

ORDINANCE NO. 2022-____

AN ORDINANCE APPROVING ANNEXATION OF LANDS TO BRYANT MUNICIPAL PROPERTY OWNERS' MULTIPURPOSE IMPROVEMENT DISTRICT NO. 108 (KENSINGTON PLACE SUBDIVISION-SARATOGA PLACE SUBDIVISION)

WHEREAS, the Bryant Municipal Property Owners' Multipurpose Improvement District No. 108 (Kensington Place Subdivision) (the "District") was established by Bryant City Ordinance No. 23 entered August 29, 2017; and

WHEREAS, the owners of the property described in Exhibit A hereto ("Petitioners") wish to be annexed into the District (to be known as Kensington Place Subdivision-Saratoga Place Subdivision); and

WHEREAS, the annexation is for the purpose of providing improvements to the property for purposes similar to the purposes for which the District was formed; and

WHEREAS, Petitioner has furnished an abstractor's certificate certifying that Petitioner owns all of the property in Exhibit A to be annexed to the District.

WHEREAS, the City Clerk has presented the petition to the Mayor; and

WHEREAS, the Mayor has set September 27, 2022, at 6:30 p.m. as the date and time for a hearing before the Bryant City Council for consideration of the petition; and

WHEREAS, the Bryant City Council has determined from an abstractor's certificate of property ownership that those signing the petition constitute all the owners of the real property to be located in said district; and

WHEREAS, the Arkansas Municipal Property Owners' Improvement District Law provides that if the governing body determines that all the owners of the real property to be located in the district have petitioned for the improvements, it shall then be its duty by ordinance to establish and lay off the district as defined in the petition and to appoint the commissioners named in the petition.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF BRYANT, ARKANSAS:

Section 1. That the real property described in Exhibit "A" attached hereto and made a part hereof is hereby established and laid off as Bryant Municipal Property Owners' Multipurpose Improvement District No. 108 (Kensington Place Subdivision-Saratoga Place Subdivision) for the purpose of constructing and installing facilities for waterworks, recreation, drainage, gas pipelines, underground trenches and excavations necessary for the installation of electric and telephone distribution systems, sanitary sewers, streets, including curbs and gutters, sidewalks, together with facilities related to any of the foregoing within said district.

Section 2. If any provision of this Resolution shall be held or deemed to be illegal, inoperative or unenforceable, the same shall not affect any other provision or provisions herein contained or render the same invalid, inoperative, or unenforceable to any extent whatsoever.

Section 3. The Bryant City Council hereby determines that there is a need for additional infrastructure within the City and hereby determines that the passage of this ordinance will facilitate construction of additional infrastructure within the City.

PASSED AND APPROVED this _____ day of _____, 2022.

APPROVED:

Mayor

ATTEST:

City Clerk



PETER G. KUMPE
pkumpe@roselawfirm.com

DIRECT DIAL
(501) 377-0345

September 15, 2022

Mark Smith
Bryant City Clerk
210 SW 3rd Street
Bryant, AR 72022

RE: Annexation to Bryant Municipal Property Owners' Multipurpose Improvement District No. 108 (Kensington Place Subdivision-Saratoga Place Subdivision)

Dear Mr. Smith:

Enclosed please find an original and two copies each of a Resolution, Annexation Petition and Abstractor's Certificate to be filed in the above matter. Also enclosed is our check in the amount of \$30.00 for the filing fee. Upon filing, please return file-marked copies of each document to me in the envelope provided. Please let us know when the Petition will be considered by the City Council so we can publish the required notice.

Thank you for your assistance. Should you have any questions or need anything further, please do not hesitate to call.

Cordially yours,

ROSE LAW FIRM, a Professional Association

A handwritten signature in blue ink that reads 'Peter G. Kumpe'.

