

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING THE CITY OF NORTH LITTLE ROCK MUNICIPAL PROPERTY OWNERS' MULTIPURPOSE IMPROVEMENT DISTRICT NO. 38 (THE PORCHES AT ROCKWATER PROJECT); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, there has been filed with the City Clerk of the City of North Little Rock, Arkansas, a petition purporting to be signed by the owners of all of the real property described within the petition ("Property"), praying that a municipal property owners' multipurpose improvement district be established for the purposes set forth herein, said Petition and Abstractor's Certificate of Property Ownership being attached hereto as Exhibits A and B respectively; and

WHEREAS, after due notice as required by law, the City Council of the City of North Little Rock, Arkansas (the "City Council") has heard all parties desired to be heard.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That owners of all of the real property described in the Petition signed the Petition, and there is hereby established a municipal property owners' multipurpose improvement district (the "District") within the Property, for the purposes of (a) constructing waterworks, sewers, and systems of gas pipelines, and (b) grading, draining, paving, curbing, and guttering street and laying sidewalks, together with facilities related to any of the foregoing within the District, and doing all things now or hereafter permitted under applicable law, including, without limitation, Ark. Code Ann. § 14-94-101 et seq., to be done and performed by municipal property owners' improvements districts. The District shall have the right to exercise the power of eminent domain in accordance with Arkansas state law in order to carry out its purposes.

SECTION 2: The District shall be known as North Little Rock Municipal Property Owners' Multipurpose Improvement District No. 38 (The Porches at Rockwater Project) of North Little Rock, Arkansas. Lisa Ferrell, Joshua Miller and Jim Jackson, all whose names appear in the petition, are hereby named as Commissioners who shall constitute the Board of the District.

SECTION 3: Any ordinances or parts of ordinances that are in conflict herewith are hereby repealed to the extent they conflict with this ordinance.

SECTION 4: That the provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 5: It has been found, and it is hereby declared, by the City Council that there is an immediate need within the City of North Little Rock, Arkansas, for additional infrastructure within the City and that the passage of this Ordinance will facilitate construction of additional infrastructure within the City; THEREFORE, an emergency is hereby declared to exist, and this Ordinance, being necessary for the preservation of the public health, safety and welfare, shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

Mayor Joe A. Smith

SPONSOR:

Joe A. Smith
Mayor Joe A. Smith *by AT*

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields
Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/ABF

FILED <u>10:30</u> A.M. _____ P.M.
By <u>A. Fields</u>
DATE <u>2-20-18</u>
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas
RECEIVED BY <u>S. Ussery</u>

NOTICE

YOUR SIGNATURE HEREON
SHOWS THAT YOU FAVOR
THE ESTABLISHMENT OF AN
IMPROVEMENT DISTRICT. IF
THE DISTRICT IS FORMED, YOU
MAY BE CHARGED FOR THE
COST OF THE IMPROVEMENTS.

**PETITION TO FORM NORTH LITTLE ROCK MUNICIPAL PROPERTY
OWNERS' MULTIPURPOSE IMPROVEMENT DISTRICT NO. 38
(THE PORCHES AT ROCKWATER PROJECT)**

For its Petition to form North Little Rock Municipal Property Owners' Multipurpose Improvement District No. 38, the undersigned petitioner states:

1. Petitioner is the record title owner to all of the real property described in Exhibit "A" attached hereto and made a part hereof as reflected by the deed records in the Office of the Circuit Clerk and Ex-Officio Recorder of Pulaski County, Arkansas. All of said property is located within the corporate limits of the City of North Little Rock, Arkansas.

2. Petitioner desires that the real property described in Exhibit "A" attached hereto and made a part hereof be laid off into a Municipal Property Owners' Improvement District pursuant to Ark. Code Ann. Sections 14-94-101 *et seq.* for the purpose of (a) constructing waterworks, sewers, and systems of gas pipelines, and (b) grading, draining,



paving, curbing, and guttering street and laying sidewalks, together with facilities related to any of the foregoing within said district.

3. Petitioner names the following three individuals to be appointed as commissioners of the district: Lisa Ferrell, Joshua Miller and Jim Jackson.

