

ORDINANCE NO. 095-34

AN ORDINANCE ESTABLISHING
WATER IMPROVEMENT DISTRICT
NO. 10 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 an Amended Petition for Formation of Water Improvement District on April 5, 1995, (the "Petition") praying that a water improvement district be established pursuant to Ark. Code Ann. § 14-88-101 et seq.; 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 in the attached Exhibit "A"

for the purposes of : (1) purchasing, accepting as a gift, constructing or maintaining facilities for waterworks or water distribution, together with facilities related to the foregoing 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 property of the District would be benefitted 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.

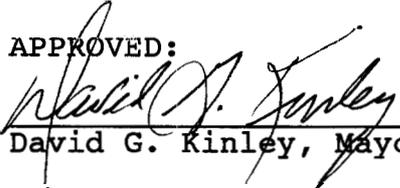
Said purposes are to be accomplished in the manner and of the materials ^{that} the Commissioners of the District shall deem to be in the best interest of the District and as specified by law. **The** cost of the project shall be assessed upon the real property of the District according to the benefits received. Such assessment of benefits shall be performed following the creation of the District.

Said district shall be known as the "Water Improvement District No. 10 of Conway, Arkansas" (the "District"); and Dr. Richard A. Collins, Dr. Robert B. Benafield, and Mike Loveless, who are owners of real property in said District, are hereby named Commissioners and shall compose the Board of Improvement 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, and therefore! an emergency is declared to exist and this Ordinance shall take effect and be in force from and after its passage.

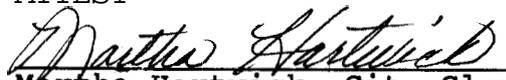
PASSED: April 25, 1995.

APPROVED:



David G. Kinley, Mayor

ATTEST:



Martha Hartwick, City Clerk

EXHIBIT A

TRACT NO. 1: Part of Section 24, T5N, R14W, Faulkner County, Arkansas and described as follows: Beginning at the SE Corner of the SE 1/4 of Section 24; thence run North 99 feet; thence run West to a point which is 469.4 feet North 88° 5' East and 180 feet North 64° 27' East of the SW Corner of said SE 1/4 of the SE 1/4 of Section 24, which point is in a County Road; thence run North 40° 40' West 253.1 feet; thence run North 51° 23' West 417.4 feet; thence run North 30° 3' West 261 feet to a point on the West line of said SE 1/4 of the SE 1/4 a distance of 793.5 feet North of the SW Corner of said SE 1/4 of the SE 1/4; thence run North to the NW Corner of said SE 1/4 of the SE 1/4; thence run West to the NE Corner of the SW 1/4 of the SW 1/4 of Section 24; thence run South to the SE Corner of said SW 1/4 of the SW 1/4; thence run West to the SW Corner of the East 1/2 of said SW 1/4 of the SW 1/4; thence run North to the NW Corner of said East 1/2 of said SW 1/4 of the SW 1/4; thence run West to the NE Corner of the West 1/2 of the West 1/2 of said SW 1/4 of the SW 1/4 of Section 24; thence run South to the SE Corner of said West 1/2 of the SW 1/4 of the SW 1/4; thence run East along the South line of said Section 24 to the point of beginning.

TRACT NO. 2: Part of Section 25, T5N, R14W, Faulkner County, Arkansas and described as follows: Beginning at the NW corner of the N 1/2 of the NW 1/4, thence South 900 feet, thence East 833 feet, thence North 525.5 feet, thence East 798.68 feet, thence South 525.5 feet, thence East to a point on the East line of the N 1/2 of the NW 1/4 which is 900 feet South of the Northeast corner of the N 1/2 of the NW 1/4, thence North 900 feet to the Northeast corner of the N 1/2 of the NW 1/4, thence West to the point of beginning, and the North 350 feet of the NW 1/4, NE 1/4, and the North 350 feet of the West 1/4 of the NE 1/4, NE 1/4, and the North 950 feet of the East 3/4 of the NE 1/4, NE 1/4; bounded on the East by the West boundary of Daniel Lane.

TRACT NO. 3: Part of Section 26, T5N, R14W, Faulkner County, Arkansas and described as follows: The North 900 feet of the NE 1/4, the North 1/2 of the NW 1/4, and the West 1/2 of the SW 1/4, NW 1/4.

TRACT NO. 4: Part of Section 27, T5N, R14W, Faulkner County, Arkansas and described as follows: The East 1/2 of the East 1/2 of the South 3/4 of Section 27.

TRACT NO. 5: Part of Section 34, T5N, R14W, Faulkner County, Arkansas and described as follows: The NE 1/4; the East 709.5 feet of the East 1/2 of the NW 1/4; the E 5/8, SE 1/4 Section 34.

TRACT NO. 6: Part of Section 35, T5N, R14W, Faulkner County, Arkansas and described as follows: The SW 1/4 of Section 35, T5N, R14W, less and except, that part beginning at the SE corner of the SW 1/4 of Section 35, go west 189.4 feet to the point of beginning.

thence north 150 feet, thence west 175 feet, thence south 150 feet, thence E. 175 feet to the point of beginning.

TRACT NO. 7: Part of the SW 1/4, SE 1/4 Section 35, T-5-N, R-14-W, Faulkner County, Arkansas, and described as follows: Beginning at the NW corner of said SW 1/4, SE 1/4, thence S-89-44-23-E 168.52 feet to the West right of way of a road, thence along said right of way to a point S-18-47-14-W 125.94 feet, thence leaving said right of way West 128.55 feet to the West line of said SW 1/4, SE 1/4, thence N-0-16-57-E along said West line 120.0 feet to the point of beginning.

TRACT NO. 8: Part of the SW 1/4, SE 1/4 of Section 35, T-5-N, R-14-W, Faulkner County, Arkansas, and described as follows: Beginning at the SW corner of said SW 1/4, SE 1/4, thence N-0-16-57-E along the West line of said SW 1/4, SE 1/4 400.0 feet, thence East 93.32 feet to the West right of way of a road, thence along said right of way to a point S-23-40-25-E 111.41 feet, thence to a point S-15-07-04-E 29.75 feet, thence S-6-33-42-E 67.87 feet, thence S-0-00-14-W 144.90 feet, thence to a point S-2-50-43-W 56.99 feet to the South line of said SW 1/4, SE 1/4, thence leaving said right of way along said South line West 152.70 feet to the point of beginning.