

ORDINANCE NO. 097-53

**ORDINANCE ESTABLISHING
MUNICIPAL IMPROVEMENT DISTRICT
NO. 11 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 for Formation of Municipal improvement District on September 16, 1997, (the "Petition") praying that a municipal 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 municipal improvement district.

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

Section 1. There is hereby established a municipal 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

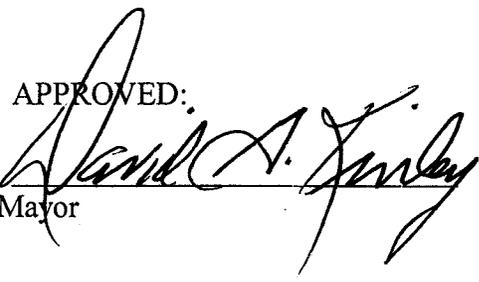
domain and to maintain such facilities lying within the boundaries of the district or beyond the boundaries of the District if the property of the District would be benefitted thereby; and (2) for all purposes authorized by Arkansas Code Annotated §14-88-202 and any and all other statutes or acts which 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 "Municipal Improvement District No. 11 of Conway, Arkansas" (the "District"); and Dr. Jerry Park, Robert Downey and Marcie Garis, 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: October 14, 1997.

APPROVED:

Mayor

ATTEST:

City Clerk