4. Petitioner proposes that the name of the district be North Little Rock Municipal Property Owners' Multipurpose Improvement District No. 38.

5. Petitioner states that there is outstanding debt owed by Petitioner to Farmers Bank & Trust Company, Texarkana, Texas, which is secured by the property described in Exhibit "A."

WHEREFORE, the undersigned petitions the City Council of North Little Rock, Arkansas, to enact an ordinance establishing and laying off the real property described in Exhibit "A" attached hereto and made a part hereof into North Little Rock Municipal Property Owners' Multipurpose Improvement District No. 38 for the purpose of (a) constructing waterworks, sewers, recreational facilities, and systems of gas pipelines, and (b) grading, draining, paving, curbing and guttering streets and laying sidewalks, together with facilities related to any of the foregoing within said district.

DATED this 24th day of January, 2018.

PORCHES AT ROCKWATER, LLC

By: 

EXHIBIT A

Legal Description

Lot 5, Block 12, Giles Addition to Argenta, now North Little Rock, Pulaski County, Arkansas, except that part described as follows: Beginning at the Northeast corner of said Lot 5; thence South 1.2 feet; thence West-Southwesterly to a point 2.7 feet South of the Northwest corner of said Lot 5; thence North 2.7 feet to the Northwest corner of Lot 5; thence East-Northeasterly along the North line of Lot 5 to the point of beginning.

Lot 3, Block 12, Giles Addition to Argenta, now North Little Rock, Pulaski County, Arkansas.

Tract 1:

Lot 14, Block 12, Giles Addition to the City of North Little Rock, Pulaski County, Arkansas.

Tract 2:

Lot 4, Block 12, Giles Addition to Argenta, now in the City of North Little Rock, Pulaski County, Arkansas.

Tract 3:

Lot 2, Block 12, Giles Addition to Argenta, now in the City of North Little Rock, Pulaski County, Arkansas.

Tract 4:

Lot 1, Block 12, Giles Addition to Argenta, now in the City of North Little Rock, Pulaski County, Arkansas, as shown on plat recorded in plat Book 40, Page 18, records of Pulaski County, Arkansas, less and except that part deeded to City of North Little Rock, Arkansas, in Donation Deed filed on 09/02/2011 as Instrument No. 2011052229, being more particularly described as follows: A part of Lot 1, Block 12, of the Mrs. E. A. Giles Addition, more particularly described as follows: Beginning at the Southeast corner of said Lot 1 and run thence North 79 degrees 34 minutes 01 second West along the existing North right-of-way of Third Street 21.69 feet; thence leaving said North right-of-way, 35.42 feet along a curve to the left having a radius of 25.00 feet, a chord bearing of North 60 degrees 35 minutes 24 seconds East, and a chord distance of 32.53 feet, to the existing West right-of-way of Parker Street; thence South 18 degrees 32 minutes 59 seconds West along West right-of-way 21.38 feet to the point of beginning.

ABTRACTOR'S CERTIFICATE OF PROPERTY OWNERSHIP

The undersigned hereby certifies that the deed records in the office of the Circuit Clerk and Ex-Officio Recorder of Pulaski County, Arkansas, reflect that:

(1) Porches at Rockwater LLC is the record title owner of all the real property described in Exhibit "A" to the Petition to Form the North Little Rock Municipal Property Owners' Multipurpose Improvement District No. 38 (The Porches at Rockwater Project), a copy of which Exhibit "A" is attached hereto and made a part hereof.

(2) Farmers Bank & Trust, Texarkana, Texas, holds a first mortgage lien on more than ten percent (10%) of the real property described in Exhibit A.

DATED this 25th day of January, 2018.

LENDERS TITLE COMPANY

By: Lisa Loggins

Lisa A. Loggins
License 9895384 & 188-A



EXHIBIT A

Legal Description

Lot 5, Block 12, Giles Addition to Argenta, now North Little Rock, Pulaski County, Arkansas, except that part described as follows: Beginning at the Northeast corner of said Lot 5; thence South 1.2 feet; thence West-Southwesterly to a point 2.7 feet South of the Northwest corner of said Lot 5; thence North 2.7 feet to the Northwest corner of Lot 5; thence East-Northeasterly along the North line of Lot 5 to the point of beginning.

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