

ORDINANCE NO. 2022-____

AN ORDINANCE APPROVING ANNEXATION OF LANDS TO BRYANT MUNICIPAL PROPERTY OWNERS' MULTIPURPOSE IMPROVEMENT DISTRICT NO. 62 (LOMBARD DEVELOPMENT LLC-CYPRESS VALLEY, PHASE 2)

WHEREAS, the Bryant Municipal Property Owners' Multipurpose Improvement District No. 62 Lombard Development LLC-Cypress Valley (the "District") was established by Bryant City Ordinance No. 2006-16 entered April 24, 2006; and

WHEREAS, the owners of the property described in Exhibit A hereto ("Petitioners") wish to be annexed into the District; 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 October 25, 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. 62 (Lombard Development LLC-Cypress Valley) 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

May 23, 2022

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

RE: Annexation to Bryant Municipal Property Owners' Multipurpose Improvement
District No. 62 (Lombard Development LLC-Cypress Valley, Phase 2)

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, appearing to read 'Peter G. Kumpe', written over the typed name.

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)

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. 62
(CYPRESS VALLEY, PHASE 2)
NO. CC2022-___**

TO THE CITY COUNCIL OF BRYANT, ARKANSAS:

For its Petition to Annex property to Bryant Municipal Property Owners' Multipurpose Improvement District No. 62 (Cypress Valley, Phase 2), 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. 62 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' Improvement District No. 62 was established by Bryant City Ordinance No. 2006-16 entered April 24, 2006.


4. Commissioners of the District, Gary Kennedy, Lindsey Kennedy and Lance Dougherty, 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. 62 (Cypress Creek, Phase 2) 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 21st day of April 2022.

KENNEDY DEVELOPMENT LLC

By:



Gary Kennedy, Managing Member

EXHIBIT A

LEGAL DESCRIPTION

Cypress Valley Subdivision, Phase 2 Legal Description

PART OF THE SE/4 SW/4 OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 14 WEST, IN SALINE COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NW/4 SW/4 OF SECTION 10, A FOUND 1/2" REBAR; THENCE S88°21'12"E 25.00 TO THE SOUTHWEST CORNER OF PHASE 1, MAGNOLIA VILLAGE, A FOUND 1/2" REBAR; THENCE AT PLATTED BEARING OF S88°21'12"E ALONG THE SOUTH BOUNDARY OF MAGNOLIA VILLAGE SUBDIVISION 635.00 FEET; THENCE S87°00'06"E 111.53 FEET TO A FOUND 5/8" REBAR; THENCE N88°08'26"E 50.33 FEET TO A FOUND 5/8" REBAR; THENCE S88°14'50"E 119.44 FEET TO A FOUND 5/8" REBAR; THENCE S88°16'00"E 122.25 FEET TO THE **POINT OF BEGINNING**, A FOUND 5/8" REBAR; THENCE S88°21'12"E 388.01 FEET ALONG SOUTH LINE OF MAGNOLIA VILLAGE PHASE 1 TO A SET 1/2" REBAR AND CAP; THENCE LEAVING THE SOUTH LINE OF MAGNOLIA VILLAGE PHASE 1 S2°13'39"W 780.22 FEET TO A FOUND 5/8" REBAR WITH CAP #1211, THENCE N88°18'50"W 30.04 FEET TO A FOUND #5 REBAR WITH CAP #1211, THENCE S02°16'52"W 193.55 FEET TO A FOUND #5 REBAR WITH CAP #1702, THENCE N87°58'28"W 354.55 FEET TO THE EAST BOUNDARY OF CYPRESS VALLEY PHASE 1; THENCE N02°02'17"E 135.20 FEET ALONG THE EAST BOUNDARY OF CYPRESS VALLEY PHASE 1; CONTINUING ALONG SAID BOUNDARY N01°57'11"E 50.00 FEET; N02°04'09"E 270.00 FEET; N01°52'16"E 50.00 FEET; N02°04'09"E 270.00 FEET; N01°57'13"E 50.00 FEET; N02°02'17"E 146.17 FEET TO THE SOUTH LINE OF MAGNOLIA VILLAGE PHASE 1, A FOUND #4 REBAR WITH HOPE CAP #1702 AND THE POINT OF BEGINNING. CONTAINING AN AREA OF 8.5 ACRES.

