

CITY OF AUSTIN, LONOKE COUNTY, ARKANSAS

ORDINANCE NO. 04-2005

FILED

JUN 16 2006

LONOKE CO. CLERK PUBLIC PEACEFUL

AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF AUSTIN, LONOKE COUNTY, ARKANSAS, AND MAKING SAME A PART OF THE CITY OF AUSTIN, ARKANSAS, AND ASSIGNING SAME TO WARDS; DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES

WHEREAS, a Petition was filed on the 31st day of May 2005, with the County Clerk of Lonoke County, Arkansas, by the majority of the real estate owners of the hereinafter described territory praying that said territory be annexed to, and made a part of the City of Austin, Arkansas; and

WHEREAS, on the 6th day of July 2005, the County Court of Lonoke County, Arkansas, found that the Petition was signed by a majority of the real estate owners in said territory; that said territory was contiguous and adjoining the present corporate limits of the City of Austin, Arkansas; that an accurate plat or map of said territory had been filed with and made a part of said Petition; that proper notice had been given for the time and in the manner prescribed by law, and that all things pertaining thereto had been done in the manner prescribed by law, and that said lands and territory should be annexed to and made a part of the City of Austin, Arkansas, subject to the acceptance of same by the City Council of said City at the proper time, as provided by law; and

WHEREAS, the time fixed by law for appealing from said Order of Annexation made by the County Court has expired and no appeal has been taken from said Order.

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

Section 1. That the following described lands and territory contiguous and adjoining the City of Austin, Arkansas, be and the same is hereby accepted as part of and annexed to and made a part of the City of Austin, Arkansas.


PART OF THE EAST HALF (E1/2) OF SECTION 8, AND PART OF THE SOUTHEAST QUARTER (SE1/4) SOUTHWEST QUARTER (SW1/4) SECTION 8, AND PART OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 9, AND PART OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 17 ALL IN T-4-N, R-9-W, LONOKE COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SW CORNER OF THE NE1/4 OF SECTION 8, T-4-N, R-9-W; THENCE S89°04'46"E, 485.00 FEET; TO THE POINT OF BEGINNING; THENCE N00°55'14"E, 260.00 FEET; THENCE N60°24'31"E, 307.99 FEET; THENCE N66°06'07"E, 249.84 FEET TO THE NW CORNER OF LOT 8 BLOCK 63 OF THE CITY OF AUSTIN; THENCE S46°46'43"E, 460.00 FEET TO THE SW CORNER OF LOT 7 BLOCK 64 OF THE CITY OF AUSTIN; THENCE N43°13'17"E, 1090.00 FEET TO A POINT ON THE SOUTH LINE OF LOT 7 BLOCK 68 OF THE CITY OF AUSTIN; THENCE N45°27'55"E, 829.84 FEET TO THE EAST LINE OF SAID SECTION 8; THENCE S00°35'44"W, 1608.97 FEET ALONG SAID EAST LINE TO THE NW CORNER OF THE SW1/4 OF SECTION 9, T-4-N, R-9-W; THENCE ALONG THE NORTH LINE OF SAID SW1/4 N89°59'26"E, 919.46 FEET; THENCE S01°02'42"W, 1320.00 FEET; THENCE N89°54'25"E, 35.64 FEET; THENCE S01°14'15"W, 523.38 FEET; THENCE S89°59'34"W, 959.64 FEET TO THE EAST LINE OF SECTION 8, T-4-N, R-9-W; THENCE S01°14'28"W ALONG SAID EAST LINE, 114.63 FEET; THENCE S89°58'45"W, 2210.61 FEET; THENCE S00°07'27"E, 657.43 FEET TO THE SOUTH LINE OF SAID SECTION 8; THENCE ALONG SAID SOUTH LINE S89°19'45"E, 191.68 FEET; THENCE LEAVING SAID SOUTH LINE S02°36'47"W, 447.04 FEET; THENCE S89°35'05"E, 210.02 FEET; THENCE S02°37'08"W, 1537.14 FEET; THENCE N89°13'57"W, 764.17 FEET; THENCE N00°39'29"E, 1561.15 FEET; THENCE S89°26'13"E, 399.00 FEET; THENCE N00°39'29"E, 418.10 FEET TO THE SOUTH LINE OF SAID SECTION 8; THENCE ALONG SAID SOUTH LINE N89°19'45"W, 399.00 FEET TO THE SE CORNER SW1/4 SECTION 8; THENCE CONTINUING ALONG SAID SOUTH LINE N89°25'12"W, 269.68 FEET; THENCE LEAVING SAID SOUTH LINE N00°07'27"W, 1349.18 FEET; THENCE N89°58'45"E, 292.99 FEET; THENCE S88°19'46"E, 1319.27 FEET; THENCE N00°56'56"E, 1319.24 FEET; THENCE N89°05'26"W, 836.08 FEET TO THE POINT OF BEGINNING, CONTAINING 200.36 ACRES, MORE OR LESS.

