

O-15-65

ORDINANCE NO. _____

**AN ORDINANCE ESTABLISHING THE NORTHSHORE LANE
MULTI-PURPOSE MUNICIPAL IMPROVEMENT DISTRICT
NO. 36 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS;
DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

WHEREAS, a petition, purporting to be signed by the owners of more than a majority in assessed value of the real property described therein, was filed with the City Clerk of North Little Rock, Arkansas and was scheduled for public hearing on April 13, 2015 but delayed until requested by a petitioner; and

WHEREAS, on May 12, 2015, an amended petition was filed with the City Clerk of the City of North Little Rock, Arkansas, purporting to be signed by the owners of more than a majority in value of assessed value of the real property described within the petition ("Property"), praying that a municipal improvement district be established for the purposes set forth herein, said amended petition being attached hereto as "Exhibit A"; and

WHEREAS, after due notice by the petitioner as required by law, the City Council of City of North Little Rock, Arkansas (the "City Council") has heard all parties desired to be heard.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That owners of more than a majority in value of assessed value of the real property described in the Petition signed the Petition, and there is hereby established a municipal improvement district (the "District") within the Property, for the purposes of constructing the Proposed Improvements (as hereinafter described) including, but not limited to, purchasing, accepting as a gift, constructing, opening, grading, or otherwise improving streets, either within the boundaries of the District, or beyond the boundaries and beyond the limits of the city of North Little Rock if the property in the District will be benefitted thereby, including the acquisition of rights-of-way by purchase or the exercise of the power of eminent domain as provided in A.C.A. § 14-91-104 and the payment of damages for the taking or injuring of property resulting from the making of any such improvement, as provided by law, or to pay for any local improvement of a public nature theretofore made, by which the property within the District has benefitted; for the purpose of paying the principal of and interest on any bonds at any time authorized and issued by any such District pursuant to and in the manner and for the purposes specified herein; for the purpose of constructing the roadway as shown on the drawing affixed to and described in the petition; and doing all things now or hereafter permitted under applicable law to be done and performed by Municipal Improvement Districts in conjunction with the construction of said roadway,

either within or without the boundaries of the District if the property of the District will be benefitted thereby.

SECTION 2: The district shall be known as Northshore Lane Multi-Purpose Municipal Improvement District No. 36 of North Little Rock, Arkansas. Eugene M. Pfeifer, III, Matt Chandler, whose names appear in the petition, and other such individuals as selected by the North Little Rock City Council, each of whom owns property within the proposed District or is an officer, director, stockholder, trustee, employee or other designated representative of a corporation, partnership, trust or other legal entity which owns real property within the proposed District, are named Commissioners who shall constitute the Board of the District.

SECTION 3: Any ordinances or parts of ordinances that are in conflict herewith are hereby repealed to the extent they conflict with this ordinance.

SECTION 4: That the provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 5: It has been found, and it is hereby declared, by the City Council that the improvements to Northshore Lane present an imminent threat to sales tax revenues, property tax revenues, and the fair and reasonable use of area property such that the provisions of this Ordinance are immediately necessary for infrastructure needed within the City of North Little Rock, Arkansas; THEREFORE, an emergency is hereby declared to exist, and this Ordinance being necessary for the preservation of the public peace, health and safety, shall be in full force and effect upon its passage and approval.

PASSED:

APPROVED:

Mayor Joe A. Smith

SPONSOR:

ATTEST:



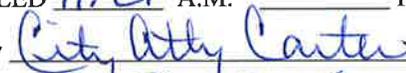
Mayor Joe A. Smith

Diane Whitbey, City Clerk

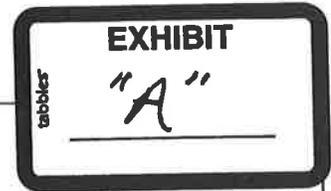
APPROVED AS TO FORM:



C. Jason Carter, City Attorney

| | | | | |
|---|---|------|-------|------|
| FILED | 11:21 | A.M. | _____ | P.M. |
| By |  | | | |
| DATE | 8-18-15 | | | |
| Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas | | | | |
| RECEIVED BY |  | | | |

PREPARED BY HARDEN & GRACE, P.A./GRH
AND FORMATTED BY OFFICE OF THE CITY ATTORNEY



NOTICE

YOUR SIGNATURE HEREON
SHOWS THAT YOU FAVOR THE
ESTABLISHMENT OF AN
IMPROVEMENT DISTRICT. IF
THE DISTRICT IS FORMED, YOU
MAY BE CHARGED FOR THE COST
OF THE IMPROVEMENTS.

