

ORDINANCE NO. 92-14

AN ORDINANCE ASSESSING THE VALUE OF BENEFITS TO BE RECEIVED BY THE OWNERS OF EACH OF THE SEVERAL BLOCKS, LOTS AND PARCELS OF LAND WITHIN CONWAY MUNICIPAL IMPROVEMENT DISTRICT #7 OF THE CITY OF CONWAY, ARKANSAS; AND FOR OTHER PURPOSES.

WHEREAS, a majority in value of the property holders owning property adjoining the locality to be affected and situated in Conway Municipal Improvement District #7 of the City of Conway, Arkansas (the "District") filed a petition with the City Council of the City of Conway, Arkansas, seeking establishment of the District; and

WHEREAS, the District was organized for the purposes of: (1) purchasing, accepting as a gift, constructing or maintaining facilities for waterworks, water distribution, recreation, drainage, gas pipelines, sanitary sewers, streets, roads and highways (including curbs and gutters) and sidewalks together with facilities related to any of the foregoing or for more than one (1) of such purposes 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 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; and

WHEREAS, the petition stated that said purposes were to be accomplished in the manner that the Commissioners of the District deem to be in the best interest of the District, and the cost thereof to be assessed upon the real property of the District according to the benefits received; and

WHEREAS, the City Council established the District to accomplish the above purposes by passing Ordinance No. 091-49 of the ordinances of the City of Conway, Arkansas, on October 22, 1991; and

WHEREAS, the Commissioners of the District have made and filed with the City Clerk plans for the improvements to the District and have reported to the City Council the estimated cost of the improvements; and

WHEREAS, a Board of Assessment was appointed by the City Council to assess the benefits received by each lot, block, and other subdivision of land within the District by reason of the improvements; and

WHEREAS, the Board of Assessment hired Appraisal Consultants, Inc. to perform the assessment of benefits for the District and said assessment of benefits was performed and provided to the Board of Assessment for review; and

WHEREAS, the Board of Assessment adjusted the assessment of benefits as prepared by Appraisal Consultants, Inc. so that an annual levy of four percent (4%) shall be applied to each lot, block, and other subdivision of land within the District; and

WHEREAS, after duly reviewing and making the assessments, the

Board of Assessors of the District filed the assessments in the office of the City Clerk pursuant to law, and notice of such filing was duly published in the Log Cabin Democrat, a newspaper published in and of general circulation in the City of Conway, Arkansas, on the 12th day and the 17th day of March, 1992; and

WHEREAS, no protest of the assessments have been received from any party whose real estate is embraced in the District; and

WHEREAS, the benefits received by each and every block, lot and parcel of real property situated in the District equal or exceed the local assessment thereon; and

WHEREAS, the estimated construction cost of the improvement of the District is \$1,230,530.00 for sewer improvements.

WHEREAS, the assessed benefits amount to \$4,325,128.00.

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

Section 1. That each of the blocks, lots and parcels of real property in the District be assessed according to the assessment list of the District as the same now remains in the office of the City Clerk, a copy of which is attached hereto, and that four percent (4%) of the assessment of each of the blocks, lots and parcels shall be collected by the County Collector with the first installment of general taxes becoming due in the year 1994 and annually thereafter with the first installment of general taxes until the whole of the local assessment shall be paid.

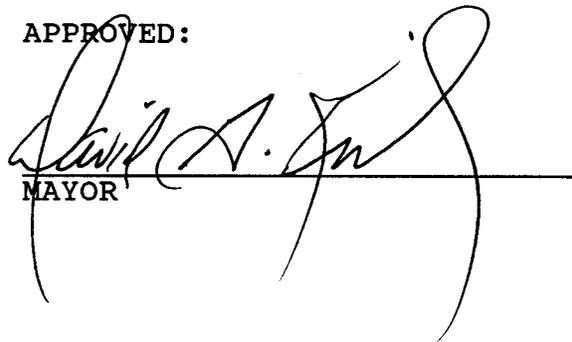
Section 2. That all ordinances and resolutions and parts thereof in conflict herewith are hereby repealed to the extent of

such conflict, and this Ordinance shall be in full force and effect from and after its passage.

Section 3. It is hereby determined by the City Council that there is an immediate need for the improvements contemplated to be constructed by the district, and that the real property in the district be assessed in a manner sufficient to pay for such improvements, 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: March 31, 1992

APPROVED:

  
MAYOR

ATTEST:

  
CITY CLERK

(SEAL)

578\710\ordin002.ord

C E R T I F I C A T E

STATE OF ARKANSAS )  
COUNTY OF FAULKNER )  
CITY OF CONWAY )

I, Martha Hartwick, the duly elected, qualified, and acting Clerk-Treasurer of the City of Conway, Arkansas, do hereby certify that the above and foregoing is a true and correct copy of a certain Ordinance duly passed and adopted by the City Council of the City of Conway, Arkansas, at a meeting of that body held on the 31st day of March, 1992, same is duly recorded in the minutes of meeting of said Council.

WITNESS, my hand and the seal of the City of Conway, Arkansas this 31st day of March, 1992.

*Martha Hartwick*  
City Clerk-Treasurer

Seal

**CERTIFICATE OF RECORD**  
STATE OF ARKANSAS }  
COUNTY OF FAULKNER } SS

I, SHARON RIMMER, Circuit Clerk and Ex-Officio Recorder with and for the county and state aforesaid, do hereby certify that the annexed and foregoing instrument of writing was filed for record in my office on the 6th day of April, 1992, at 1:00 o'clock P.M. and the same is now duly recorded, with acknowledgement and certificate thereon in, Deed Record Book 505, Page 309

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 7th day of April, 19 92

SHARON RIMMER, Clerk  
by *Sharon Rimmer* D.C.