

ORDINANCE NO. 50-94

AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE
CITY OF OAK GROVE, ARKANSAS

WHEREAS, on the 6th day of January, 1995, there was presented to the County Court of Carroll County, Arkansas, a proper petition asking that certain real estate adjacent and contiguous to the City of Oak Grove, Arkansas, be annexed to the City of Oak Grove, Arkansas. The real estate is described as follows:

Part of Sections 16, 21, and 22, T-21-N, R-23-W, Carroll County, Arkansas, more particularly described as: Starting at the Northwest corner of the SE1/4, NW1/4, said Section 16; thence Easterly along the North line of said SE1/4, NW1/4, to the intersection of the East line of the present Oak Grove City Limits Line, said intersection being the Northwest corner of the E1/2, SE1/4, NE1/4, said Section 16 and the point of beginning of the land to be annexed; thence Easterly and continuing along the North line of said SE1/4, NW1/4 to the Northeast corner thereof; thence Southerly along the East lines of said SE1/4, NW1/4, and the NE1/4, SW1/4, said Section 16, to the Southeast corner thereof; thence Easterly along the North line of the SW1/4, SE1/4, said Section 16 and the North line of the Amalia L. Gray property recorded on June 11, 1993, in Book 151, at Page 474, Circuit Clerk and Recorder's Office, at Berryville, Carroll County, Arkansas to the Northeast corner thereof; thence Southerly along the East line of said Gray property to its intersection with the West right-of-way line of Arkansas State Highway No. 21; thence continuing Southerly along the West right-of-way line of said Highway to the Northeast corner of the Daniel L. and Lana K. Foster property recorded on November 24, 1993, in Book 137 at Page 616, Circuit Clerk and Recorder's Office, at Berryville, Carroll County, Arkansas; thence Southeasterly across Arkansas State Highway No. 21 to the Northwest corner of the NE1/4, NE1/4, Section 21; thence Easterly along the North line of said NE1/4, NE1/4 to the Northwest corner of

the N1/2, NW1/4, Section 22; thence continuing Easterly along said North line to the Northeast corner thereof; thence Southerly along the East line of said N1/2, NW1/4, to the Southeast corner thereof; thence Westerly along the South line of said N1/2, NW1/4, to the Southwest corner thereof; thence Southerly along the East line of the S1/2, NE1/4, Section 21, to the Southeast corner thereof; thence Westerly along the South line of said S1/2, NE1/4, to a point 250 ft. East of the East right-of-way line, Arkansas State Highway No. 21; thence Southwesterly along a line 250 ft. East of and parallel with the East right-of-way line of said Highway to the South line of the NW1/4, SE1/4, said Section 21; thence Westerly along said South line to the East right-of-way line of said Highway; thence Northeasterly along said East right-of-way line to the Southwest corner of the Jay T. and Nell Parton property as recorded on August 10, 1992, in Book 135 at Page 116 Circuit Clerk and Recorder's Office at Berryville, Carroll County, Arkansas; thence Easterly along the South line of said Parton property to the Southeast corner thereof; thence Northerly along the East line of said Parton property to the Northeast corner thereof; thence Westerly along the North line of said Parton property to the Northwest corner thereof said point lying on the East right-of-way line of said Arkansas State Highway No. 21; thence Northerly along said East right-of-way line to a point on the North line of the S1/2, NE1/4, said Section 21, said point also lying on the South line of the Mae Minnick property, recorded on May 12, 1994, in Book 138 at Page 534 - 535, Circuit Clerk and Recorder's Office at Berryville, Carroll County, Arkansas; thence Easterly along the South line of said Minnick property to the Southeast corner thereof; thence Northerly along the East line of said Minnick property to the Northeast corner thereof; thence Westerly along the North line of said Minnick property to a point on the East right-of-way line of said Arkansas State Highway No. 21; thence Northerly along the East right-of-way line of said Highway to the Northwest corner of the Michael W. and Tabitha B. Huskey property recorded on August 12, 1987, in Book 124 at page 539-540, Circuit Clerk and Recorder's Office, at Berryville, Carroll County, Arkansas; thence Northwesterly across Arkansas State Highway No. 21 to the Southeast corner of the Daniel L. and Lana K. Foster property recorded on

