

RESOLUTION NO. R-07-16

A RESOLUTION TO SET JULY 10, 2007 AS THE DATE FOR A PUBLIC HEARING ON WHETHER TO ESTABLISH THE VILLAGE AT HENDRIX MUNICIPAL PROPERTY OWNERS MULTIPURPOSE IMPROVEMENT DISTRICT NO. 1 OF THE CITY OF CONWAY, ARKANSAS; AND FOR OTHER PURPOSES.

WHEREAS, property owners who claim to be all of the owners of record title of real property located within a proposed municipal property owners improvement district as described in Exhibit A have requested formation of such district, and

WHEREAS, a public hearing must be held prior to the creation of this district, which is to be known as The Village at Hendrix Municipal Property Owners MultiPurpose Improvement District No. 1 of the City of Conway, Arkansas.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

Section 1. The City Council shall conduct a public hearing at 6:30 p.m. or at such other time as may be prescribed by the City Council during the course of the agenda in the Council Chamber of City Hall at 810 Parkway, Conway, Arkansas, on Tuesday, July 10, 2007, on the question of whether to approve the creation of The Village at Hendrix Municipal Property Owners MultiPurpose Improvement District No. 1 of the City of Conway, Arkansas; all persons wishing to be heard on this issue will be heard at that time.

Section 2. The basic description of the boundaries for the proposed District are attached as Exhibit A to this resolution, and the basic list of improvements is attached as Exhibit B.

Section 3. *Severability.* In the event any title, section, paragraph, item, sentence, clause, phrase, or word of this resolution is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the resolution which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the resolution.

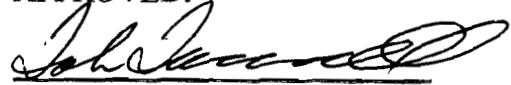
Section 4. *Repealer.* All laws, ordinances, resolutions, or parts of the same, that are inconsistent with the provisions of this resolution are hereby repealed to the extent of such inconsistency.

ADOPTED: June 26, 2007

ATTEST:


Michael O. Garrett, City Clerk/Treasurer

APPROVED:


Tab Townsell, Mayor

APPROVED AS TO LEGAL FORM:


Mike Murphy, City Attorney

EXHIBIT A

Legal Description

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-1

Description of Improvements

Formation of a municipal property owners' improvement district, to be known as the "The Village at Hendrix Municipal Property Owners Multipurpose Improvement District No. 1 of the City of Conway, Arkansas" (the "District"): 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").