Peter G. Kumpe

PGK:rch

Encls.

cc w/encls.: Ashley Clancy, Esq., Bryant City Attorney
via email only (aclancy@cityofbryant.com)

A Professional Association

120 E. Fourth Street | Little Rock, AR | 72201 | roselawfirm.com | (501) 375-9131 | (501) 375-1309 (fax)

RESOLUTION

**RESOLUTION APPROVING ANNEXATION OF LANDS TO
BRYANT MUNICIPAL PROPERTY OWNERS'
MULTIPURPOSE IMPROVEMENT DISTRICT NO. 108
(KENSINGTON PLACE SUBDIVISION-SARATOGA PLACE
SUBDIVISION)**

WHEREAS, the Bryant Municipal Property Owners' Multipurpose Improvement District No. 108 (Kensington Place Subdivision) (the "District") was established by Bryant City Ordinance No. 23 entered August 29, 2017; and

WHEREAS, the owners of the property described in Exhibit A hereto ("Petitioners") wish to be annexed into the District (to be known as Kensington Place Subdivision-Saratoga Place Subdivision); and

WHEREAS, the annexation is for the purpose of providing improvements to the property for purposes similar to the purposes for which the District was formed; and

WHEREAS, Petitioner has furnished an abstractor's certificate certifying that Petitioner owns all of the property in Exhibit A to be annexed to the District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the District:

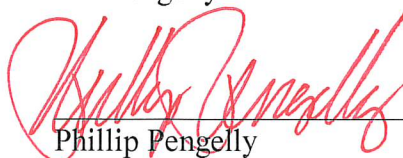
Section 1. That the annexation of the property described in Exhibit A to the District is hereby approved, ratified and confirmed.

Section 2. If any provision of this Resolution shall be held or deemed to be illegal, inoperative or unenforceable, the same shall not affect any other provision or provisions herein contained or render the same invalid, inoperative, or unenforceable to any extent whatsoever.

APPROVED AND ADOPTED this 10th day of September 2022.



Lee Pengelly



Phillip Pengelly



Shawn Hipskind

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY TO BE ANNEXED

SARATOGA PLACE SUBDIVISION

A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 1 SOUTH; RANGE 14 WEST; SALINE COUNTY, ARKANSAS; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A RAILROAD SPIKE BEING THE CENTER OF SAID SECTION 7; THENCE CONTINUING ALONG THE EAST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, S0°54'38"W A DISTANCE OF 186.51 FEET TO A FOUND REBAR WITH CAP #1399, THENCE S2°09'25"W A DISTANCE OF 129.78 FEET TO A FOUND PINCH PIPE; THENCE N88°20'29"W A DISTANCE OF 1332.31 FEET TO A FOUND PINCH PIPE; THENCE ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, N2°08'51 "E A DISTANCE OF 325.54 FEET TO A FOUND 1" PIPE; THENCE ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER THE FOLLOWING CALLS, S87°58'07"E A DISTANCE OF 543.90 FEET TO A FOUND REBAR WITH CAP #1141; S87°56'47"E A DISTANCE OF 222.90 FEET TO A FOUND REBAR WITH CAP #1506; AND S87°54'47"E A DISTANCE OF 561.45 FEET TO THE POINT OF BEGINNING; CONTAINING 9.81 ACRES (427,323.6 SQUARE FEET), MORE OR LESS, SUBJECT TO WISE ROAD RIGHT OF WAY.

NOTICE

**YOUR SIGNATURE HEREON
SHOWS THAT YOU FAVOR
THE ANNEXATION TO AN
EXISTING IMPROVEMENT
DISTRICT. IF THE ANNEXATION
IS APPROVED, YOU MAY BE
CHARGED FOR THE COST OF
THE IMPROVEMENTS.**

**PETITION FOR ANNEXATION TO BRYANT MUNICIPAL PROPERTY
OWNERS' MULTIPURPOSE IMPROVEMENT DISTRICT NO. 108
(KENSINGTON PLACE SUBDIVISION-SARATOGA PLACE SUBDIVISION)
NO. CC2022-___**

TO THE CITY COUNCIL OF BRYANT, ARKANSAS:

For its Petition to Annex property to Bryant Municipal Property Owners' Multipurpose Improvement District No. 108 (Kensington Place Subdivision-Saratoga Place Subdivision), pursuant to Arkansas Code Annotated §14-88-503, 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 Saline County, Arkansas. All of said

property is located in Bryant, Arkansas, and none of said property is presently within the corporate limits of any other municipality.