RESOLUTION

**RESOLUTION APPROVING ANNEXATION OF LANDS TO
BRYANT MUNICIPAL PROPERTY OWNERS'
MULTIPURPOSE IMPROVEMENT DISTRICT NO. 62
(LOMBARD DEVELOPMENT PROJECT)**

WHEREAS, the Bryant Municipal Property Owners' Multipurpose Improvement District No. 62 (Lombard Development Project) (the "District") was established by Bryant City Ordinance No. 2006-12 entered April 24, 2006; and

WHEREAS, the owners of the property described in Exhibit A hereto ("Petitioners") wish to be annexed into the District (to be known as Cypress Valley, Phase 2); 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:

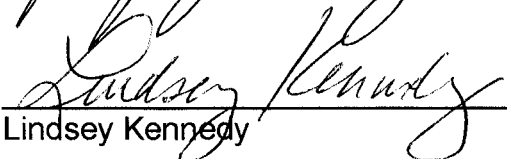
Section 1. That the annexation of the property described in Exhibit A to the District is hereby approved, ratified and confirmed.

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.

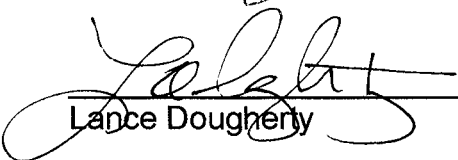
APPROVED AND ADOPTED this 29th day of April 2022.



Gary Kennedy



Lindsey Kennedy



Lance Dougherty

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY TO BE ANNEXED

Cypress Valley Subdivision, Phase 2

PART OF THE SE/4 SW/4 OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 14 WEST, IN SALINE COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NW/4 SW/4 OF SECTION 10, A FOUND 1/2" REBAR; THENCE S88°21'12"E 25.00 TO THE SOUTHWEST CORNER OF PHASE 1, MAGNOLIA VILLAGE, A FOUND 1/2" REBAR; THENCE AT PLATTED BEARING OF S88°21'12"E ALONG THE SOUTH BOUNDARY OF MAGNOLIA VILLAGE SUBDIVISION 635.00 FEET; THENCE S87°00'06"E 111.53 FEET TO A FOUND 5/8" REBAR; THENCE N88°08'26"E 50.33 FEET TO A FOUND 5/8" REBAR; THENCE S88°14'50"E 119.44 FEET TO A FOUND 5/8" REBAR; THENCE S88°16'00"E 122.25 FEET TO THE **POINT OF BEGINNING**, A FOUND 5/8" REBAR; THENCE S88°21'12"E 388.01 FEET ALONG SOUTH LINE OF MAGNOLIA VILLAGE PHASE 1 TO A SET 1/2" REBAR AND CAP; THENCE LEAVING THE SOUTH LINE OF MAGNOLIA VILLAGE PHASE 1 S2°13'39"W 780.22 FEET TO A FOUND 5/8" REBAR WITH CAP #1211, THENCE N88°18'50"W 30.04 FEET TO A FOUND #5 REBAR WITH CAP #1211, THENCE S02°16'52"W 193.55 FEET TO A FOUND #5 REBAR WITH CAP #1702, THENCE N87°58'28"W 354.55 FEET TO THE EAST BOUNDARY OF CYPRESS VALLEY PHASE 1; THENCE N02°02'17"E 135.20 FEET ALONG THE EAST BOUNDARY OF CYPRESS VALLEY PHASE 1; CONTINUING ALONG SAID BOUNDARY N01°57'11"E 50.00 FEET; N02°04'09"E 270.00 FEET; N01°52'16"E 50.00 FEET; N02°04'09"E 270.00 FEET; N01°57'13"E 50.00 FEET; N02°02'17"E 146.17 FEET TO THE SOUTH LINE OF MAGNOLIA VILLAGE PHASE 1, A FOUND #4 REBAR WITH HOPE CAP #1702 AND THE POINT OF BEGINNING. CONTAINING AN AREA OF 8.5 ACRES.

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 Kennedy Development, LLC 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. 62 (Cypress Valley, Phase 2), a copy of which Exhibit "A" is attached hereto and made a part hereof.

DATED this 17 day of May 2022.

FIRST NATIONAL TITLE COMPANY

By:

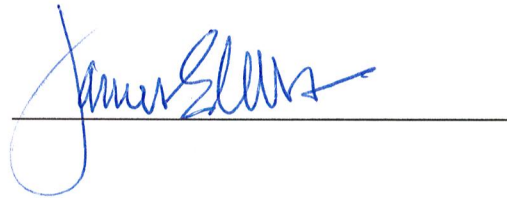
A handwritten signature in blue ink is written over a solid horizontal line. The signature is cursive and appears to read "James Glenn".

EXHIBIT A

Cypress Valley Subdivision, Phase 2 Legal Description

PART OF THE SE/4 SW/4 OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 14 WEST, IN SALINE COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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