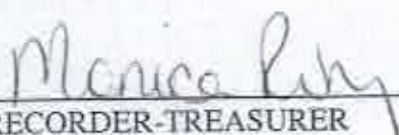
Section 2. That the above described territory shall be annexed to and made a part of Ward 3 of the City of Austin, Arkansas, and the same shall henceforth be a part of said ward as fully as existing parts of said ward.

Section 3. Emergency. Whereas, the proper use of and the annexing of lands is of great importance to the City of Austin, and this Ordinance being necessary for the immediate protection of the public health and safety, an emergency is hereby declared to exist and this ordinance shall be in full force and affect from and after its passage.

PASSED: 7-25-2005

APPROVED: 
MAYOR

ATTEST:


RECORDER-TREASURER

AGREEMENT AND WAIVER BY THE PROPERTY HOLDERS WITH THE
CORRECTION OF THE ANNEXATION OF PROPERTY BY THE CITY OF AUSTIN

FILED
JAN 26 2007
LONOKE CO. CLERK DAWN PORTERFIELD
BY *[Signature]*

We, as the property owners of all property that would be affected by the annexation of this property by the City of Austin, agree with the City of Austin that we have been properly noticed concerning the change of status of the property annexed on June 16, 2006. We attended the meeting that the City conducted to allow public input on the annexation of the below described property. It was our belief that the property that was excluded from the original filing by the city on July 6, 2005, instrument number Book 9 Page 268, was already a part of the City of Austin. And, it was and is all parties' and the City of Austin's intent that the property (described as:

PART OF THE EAST HALF (E ½) OF SECTION 8, AND PART OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 9, AND PART OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 17 ALL IN T-4-N, R-9-W, LONOKE COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SW CORNER OF THE NE ¼ OF SECTION 8, T-4-N, R-9-W; THENCE S89°04'46E, 485.00 FEET; TO THE POINT OF BEGINNING; THENCE N00°55'14"E, 260.00 FEET; THENCE N60°24'31"E, 307.99 FEET; THENCE N66°06'07"E, 1432.93 FEET; THENCE N45°27'55"E, 829.84 FEET; THENCE S00°35'44"W, 1608.97 FEET ALONG SAID EAST LINE TO THE EAST LINE OF THE SE ¼ OF SAID SECTION 8 TO THE NW CORNER OF THE SW ¼ OF SECTION 9, T-4-N, R-9-W; THENCE ALONG THE NORTH LINE OF SAID SW ¼ N89°59'26"E, 919.46 FEET; THENCE S01°02'42"W, 1320.00 FEET; THENCE N89°54'25"E, 35.64 FEET; THENCE S01°14'15"W, 523.38 FEET; THENCE S89°59'34"W, 959.64 FEET TO THE EAST LINE OF SECTION 8, T-4N, R-9-W; THENCE S01°14'28"W ALONG SAID EAST LINE, 114.63 FEET; THENCE S89°58'45"W, 2210.61 FEET; THENCE S00°07'27"E, 657.43 FEET TO THE SOUTH LINE OF SAID SECTION 8; THENCE ALONG SAID SOUTH LINE S89°26'13"E, 191.69 FEET; THENCE LEAVING SAID SOUTH LINE S02°36'47"W, 447.40 FEET; THENCE S89°35'05"E, 210.02 FEET; THENCE S02°37'08"W, 1537.14 FEET; THENCE N89°13'57"W, 764.17; THENCE N00°39'29"E, 1561.15 FEET; THENCE S89°26'13"E, 399.00 FEET; THENCE N00°39'29"E, 418.10 FEET TO THE SOUTH LINE OF SAID SECTION 8; THENCE ALONG SAID SOUTH LINE N89°19'45"W, 399.00 FEET TO THE SE CORNER SW ¼ SECTION 8; THENCE CONTINUING ALONG SAID SOUTH LINE N89°25'12"W, 269.68 FEET; THENCE LEAVING SAID SOUTH LINE N00°07'27"W, 1349.18 FEET; THENCE N89°58'45"E, 292.99 FEET; THENCE S88°19'46"E, 1319.27 FEET; THENCE N00°56'56"E, 1319.24 FEET; THENCE N89°05'26"W, 836.08 FEET TO THE POINT OF BEGINNING, CONTAINING 206.12 ACRES, MORE OR LESS.

was to be a part of the City of Austin. We agree that it was an error to exclude the property and that it should be corrected by filing a Scrivener's Affidavit so that all of the property will be a part of the City of Austin.

