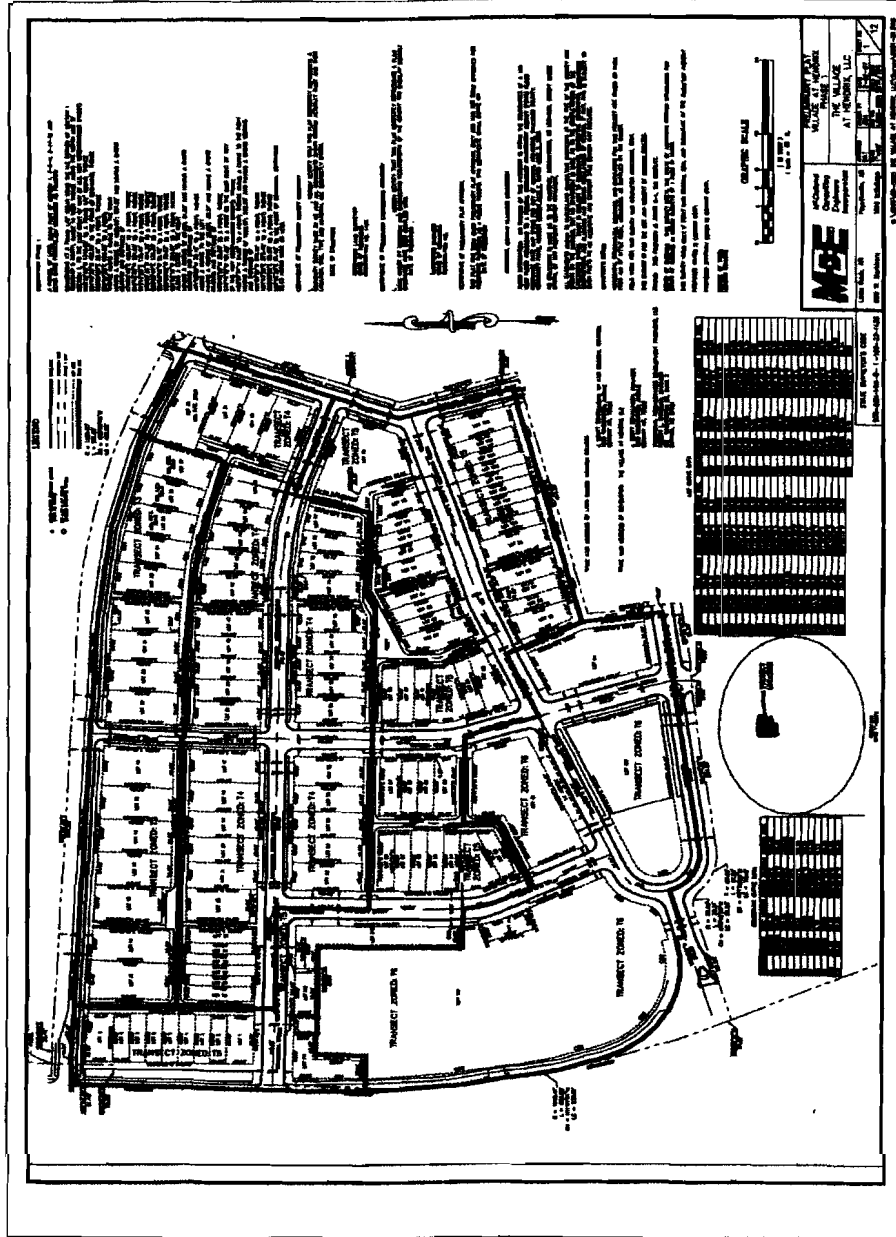
A parcel of land, being part of Section 1, T-5-N, R-14-W, Faulkner County, Arkansas, and being more particularly described as follows:

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 **S73°16'18"W** 191.02' to a point on the East right of way of U.S. Hwy. 65B (Harkrider Street); thence **N23°57'31"W** 24.97' to a point; thence along a curve to the right having a radius of 1232.41'; 592.68' and having a chord bearing and distance of **N11°07'01"W** 525.61' to a point; thence **N01°43'28"E** 373.40' to a point; thence **S88°22'20"E** 25.00' to a point; thence **N01°43'30"E** 91.40' to the point of beginning, containing 22.63 acres more or less.

EXHIBIT "B"

Doc#2007- 16751
Date 88/89/2087
02:15:39 PM
Filed & Recorded in
Official Records of
Faulkner County
RHONDI LONG
FAULKNER COUNTY CIRCUIT CLERK
Fees \$48.00
by VB D.C.

293058



CERTIFICATE OF RECORD
Doc#2007- 16751
88/89/2087
02:15:39 PM
Filed and Recorded in Official Records of
FAULKNER COUNTY
RHONDI LONG
FAULKNER COUNTY CIRCUIT CLERK
by Rhonda Long D.C.