2. Petitioner desires that the real property described in Exhibit "A" attached hereto and made a part hereof be annexed to Bryant Municipal Property Owners' Improvement District No. 108 for the purpose of (a) constructing waterworks, sewers, recreational facilities 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, and for all other lawful purposes.

3. Bryant Municipal Property Owners' Multipurpose Improvement District No. 108 was established by Bryant City Ordinance No. 23 entered August 29, 2017.

4. Commissioners of the District, Lee Pengelly, Phillip Pengelly and Shawn Hipkind, approve the annexation, and attached hereto as Exhibit B is a Resolution of the Board evidencing that fact.

WHEREFORE, the undersigned petition the City Council of Bryant, Arkansas, to enact an ordinance annexing the real property described in Exhibit "A" attached hereto and made a part hereof into Bryant Municipal Property Owners' Multipurpose Improvement District No. 108 (Kensington Place Subdivision-Saratoga Place Subdivision) 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, and (c) for all purposes authorized by Arkansas Code Annotated § 14-94-110 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.

DATED this 10th day of September 2022.

THOMAS D.B. COLLINS LTD

By:

A handwritten signature in red ink, appearing to read 'Phillip Pengelly', written over a horizontal line.

Phillip Pengelly, Managing Member

EXHIBIT A

SARATOGA PLACE SUBDIVISION

A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 1 SOUTH; RANGE 14 WEST; SALINE COUNTY, ARKANSAS; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A RAILROAD SPIKE BEING THE CENTER OF SAID SECTION 7; THENCE CONTINUING ALONG THE EAST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, S0°54'38"W A DISTANCE OF 186.51 FEET TO A FOUND REBAR WITH CAP #1399, THENCE S2°09'25"W A DISTANCE OF 129.78 FEET TO A FOUND PINCH PIPE; THENCE N88°20'29"W A DISTANCE OF 1332.31 FEET TO A FOUND PINCH PIPE; THENCE ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, N2°08'51 "E A DISTANCE OF 325.54 FEET TO A FOUND 1" PIPE; THENCE ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER THE FOLLOWING CALLS, S87°58'07"E A DISTANCE OF 543.90 FEET TO A FOUND REBAR WITH CAP #1141; S87°56'47"E A DISTANCE OF 222.90 FEET TO A FOUND REBAR WITH CAP #1506; AND S87°54'47"E A DISTANCE OF 561.45 FEET TO THE POINT OF BEGINNING; CONTAINING 9.81 ACRES (427,323.6 SQUARE FEET), MORE OR LESS, SUBJECT TO WISE ROAD RIGHT OF WAY.

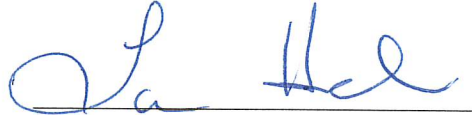
ABTRACTOR'S CERTIFICATE OF PROPERTY OWNERSHIP

The undersigned hereby certifies that the last deed of real estate records in the office of the Circuit Clerk and Ex-Officio Recorder of Saline County, Arkansas, reflect that Thomas D.B. Collins LTD is the record title owner of all the real property described in Exhibit "A" to the Petition to Annex to Bryant Municipal Property Owners' Multipurpose Improvement District No. 108 (Kensington Place Subdivision-Saratoga Place Subdivision), a copy of which Exhibit "A" is attached hereto and made a part hereof.

DATED this 2nd day of September 2022.

LENDERS TITLE

By:



Tamara Housdan

Abstractor License # 19501
Title Agent License # 2855384

EXHIBIT A

SARATOGA PLACE SUBDIVISION

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