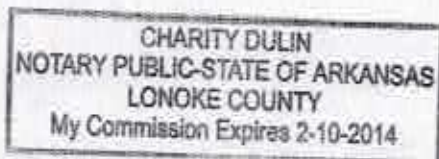
By signing this agreement we waive any and all obligation that was due to us concerning the change in this property's status and waive all rights, privileges, and/or recourse so as to allow inclusion of the property into the City of Austin by Lonoke County by the filing of a Scrivener's Affidavit.

We fully understand this waiver and had an opportunity to consult counsel on this matter.

Charity Dulin

Deborah Kaye Moore

James E Moore
C+M Dev. LLC



Charity Dulin
My Commission Expires 2-10-2014
1/25/2007

S02°37'08"W, 1537.14 FEET; THENCE N89°13'57"W, 764.17 FEET; THENCE N00°39'29"E, 1561.15 FEET; THENCE S89°26'13"E, 399.00 FEET; THENCE N00°39'29"E, 418.10 FEET TO THE SOUTH LINE OF SAID SECTION 8; THENCE ALONG SAID SOUTH LINE N89°19'45" W, 399.00 FEET TO THE SE CORNER SW ¼ SECTION 8; THENCE CONTINUING ALONG SAID SOUTH LINE N89°25'12"W, 269.68 FEET; THENCE LEAVING SAID SOUTH LINE N00°07'27"W, 1349.18 FEET; THENCE N89°58'45"E, 292.99 FEET; THENCE S88°19'46"E, 1319.27 FEET; THENCE N00°56'56"E, 1319.24 FEET; THENCE N89°05'26"W, 836.08 FEET TO THE POINT OF BEGINNING, CONTAINING 200.36 ACRES, MORE OR LESS.

The foregoing description contains a scrivener's error in that a section of property was excluded in the body of the Annexation. The error was unintentional. The proper legal description which should appear in the instruments recorded as Instrument No. Book 9 Page 268 in the office of the Circuit Clerk of Lonoke County, Arkansas, is as follows:

PART OF THE EAST HALF (E ½) OF SECTION 8, AND PART OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 9, AND PART OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 17 ALL IN T-4-N, R-9-W, LONOKE COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SW CORNER OF THE NE ¼ OF SECTION 8, T-4-N, R-9-W; THENCE S89°04'46"E, 485.00 FEET; TO THE POINT OF BEGINNING; THENCE N00°55'14"E, 260.00 FEET; THENCE N60°24'31"E, 307.99 FEET; THENCE N66°06'07"E, 1432.93 FEET; THENCE N45°27'55"E, 829.84 FEET; THENCE S00°35'44"W, 1608.97 FEET ALONG SAID EAST LINE TO THE EAST LINE OF THE SE ¼ OF SAID SECTION 8 TO THE NW CORNER OF THE SW ¼ OF SECTION 9, T-4-N, R-9-W; THENCE ALONG THE NORTH LINE OF SAID SW ¼ N89°59'26"E, 919.46 FEET; THENCE S01°02'42"W, 1320.00 FEET; THENCE N89°54'25"E, 35.64 FEET; THENCE S01°14'15"W, 523.38 FEET; THENCE S89°59'34"W, 959.64 FEET TO THE EAST LINE OF SECTION 8, T-4-N, R-9-W; THENCE S01°14'28"W ALONG SAID EAST LINE, 114.63 FEET; THENCE S89°58'45"W, 2210.61 FEET; THENCE S00°07'27"E, 657.43 FEET TO THE SOUTH LINE OF SAID SECTION 8; THENCE ALONG SAID SOUTH LINE S89°26'13"E, 191.69 FEET; THENCE LEAVING SAID SOUTH LINE S02°36'47"W, 447.40 FEET; THENCE S89°35'05"E, 210.02 FEET; THENCE S02°37'08"W, 1537.14 FEET; THENCE N89°13'57"W, 764.17; THENCE N00°39'29"E, 1561.15 FEET; THENCE S89°26'13"E, 399.00 FEET; THENCE N00°39'29"E, 418.10 FEET TO THE SOUTH LINE OF SAID SECTION 8; THENCE ALONG SAID SOUTH LINE N89°19'45"W, 399.00 FEET TO THE SE CORNER SW ¼ SECTION 8; THENCE CONTINUING ALONG SAID SOUTH LINE N89°25'12"W, 269.68 FEET; THENCE LEAVING SAID SOUTH LINE N00°07'27"W, 1349.18 FEET; THENCE N89°58'45"E, 292.99 FEET; THENCE S88°19'46"E, 1319.27 FEET; THENCE N00°56'56"E, 1319.24 FEET; THENCE N89°05'26"W, 836.08 FEET TO THE POINT OF BEGINNING, CONTAINING

206.12 ACRES, MORE OR LESS.

This Affidavit is made of my personal knowledge to correct the error above described.