November 24, 1993, in Book 137 at Page 616, Circuit Clerk and Recorder's Office, at Berryville, Carroll County, Arkansas, said point also lying on the South line of Section 16; thence Westerly along the South line of said Section 16, also being the South line of the Daniel L. and Lana K. Foster property recorded on March 3, 1992, in Book 134 at Page 279, Circuit Clerk and Recorder's Office at Berryville, Carroll County, Arkansas to the Southwest corner of said Foster property; thence Northerly along the West line of said Foster property to the Northwest corner thereof; thence Easterly along the North line of said Foster property to the Southwest corner of the Amalia L. Gray property recorded on June 11, 1993, in Book 151 at Page 474, Circuit Clerk and Recorder's Office, at Berryville, Carroll County, Arkansas; thence Northerly along the West line of said Gray property to the Southeast corner of the Vernal Robert Jr. and Violet F. Ness property recorded on May 28, 1993, in Book 151 at Page 277, Circuit Clerk and Recorder's Office at Berryville, Carroll County, Arkansas after exclusion; thence Westerly along the South line of said Ness property to the intersection of the East line of the present Oak Grove City Limits Line, said line also being the West line of the E1/2, E1/2, SW1/4, said Section 16; thence Northerly along said present City Limits Line and said West line and continuing Northerly along the West line of the E1/2, SE1/4, NW1/4, said Section 16 to the point of beginning.

WHEREAS, on the 6th day of January, 1995, the County Court of Carroll County, Arkansas, found that the statutory requirements with reference to annexation had been complied with in full; that the petition and plat were in proper form and that the notices required by law had been properly given and on that date entered an order annexing the said real estate to the City of Oak Grove, Arkansas.

WHEREAS, according to the statutes of the State of Arkansas, the said order was recorded by the County Clerk in County Record Book 14 at Pages 368-371, and no further

action was taken for a period of thirty (30) days; that at the end of thirty (30) days, no protests of any sort by anyone had been filed against the action of the County Court therein.

WHEREAS, on this 7th day of February, 1995, copies of the original order and the order confirming the annexation were filed with the City Clerk of the City of Oak Grove, Arkansas.


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

Section 1: The above described real estate located in Carroll County, Arkansas, is hereby declared annexed to and incorporated into the City of Oak Grove, Arkansas; that the map of said annexed territory attached to the certified copies of the order of annexation is hereby declared the map of the said annexed territory; that all the inhabitants of the said annexed territory are declared to be citizens of Oak Grove, Arkansas, and are entitled to all the rights, privileges and benefits of the other citizens of the City of Oak Grove, Arkansas.

Section 2: The City Council of the City of Oak Grove, Arkansas, has found it to be essential to the health, safety and welfare of the City that Ordinance No. 50-94 take force and effect without delay. Therefore, an emergency is declared to exist, and Ordinance No. 50-94 shall be in full force and effect from and after its passage.

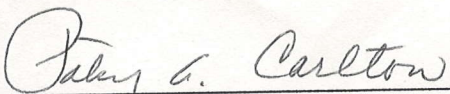
PASSED, ORDAINED AND DECLARED BY THE CITY COUNCIL OF
THE CITY OF OAK GROVE, ARKANSAS, on this 7th day of
February, 1995.

APPROVED:



Jean L. Morgan
Mayor

ATTEST:



Betty A. Carlton
City Clerk



WILLIAMS & ANDERSON

TWENTY-SECOND FLOOR
111 CENTER STREET
LITTLE ROCK, ARKANSAS 72201

THOMAS G. WILLIAMS

(501) 372-0800

TELECOPIER
(501) 372-8459

February 1, 1995

Lewis E. Epley, Esq.
Epley, Epley & France, Ltd.
104 Spring Street
P.O. Drawer 470
Eureka Springs, Arkansas 72632

Via Telecopy

Re: Response to Inquiries from Oak Grove City Council

Dear Lewis:

In connection with the proposed annexation of property to the City of Oak Grove, Arkansas, it is my understanding that you have received inquiries from various members of the Oak Grove City Council regarding the suburban property owners' improvement district that will be included in the annexed territory (the "District"). Specifically, it is my understanding that the City Council would like some assurance that the City of Oak Grove would never be held liable for any debt incurred by the District. The purpose of this letter is to give the City of Oak Grove those assurances.

As you are aware, the District was formed for the purpose of constructing the infrastructure necessary to support a residential neighborhood, including streets, gutters, water works and a sewer system. The construction of the improvements would be financed through proceeds received from the sale of tax-exempt bonds issued by the District. The payment of these bonds is an obligation of the District. The manner in which the bonds will be paid is discussed below.

The territory within the District has been platted and divided into residential lots. The District has hired an assessor who will assess the benefits to be received by each parcel of property as a result of the construction of the aforementioned improvements. The assessment of benefits attributable to each parcel of property becomes a tax upon that parcel and is paid by the property owner in annual installments. The revenues generated from these taxes are pledged to the payment of the bonds. This tax also creates a first lien on the property in the


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WILLIAMS & ANDERSON
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District. Thus, in the event a property owner defaults in the payment of his improvement district taxes, the District may foreclose on that property. Any proceeds received as the result of a foreclosure sale are applied towards payment of the bonds. This is the only recourse available to the bondholders absent any other credit enhancement provided the bondholders by the District. Thus, the City of Oak Grove would not incur any liability for payment of the bonds.

