

RESOLUTION NO. R 98-11

**A RESOLUTION REQUESTING THE COUNTY COURT TO  
ACCEPT LANDS BACK INTO FAULKNER COUNTY WHICH  
WERE INADVERTENTLY DESCRIBED IN AN ORDER FOR  
ANNEXATION AND ORDINANCE ANNEXING LAND**

WHEREAS, the Faulkner County Court, in its Order dated August 26, 1997, included the following lands as part of an annexation to the City of Conway:

Part of the W  $\frac{1}{2}$  SE  $\frac{1}{4}$  of Section 25, T5N, R14W, described as follows: Beginning at the northwest corner of said W  $\frac{1}{2}$  SE  $\frac{1}{4}$  of Section 25, T5N, R14W; thence south 165 feet; thence East 1,320 feet, more or less to the East line of said W  $\frac{1}{2}$  SE  $\frac{1}{4}$  thence north 165 feet more or less, to the northeast corner of said W  $\frac{1}{2}$  SE  $\frac{1}{4}$ ; thence West to the point of beginning, containing 5.0 acres, more or less.

WHEREAS, it has been ascertained that through drafting error this entire tract of Petitioner David Baker containing five (5) acres was inadvertently included in the Order and Ordinance No. 0-97-41 for annexation; and

WHEREAS, that only a fifty foot right-of-way on the west end of the above described tract along and adjacent to Wasson Road was to have been included in the Order for annexation and Ordinance annexing said properties; and

WHEREAS, there is a procedure to exclude territory from the limits of the City of Conway and remit said lands back to Faulkner County pursuant to 14-40-1801 (c), as well as by and through the inherent powers of the municipality annexing lands and the county court; and

WHEREAS, it would be proper and right to grant the Petition and request the County Court to exclude said territory, less and except the above stated fifty foot right-of-way.

NOW THEREFORE, be it resolved by the City Council of the City of Conway, Arkansas:

(1) That the Petition is hereby granted and request pursuant to the County Court's inherent authority and A.C.A. 14-40-1801 is hereby made to said County Court to exclude the following:

Part of the W ½ SE ¼ of Section 25, T5N, R14W, described as follows: Beginning at the northwest corner of said W ½ SE ¼ of Section 25, T5N, R14W; thence south 165 feet; thence East 1,320 feet, more or less to the East line of said W ½ SE ¼ thence north 165 feet more or less, to the northeast corner of said W ½ SE ¼; thence West to the point of beginning, containing 5.0 acres, more or less.

LESS AND EXCEPT, the west fifty feet of the above described lands, for purposes of right of way.

PASSED AND APPROVED: February 10<sup>th</sup> 1998

APPROVED:

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

BEFORE THE CITY COUNCIL OF THE CITY OF CONWAY

IN RE: Part of the W ½  
SE 1/4 of Section 25, T-5-N,  
R-14-W

PETITION TO EXCLUDE TERRITORY FROM THE LIMITS  
OF THE CITY OF CONWAY

Comes now Petitioner, David Baker, and for his Petition to Exclude Territory from the Limits of the City of Conway and remit them back to Faulkner County, states as follows:

1. That he is the owner of the property described below:

Part of the W ½ SE ¼ of Section 25, T5N, R14W, described as follows: Beginning at the northwest corner of said W ½ SE ¼ of Section 25, T5N, R14W; thence south 165 feet; thence East 1,320 feet, more or less to the East line of said W ½ SE ¼ thence north 165 feet more or less, to the northeast corner of said W ½ SE ¼; thence West to the point of beginning, containing 5.0 acres, more or less.

2. That a description of the Petitioner's property was inadvertently included with that described in the annexation proceedings which were before the Faulkner County Court in Faulkner County Case # CC-97-66 and also included in Ordinance No. 0-97-41.

3. Attached hereto is the affidavit of Michael L. Murphy, local counsel for Improvement District #11 for which the annexation was to facilitate, in which he states that the inclusion of the entire five acres was inadvertent.



Subscribed and sworn to before me this 27<sup>th</sup> day of January, 1998.

Ginger Ellis  
NOTARY PUBLIC

MY COMMISSION EXPIRES:     /     /  
08/30/2006

OFFICIAL SEAL  
GINGER R. ELLIS  
NOTARY PUBLIC - ARKANSAS  
FAULKNER COUNTY  
MY COMMISSION EXPIRES: 08-30-2006



IN WITNESS WHEREOF, I hereunto set my hand this 28 day of  
JANUARY, 1998.

Michael L. Murphy  
MICHAEL L. MURPHY

Subscribed and sworn to before me this 28<sup>th</sup> day of  
January, 1998.

Amanda Lee Tytler, Notary Public  
Faulkner County, Arkansas  
My Commission Expires 9/20/2006

Amanda Lee Tytler  
NOTARY PUBLIC

**BRAZIL, ADLONG, MURPHY & OSMENT, PLC**

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OF COUNSEL  
Thomas C. Courtway

February 3, 1998

Mayor David Kinley  
Conway City Hall  
1201 Oak Street  
Conway, Arkansas 72032

RE: Municipal Improvement District #11

Dear Mayor Kinley:

Enclosed please find the Petition to Exclude Territory from the Limits of the City of Conway for inclusion on the February 10th agenda. I have also enclosed a proposed Resolution. This is procedural clean-up, non-controversial. Thank you.

Sincerely,



Michael L. Murphy

MLM:alt

Enclosures

cc: Jerry Park, Commissioner  
Robert Downey, Commissioner  
Marcie Garis, Commissioner

327-2183