Executed this 25th day of January, 2007.

Mary Bernadette Chanley
Affiant

STATE OF ARKANSAS

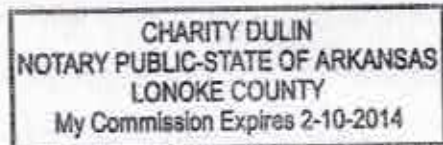
COUNTY OF Lonoke

On this 25th day of January, 2007, before me, a Notary Public in and for said state, personally appeared Bernadette Chanley, known to me to be the same person who executed the within instrument, and acknowledge to me that she executed the same for the purpose therein stated.

Charity Dulin
Notary Public

My Commission Expires:

2/10/2014



Prepared by:
Tim Blair
City Attorney for the City of Austin
P.O. Box 1386
Cabot, AR 72023
(501) 628-5000

FILED

JAN 26 2007

LONOKE CO. CLERK DAWN PORTERFIELD
BY *[Signature]*

SCRIVENER'S AFFIDAVIT

STATE OF ARKANSAS

COUNTY OF LONOKE

Comes now Bernadette Chamberlain, Mayor of the City of Austin, who is over eighteen (18) years of age and whose address is P.O. Box 129, Austin, AR 72007 and would state as follows:

On the 25th day of January, 2007, I prepared the below described Annexation for the City of Austin.

Recorded as Instrument No. Book 9 on Page 268 June 16, 2006 in the Office of the Circuit Clerk of Lonoke County, Arkansas is a _____ purporting to describe certain real property that was annexed by the City of Austin into its city boundaries.

The description that appears on record in the Annexation is set forth as follows:

PART OF THE EAST HALF (E ½) OF SECTION 8, AND PART OF THE SOUTHEAST QUARTER (SE ¼) SOUTHWEST QUARTER (SW ¼) SECTION 8, AND PART OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 9, AND PART OF THE NORTH EAST QUARTER (NE ¼) OF SECTION 17 ALL IN T-4-N, R-9-W, LONOKE COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOW:

COMMENCING AT THE SW CORNER OF THE NE1/4 OF SECTION 8, T-4-N, R-9-W; THENCE S89°04'46"E, 485.00 FEET; TO THE POINT OF BEGINNING; THENCE N00°55'14"E, 260.00 FEET; THENCE N 60°24'31"E, 307.99 FEET; THENCE N66°06'07"E, 249.84 FEET TO THE NW CORNER OF LOT 8 BLOCK 63 OF THE CITY OF AUSTIN; THENCE S46°46'43"E, 460.00 FEET TO THE SW CORNER OF LOT 7 BLOCK 64 OF THE CITY OF AUSTIN; THENCE N43°13'17"E, 1090.00 FEET TO A POINT ON THE SOUTH LINE OF LOT 7 BLOCK 68 OF THE CITY OF AUSTIN; THENCE N45°27'55"E, 829.84 FEET TO THE EAST LINE OF SAID SECTION 8; THENCE S00°35'44"W, 1608.97 FEET ALONG SAID EAST LINE TO THE NW CORNER OF THE SW ¼ OF SECTION 9, T-4-N, R-9-W; THENCE ALONG THE NORTH LINE OF SAID SW ¼ N89°59'26" E, 919.46 FEET; THENCE S01°02'42"W, 1320.00 FEET ; THENCE N89°54'25"E, 35.64 FEET; THENCE S01°14'15"W, 523.38 FEET, THENCE S89°59'34" W, 959.64 FEET TO THE EAST LINE OF SECTION 8, T-4-N, R-9-W; THENCE S01°14'28"W ALONG SAID EAST LINE, 114.63 FEET; THENCE S89°58'45"W, 2210.61 FEET; THENCE S00°07'27"E, 657.43 FEET TO THE SOUTH LINE OF SAID SECTION 8; THENCE ALONG SAID SOUTH LINE S89°19'45"E, 191.68 FEET; THENCE LEAVING SAID SOUTH LINE S02°36'47"W, 447.04 FEET; THENCE S89°35'05"E, 210.02 FEET; THENCE



State of Arkansas Secretary of State

Charlie Daniels
Secretary of State

Business & Commercial Services	682-5409
Elections	682-5070
Building & Grounds	682-5407
Communications & Education	683-0057
State Capitol Police	682-5173
Business Office	682-8032
Information Technology	682-5411