The statutes governing suburban property owners' improvement district are located in Ark. Code Ann. § 14-93-101 *et seq.* If the city council desires, I would be happy to appear before them and respond to any further inquiries they may have.

Cordially yours,

WILLIAMS & ANDERSON



Thomas G. Williams

TGW/tdc

cc: Mr. Joe Sale
Mr. Dave Tippit
Mr. Leon Sneed
Mr. Dubie Sullivan

LAW OFFICES
EPLEY, EPLEY & FRANCE, LTD.
104 SPRING STREET
P. O. DRAWER 470
EUREKA SPRINGS, ARKANSAS 72632

LEWIS E. EPLEY, JR.
ALAN D. EPLEY
CONNIE S. FRANCE

TELEPHONE 253-8732
AREA CODE 501

January 9, 1995

The Honorable Jean L. Morgan
Mayor of Oak Grove
R.R. 4
Oak Grove, AR 72660-9801

Dear Mayor Morgan:

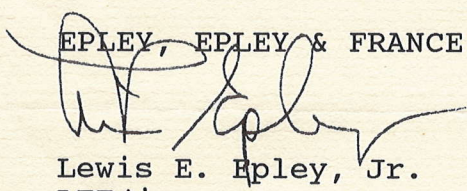
Enclosed please find a file marked copy of the order of annexation which was entered by County Judge Phil Jackson after the hearing on January 6, 1995. For your further information, no one appeared at the hearing in objection to the annexation.

This order must lie in the County Clerk's office for a period of thirty (30) days during which time any interested party can file an objection. If no objections are filed within the 30-day period, then an ordinance will be prepared and presented to you and the City Council for your consideration as to accepting the annexed area as a part of the City of Oak Grove.

If you have any questions concerning this matter or the procedure, please so advise.

Sincerely yours,

EPLEY, EPLEY & FRANCE, LTD.

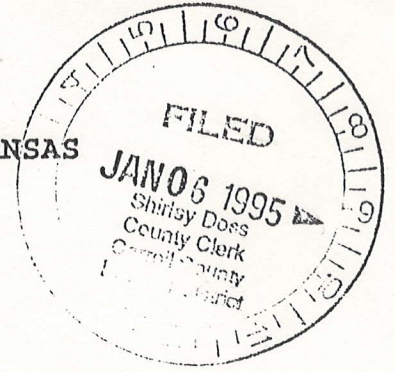

Lewis E. Epley, Jr.
LEE/jm

Enclosure

IN THE COUNTY COURT OF CARROLL COUNTY, ARKANSAS

IN THE MATTER OF THE ANNEXATION OF
CERTAIN TERRITORY TO THE CITY OF
OAK GROVE, ARKANSAS

NO. C 94-6



ORDER

On this 6th day of January, 1995, is presented to the Court the Petition of the petitioners to annex to and make a part of the City of Oak Grove, Carroll County, Arkansas, certain lands. From consideration of said Petition and other matters before the Court, the Court doth find as follows:

1. That the petitioners are owners of land contiguous to the incorporated City of Oak Grove, Eastern District, Carroll County, Arkansas. That they own a majority of the acreage affected by this Petition.

2. That the petitioners have petitioned to annex the following contiguous lands to the incorporated City of Oak Grove, Carroll County, Arkansas; said lands being more particularly described as follows, to-wit:

Part of Sections 16, 21, and 22, T-21-N, R-23-W, Carroll County, Arkansas, more particularly described as: Starting at the northwest corner of the SE1/4, NW1/4, said Section 16; thence easterly along the north line of said SE1/4, NW1/4, to the intersection of the east line of the present Oak Grove City Limits Line, said intersection being the northwest corner of the E1/2, SE1/4, NE1/4, said Section 16 and the point of beginning of the land to be annexed; thence easterly and continuing along the north line of said SE1/4, NW1/4 to the northeast corner thereof; thence southerly along the east lines of said SE1/4, NW1/4, and the NE1/4, SW1/4, said Section 16, to the southeast corner thereof; thence easterly along the north line of the SW1/4, SE1/4, said Section 16 and the north line of the Amalia L. Gray property recorded on June 11, 1993 in Book 151, at Page 474, Circuit Clerk and Records