June 19, 2006

The Honorable Prudie Percefull
Lonoke County Clerk
Post Office Box 188
Lonoke, AR 72086

Dear Ms. Percefull:

The Following Information has been recorded and filed in the Office of the Secretary of State:

Date: 06/19/2006 **County:** Lonoke **City:** Austin

Annexation:

Ordinance No. -	04/2005
Co. Order No -	2005-113
Plat	- X
Election	-
Island	-

Incorporation:

Ordinance No.	-
Co. Order No.	-
Plat	-
Election	-

Census Information: The following City or Town has been upgraded or reduced to:

1st Class City	-
2nd Class City	-
Incorporated Town	-

I have forwarded this information to the Arkansas Municipal League and the Arkansas Highway and Transportation Department. If you have any further questions please do not hesitate to contact me at 1-800-482-1127 or 682-3526

Sincerely,

Tena Arnold
Election Services Representative
Arkansas Secretary of State

FILED

JUL 06 2005

LONOKE CO. CLERK PHOENIX PERCEFULL
BY *[Signature]*

IN THE COUNTY COURT OF LONOKE COUNTY, ARKANSAS

IN THE MATTER OF ANNEXING TO THE
CITY OF AUSTIN, ARKANSAS, CERTAIN
TERRITORY CONTIGUOUS TO THE CITY
OF AUSTIN, LONOKE COUNTY, ARKANSAS

NO: C 2005-113

ORDER

On this a regular day of a regular term of the County Court of Lonoke County, Arkansas, there is presented to the Court by David Reed, agent of the petitioners, a petition for annexation of certain territory, hereinafter more particularly described, to the City of Austin, Arkansas; and the Court being fully advised of the facts and the law, doth hereby find, judge and decree as follows:

The Court finds that the petition was filed more than thirty (30) days prior to this date and that in said petition the said David Reed was selected by the petitioners to act on their behalf in filing and presenting the petition.

The Court doth find that a majority of the total number of real estate owners in the area affected by this petition have signed said petition and that such majority owns more than one-half of the acreage affected.

The Court further finds that the territory sought to be annexed was accurately described in said petition and that said territory is contiguous to the boundaries of the City of Austin, Arkansas.

The Court further finds that attached to and made a part of said petition is an accurate map of the territory sought to be annexed to the City of Austin.

The Court further finds that the prayer of the petition is right and proper.

WHEREFORE, the Court doth hereby ORDER, JUDGE and DECREE that the following described territory be and the same is hereby annexed to and made a part of the City of Austin, Arkansas, to-wit:

PART OF THE EAST HALF (E1/2) OF SECTION 8, AND PART OF THE SOUTHEAST QUARTER (SE1/4) SOUTHWEST QUARTER (SW1/4) SECTION 8, AND PART OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 9, AND PART OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 17 ALL IN T-4-N, R-9-W, LONOKE COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CERTIFIED COPY

STATE OF ARKANSAS, COUNTY OF LONOKE
I, Phoebe Percefull, County Clerk within and to the County and State aforesaid, do hereby certify that the enclosed and foregoing instrument of writing is a true and correct copy of Order C-2005-113 Recorded on this 16th day of June 20 06 Recorded Book Vol. 9 Page 265
IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the seal of said Court on the 16th day of June 20 06
[Signature] Clerk

RECORDED

9

PAGE 265

COMMENCING AT THE SW CORNER OF THE NE1/4 OF SECTION 8, T-4-N, R-9-W; THENCE S89°04'46"E, 485.00 FEET; TO THE POINT OF BEGINNING; THENCE N00°55'14"E, 260.00 FEET; THENCE N60°24'31"E, 307.99 FEET; THENCE N66°06'07"E, 249.84 FEET TO THE NW CORNER OF LOT 8 BLOCK 63 OF THE CITY OF AUSTIN; THENCE S46°46'43"E, 460.00 FEET TO THE SW CORNER OF LOT 7 BLOCK 64 OF THE CITY OF AUSTIN; THENCE N43°13'17"E, 1090.00 FEET TO A POINT ON THE SOUTH LINE OF LOT 7 BLOCK 68 OF THE CITY OF AUSTIN; THENCE N45°27'55"E, 829.84 FEET TO THE EAST LINE OF SAID SECTION 8; THENCE S00°35'44"W, 1608.97 FEET ALONG SAID EAST LINE TO THE NW CORNER OF THE SW1/4 OF SECTION 9, T-4-N, R-9-W; THENCE ALONG THE NORTH LINE OF SAID SW1/4 N89°59'26"E, 919.46 FEET; THENCE S01°02'42"W, 1320.00 FEET; THENCE N89°54'25"E, 35.64 FEET; THENCE S01°14'15"W, 523.38 FEET; THENCE S89°59'34"W, 959.64 FEET TO THE EAST LINE OF SECTION 8, T-4-N, R-9-W; THENCE S01°14'28"W ALONG SAID EAST LINE, 114.63 FEET; THENCE S89°58'45"W, 2210.61 FEET; THENCE S00°07'27"E, 657.43 FEET TO THE SOUTH LINE OF SAID SECTION 8; THENCE ALONG SAID SOUTH LINE S89°19'45"E, 191.68 FEET; THENCE LEAVING SAID SOUTH LINE S02°36'47"W, 447.04 FEET; THENCE S89°35'05"E, 210.02 FEET; THENCE S02°37'08"W, 1537.14 FEET; THENCE N89°13'57"W, 764.17 FEET; THENCE N00°39'29"E, 1561.15 FEET; THENCE S89°26'13"E, 399.00 FEET; THENCE N00°39'29"E, 418.10 FEET TO THE SOUTH LINE OF SAID SECTION 8; THENCE ALONG SAID SOUTH LINE N89°19'45"W, 399.00 FEET TO THE SE CORNER SW1/4 SECTION 8; THENCE CONTINUING ALONG SAID SOUTH LINE N89°25'12"W, 269.68 FEET; THENCE LEAVING SAID SOUTH LINE N00°07'27"W, 1349.18 FEET; THENCE N89°58'45"E, 292.99 FEET; THENCE S88°19'46"E, 1319.27 FEET; THENCE N00°56'56"E, 1319.24 FEET; THENCE N89°05'26"W, 836.08 FEET TO THE POINT OF BEGINNING, CONTAINING 200.36 ACRES, MORE OR LESS.

The Court doth further order that the original papers in this cause be delivered to the Clerk of Lonoke County, Arkansas, same to be properly recorded upon the records of Lonoke County, Arkansas, and the Clerk, after properly recording and filing the original papers, prepare transcripts of same; that one of the certified transcripts be delivered to the City of Austin, Arkansas; one copy to the Secretary of State, and one copy to the Director of the Tax Division of the Arkansas Public Service Commission.

DATED THIS 6 DAY OF July, 2005.


Judge Charlie Troutman

RECORDED

9 PAGE 26p

FILED

MAY 31 2005

IN THE COUNTY COURT OF LONOKE COUNTY, ARKANSAS

LONOKE CO. CLERK PRIME PERCEFULL
BY *[Signature]*

IN THE MATTER OF ANNEXING TO THE
CITY OF AUSTIN, ARKANSAS, CERTAIN
TERRITORY CONTIGUOUS TO THE CITY
OF AUSTIN, LONOKE COUNTY, ARKANSAS

NO: C-2005-113

ANNEXATION PETITION

Comes the undersigned Petitioners and for their Annexation Petition, state:

1. That the undersigned represent a majority of the real estate owners of the within described real property as defined in Ark. Code. Ann. Section 14-40-601 (b).

2. That they desire that the following real property be annexed to and made a part of the City of Austin, Lonoke County, Arkansas:

PART OF THE EAST HALF (E1/2) OF SECTION 8, AND PART OF THE SOUTHEAST QUARTER (SE1/4) SOUTHWEST QUARTER (SW1/4) SECTION 8, AND PART OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 9, AND PART OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 17 ALL IN T-4-N, R-9-W, LONOKE COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SW CORNER OF THE NE1/4 OF SECTION 8, T-4-N, R-9-W; THENCE S89°04'46"E, 485.00 FEET; TO THE POINT OF BEGINNING; THENCE N00°55'14"E, 260.00 FEET; THENCE N60°24'31"E, 307.99 FEET; THENCE N66°06'07"E, 249.84 FEET TO THE NW CORNER OF LOT 8 BLOCK 63 OF THE CITY OF AUSTIN; THENCE S46°46'43"E, 460.00 FEET TO THE SW CORNER OF LOT 7 BLOCK 64 OF THE CITY OF AUSTIN; THENCE N43°13'17"E, 1090.00 FEET TO A POINT ON THE SOUTH LINE OF LOT 7 BLOCK 68 OF THE CITY OF AUSTIN; THENCE N45°27'55"E, 829.84 FEET TO THE EAST LINE OF SAID SECTION 8; THENCE S00°35'44"W, 1608.97 FEET ALONG SAID EAST LINE TO THE NW CORNER OF THE SW1/4 OF SECTION 9, T-4-N, R-9-W; THENCE ALONG THE NORTH LINE OF SAID SW1/4 N89°59'26"E, 919.46 FEET; THENCE S01°02'42"W, 1320.00 FEET; THENCE N89°54'25"E, 35.64 FEET; THENCE S01°14'15"W, 523.38 FEET; THENCE S89°59'34"W, 959.64 FEET TO THE EAST LINE OF SECTION 8, T-4-N, R-9-W; THENCE S01°14'28"W ALONG SAID EAST LINE, 114.63 FEET; THENCE S89°58'45"W, 2210.61 FEET; THENCE S00°07'27"E, 657.43 FEET TO THE SOUTH LINE OF SAID SECTION 8; THENCE ALONG SAID SOUTH LINE S89°19'45"E, 191.68 FEET; THENCE LEAVING SAID SOUTH LINE S02°36'47"W, 447.04 FEET; THENCE S89°35'05"E, 210.02 FEET; THENCE S02°37'08"W, 1537.14 FEET; THENCE N89°13'57"W, 764.17 FEET; THENCE N00°39'29"E, 1561.15 FEET; THENCE S89°26'13"E, 399.00 FEET; THENCE N00°39'29"E, 418.10 FEET TO THE SOUTH LINE OF SAID SECTION 8; THENCE ALONG SAID SOUTH LINE N89°19'45"W, 399.00 FEET TO THE SE