Office, at Berryville, Carroll County, Arkansas to the northeast corner thereof; thence southerly along the east line of said Gray property to its intersection with the west right-of-way line of Arkansas State Highway No. 21; thence continuing southerly along the west right-of-way line of said Highway to the northeast corner of the Daniel L. and Lana K. Foster property recorded on November 24, 1993 in Book 137 at Page 616, Circuit Clerk and Records Office, at Berryville, Carroll County, Arkansas; thence southeasterly across Arkansas State Highway No. 21 to the northwest corner of the NE1/4, NE1/4, Section 21; thence easterly along the north line of said NE1/4, NE1/4 to the northwest corner of the N1/2, NW1/4, Section 22; thence continuing easterly along said north line to the northeast corner thereof; thence southerly along the east line of said N1/2, NW1/4, to the southeast corner thereof; thence westerly along the south line of said N1/2, NW1/4, to the southwest corner thereof; thence southerly along the east line of the S1/2, NE1/4, Section 21, to the southeast corner thereof; thence westerly along the south line of said S1/2, NE1/4, to a point 250 ft. east of the east right-of-way line, Arkansas State Highway No. 21; thence southwesterly along a line 250 ft. east of and parallel with the east right-of-way line of said Highway to the south line of the NW1/4, SE1/4, said Section 21; thence westerly along said south line to the east right-of-way line of said Highway; thence northeasterly along said east right-of-way line to the southwest corner of the Jay T. and Nell Parton property as recorded on August 10, 1992 in Book 135 at Page 116 Circuit Clerk and Records Office at Berryville, Carroll County, Arkansas; thence easterly along the south line of said Parton property to the southeast corner thereof; thence northerly along the east line of said Parton property to the northeast corner thereof; thence westerly along the north line of said Parton property to the northwest corner thereof said point lying on the east right-of-way line of said Arkansas State Highway No. 21; thence northerly along said east right-of-way line to a point on the north line of the S1/2, NE1/4, said Section 21, said point also lying on the south line of the Mae Minnick property, recorded on May 12, 1994 in Book 138 at Page 534-535, Circuit Clerk and Records Office at Berryville, Carroll County, Arkansas; thence easterly along the south line of said Minnick property to the southeast corner thereof; thence northerly along the east line of said Minnick property to the northeast corner thereof; thence westerly along the north line of said Minnick property to a point on the east right-of-way line of said Arkansas State Highway No. 21; thence northerly along the east right-of-way line of said Highway to the northwest corner of the Michael W. and Tabitha B. Huskey property recorded on August 12, 1987 in

Book 124 at page 539-540, Circuit Clerk and Records Office, at Berryville, Carroll County, Arkansas; thence northwesterly across Arkansas State Highway No. 21 to the southeast corner of the Daniel L. and Lana K. Foster property recorded on November 24, 1993 in Book 137 at Page 616, Circuit Clerk and Records Office, at Berryville, Carroll County, Arkansas, said point also lying on the south line of Section 16; thence westerly along the south line of said Section 16, also being the south line of the Daniel L. and Lana K. Foster property recorded on March 3, 1992 in Book 134 at Page 279, Circuit Clerk and Records Office at Berryville, Carroll County, Arkansas to the southwest corner of said Foster property; thence northerly along the west line of said Foster property to the northwest corner thereof; thence easterly along the north line of said Foster property to the southwest corner of the Amalia L. Gray property recorded on June 11, 1993 in Book 151 at Page 474, Circuit Clerk and Records Office, at Berryville, Carroll County, Arkansas; thence northerly along the west line of said Gray property to the southeast corner of the Vernal Robert Jr. and Violet F. Ness property recorded on May 28, 1993 in Book 151 at Page 277, Circuit Clerk and Records Office at Berryville, Carroll County, Arkansas after exclusion; thence westerly along the south line of said Ness property to the intersection of the east line of the present Oak Grove City Limits Line, said line also being the west line of the E1/2, E1/2, SW1/4, said Section 16; thence northerly along said present City Limits Line and said west line and continuing northerly along the west line of the E1/2, SE1/4, NW1/4, said Section 16 to the point of beginning.

3. That an accurate map of said lands sought to be annexed to the incorporated City of Oak Grove, Carroll County, Arkansas, is attached to the Petition filed in this matter.

4. That after publication of notice of a hearing on the Petition in a newspaper of general circulation in the County once a week for three consecutive weeks, said hearing was held on January 6, 1995, at 9:00 A.M., in the Eastern District Courthouse, Berryville, Arkansas, before the County Court of Carroll County, Arkansas.

5. That this Court is satisfied that the allegations of

the Petition are sustained by proof admitted at said hearing, and that the requirements for signatures of more than one-half of the landowners of the property affected by the Petition have been met. Further, this Court is satisfied that the limits of the territory to be annexed have been accurately described and an accurate map thereof made and filed, and that the prayer of these petitioners is right and proper.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED that the Petition to annex the above described territory be and the same is hereby granted.



County Judge