RECORDED

BOOK 9 PAGE 262

CORNER SW1/4 SECTION 8; THENCE CONTINUING ALONG SAID SOUTH LINE N89°25'12"W, 269.68 FEET; THENCE LEAVING SAID SOUTH LINE N00°07'27"W, 1349.18 FEET; THENCE N89°58'45"E, 292.99 FEET; THENCE S88°19'46"E, 1319.27 FEET; THENCE N00°56'56"E, 1319.24 FEET; THENCE N89°05'26"W, 836.08 FEET TO THE POINT OF BEGINNING, CONTAINING 200.36 ACRES, MORE OR LESS.

3. That the above-described property is contiguous to and adjoining the present corporate limits of the City of Austin, Lonoke County, Arkansas.

4. That an accurate survey map thereof has been made and attached hereto as Exhibit "A" and made a part hereof.

5. That David Reed has been appointed and authorized to act on behalf of the Petitioners.

WHEREFORE, Petitioners pray that the Clerk file this Petition, and that the Court set a date not less than thirty (30) days after the filing of this Petition for a Hearing on the Petition for the annexing of the above-described property.

PETITIONERS ADDRESS

C & M DEVELOPMENT, LLC.

James E. Moore
Carvin Carvish

TAYLOR MADE DEVELOPMENT, LLC.

David Reed
William J. [Signature]

RECORDED

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss
COUNTY OF Lonoke)

On this day, before me, the undersigned, a Notary Public, duly commissioned, qualified, and acting, within and for said County and State, appeared in person the within named Petitioners,

James E Moore
Calvin Carlisle
David Reed
Darner Waymack

to me personally well known, whose names are subscribed to the foregoing instrument and acknowledged that they had executed the same for the purposes set forth therein and that the facts so stated were true to the best of their knowledge and belief.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal on this 26 day of May, 2005.



Alison Tucker
Notary Public

My Commission Expires:
12-29-13

RECORDED

--- 9 --- PAGE 269

Orchard, Shadow Creek, Gwapaw, Justice Subdivision

C-2005-113

CITY OF AUSTIN, LONOKE COUNTY, ARKANSAS

ORDINANCE NO. *04-2005*

FILED

JUN 16 2006

LONOKE CO. CLERK PRUDIE PERCEFULL
BY *[Signature]*

AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF AUSTIN, LONOKE COUNTY, ARKANSAS, AND MAKING SAME A PART OF THE CITY OF AUSTIN, ARKANSAS, AND ASSIGNING SAME TO WARDS; DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES

WHEREAS, a Petition was filed on the 31st day of May 2005, with the County Clerk of Lonoke County, Arkansas, by the majority of the real estate owners of the hereinafter described territory praying that said territory be annexed to, and made a part of the City of Austin, Arkansas; and

WHEREAS, on the 6th day of July 2005, the County Court of Lonoke County, Arkansas, found that the Petition was signed by a majority of the real estate owners in said territory; that said territory was contiguous and adjoining the present corporate limits of the City of Austin, Arkansas; that an accurate plat or map of said territory had been filed with and made a part of said Petition; that proper notice had been given for the time and in the manner prescribed by law, and that all things pertaining thereto had been done in the manner prescribed by law, and that said lands and territory should be annexed to and made a part of the City of Austin, Arkansas, subject to the acceptance of same by the City Council of said City at the proper time, as provided by law; and

WHEREAS, the time fixed by law for appealing from said Order of Annexation made by the County Court has expired and no appeal has been taken from said Order.

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

CERTIFIED COPY

STATE OF ARKANSAS, COUNTY OF LONOKE
I, Prudie Percfull, County Clerk within and to the County and
herby certify that the herein and foregoing instrument of writing
copy of *Ordinance 04-2005* Per *1644*
day of *June* 2006 Recorded Book Vol. *2* *268*
IN TESTIMONY WHEREOF I have hereunto set my hand &
Court on the *16th* day of *June* 2006
[Signature]
[Signature]

RECORDED

page 9 PAGE 268

Section 1. That the following described lands and territory contiguous and adjoining the City of Austin, Arkansas, be and the same is hereby accepted as part of and annexed to and made a part of the City of Austin, Arkansas.

PART OF THE EAST HALF (E1/2) OF SECTION 8, AND PART OF THE SOUTHEAST QUARTER (SE1/4) SOUTHWEST QUARTER (SW1/4) SECTION 8, AND PART OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 9, AND PART OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 17 ALL IN T-4-N, R-9-W, LONOKE COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SW CORNER OF THE NE1/4 OF SECTION 8, T-4-N, R-9-W; THENCE S89°04'46"E, 485.00 FEET; TO THE POINT OF BEGINNING; THENCE N00°55'14"E, 260.00 FEET; THENCE N60°24'31"E, 307.99 FEET; THENCE N66°06'07"E, 249.84 FEET TO THE NW CORNER OF LOT 8 BLOCK 63 OF THE CITY OF AUSTIN; THENCE S46°46'43"E, 460.00 FEET TO THE SW CORNER OF LOT 7 BLOCK 64 OF THE CITY OF AUSTIN; THENCE N43°13'17"E, 1090.00 FEET TO A POINT ON THE SOUTH LINE OF LOT 7 BLOCK 68 OF THE CITY OF AUSTIN; THENCE N45°27'55"E, 829.84 FEET TO THE EAST LINE OF SAID SECTION 8; THENCE S00°35'44"W, 1608.97 FEET ALONG SAID EAST LINE TO THE NW CORNER OF THE SW1/4 OF SECTION 9, T-4-N, R-9-W; THENCE ALONG THE NORTH LINE OF SAID SW1/4 N89°59'26"E, 919.46 FEET; THENCE S01°02'42"W, 1320.00 FEET; THENCE N89°54'25"E, 35.64 FEET; THENCE S01°14'15"W, 523.38 FEET; THENCE S89°59'34"W, 959.64 FEET TO THE EAST LINE OF SECTION 8, T-4-N, R-9-W; THENCE S01°14'28"W ALONG SAID EAST LINE, 114.63 FEET; THENCE S89°58'45"W, 2210.61 FEET; THENCE S00°07'27"E, 657.43 FEET TO THE SOUTH LINE OF SAID SECTION 8; THENCE ALONG SAID SOUTH LINE S89°19'45"E, 191.68 FEET; THENCE LEAVING SAID SOUTH LINE S02°36'47"W, 447.04 FEET; THENCE S89°35'05"E, 210.02 FEET; THENCE S02°37'08"W, 1537.14 FEET; THENCE N89°13'57"W, 764.17 FEET; THENCE N00°39'29"E, 1561.15 FEET; THENCE S89°26'13"E, 399.00 FEET; THENCE N00°39'29"E, 418.10 FEET TO THE SOUTH LINE OF SAID SECTION 8; THENCE ALONG SAID SOUTH LINE N89°19'45"W, 399.00 FEET TO THE SE CORNER SW1/4 SECTION 8; THENCE CONTINUING ALONG SAID SOUTH LINE N89°25'12"W, 269.68 FEET; THENCE LEAVING SAID SOUTH LINE N00°07'27"W, 1349.18 FEET; THENCE N89°58'45"E, 292.99 FEET; THENCE S88°19'46"E, 1319.27 FEET; THENCE N00°56'56"E, 1319.24 FEET; THENCE N89°05'26"W, 836.08 FEET TO THE POINT OF BEGINNING, CONTAINING 200.36 ACRES, MORE OR LESS.

Section 2. That the above described territory shall be annexed to and made a part of Ward 3 of the City of Austin, Arkansas, and the same shall henceforth be a part of said ward as fully as existing parts of said ward.

RECORDED

--- 9 PAGE 269

Section 3. Emergency. Whereas, the proper use of and the annexing of lands is of great importance to the City of Austin, and this Ordinance being necessary for the immediate protection of the public health and safety, an emergency is hereby declared to exist and this ordinance shall be in full force and affect from and after its passage.

PASSED: 7-25-2005

APPROVED: *Stevie Chanter*
MAYOR

ATTEST:

Monica Rhy
RECORDER-TREASURER

RECORDED

BOOK 9 PAGE 210