IN RE: NORTHSHORE LANE MULTI-PURPOSE MUNICIPAL IMPROVEMENT
DISTRICT NO. [tbd] OF NORTH LITTLE ROCK, ARKANSAS

**AMENDED AND RESTATED PETITION FOR FORMATION OF
MUNICIPAL IMPROVEMENT DISTRICT**

TO THE CITY COUNCIL FOR THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

The undersigned ("Petitioner") is the record owner of a majority in value of owners as shown by the last county assessment by the Pulaski County Assessor's office for all real property within the area of the proposed municipal improvement district ("Proposed District") and Petitioner does hereby petition the City Council for the City of North Little Rock, Arkansas ("Council"), under Chapter 88 of Title 14, Subtitle 11 of the Arkansas Code of 1987 Annotated, to lay off into a municipal improvement district the real property described in **Exhibit "A,"** attached hereto and incorporated herein by reference. **Exhibit "B,"** attached hereto and incorporated

herein by reference, is a map of the area of the Proposed District. The Proposed District shall be organized for the purposes of constructing the Proposed Improvements (as herein described) including, but not limited to, purchasing, accepting as a gift, constructing, opening, grading, or otherwise improving the designated streets, either within the boundaries of the Proposed District, or beyond the boundaries and beyond the limits of the city of North Little Rock if the property in the Proposed District will be benefitted thereby, including the acquisition of rights-of-way by purchase or the exercise of the power of eminent domain as provided in A.C.A. § 14-91-104 and the payment of damages for the taking or injuring of property resulting from the making of any such Proposed Improvement, as provided by law, or to pay for any local improvement of a public nature theretofore made, by which the property within the Proposed District has benefitted; for the purpose of paying the principal of and interest on any bonds at any time authorized and issued by any such Proposed District pursuant to and in the manner and for the purposes specified herein; all for the purpose of the construction of the roadway for Northshore Lane from and connecting Crystal Hill Road to the southern most boundary of the Proposed District to connect to existing Northshore Lane either as shown on the drawing marked **Exhibit "C,"** affixed hereto and by this reference made a part hereof (the "Alternative I Proposed Improvements") or as shown on the drawing marked **Exhibit "D"** affixed hereto and by this reference made a part hereof (the "Alternative II Proposed Improvements"), said Alternative I Proposed Improvements constituting approximately 3,200 linear feet of newly constructed roadway and said Alternative II Proposed Improvements constituting approximately 3,700 linear feet of newly constructed roadway. The Commissioners of the Proposed District shall have the right to determine whether to construct the Alternative I Proposed Improvements or the Alternative II Proposed Improvements. Further, if

approvals may be obtained to do so, the Proposed Improvements shall include the construction of a traffic signal at the intersection of the intersection at roadway constructed as Northshore Lane and Crystal Hill Road (the "Signal"). The Proposed District shall do all of either the Alternative I Proposed Improvements or the Alternative II Proposed Improvements and/or the Signal in such manner, and with such materials, as the commissioners to be appointed for the Proposed District shall deem to be for the best interest of said Proposed District, and that the costs thereof shall be assessed and charged upon the land described in **Exhibit "A."** The term, "Proposed Improvements", shall refer to the Signal and whichever of the Alternative I Proposed Improvements or the Alternative II Proposed Improvements the commissioners determine to construct.

The cost of the Proposed Improvements and related costs and expenses shall be assessed and charged upon the above described real property in the Proposed District. In the event the annual debt service, if any, incurred to finance the cost of the Proposed Improvements and/or the annual operation and maintenance expenses shall, because of inflation or other causes, exceed the annual income of the assessment authorized above, said assessment of benefits may be readjusted as presently provided by law.

The Petitioner petitions the Council to name as commissioners of the Proposed District, Eugene M. Pfeifer, III, Matt Chandler and such other individuals as selected by the Council, each of whom is an individual of integrity and good business ability and is an individual who owns property within the Proposed District or is an officer, director, stockholder, trustee, employee or other designated representative of a corporation, partnership, trust or other legal entity which owns real property within the Proposed District.

FILED _____ A.M. 2:41 P.M.

BY Robert Hardin

DATE 5-12-15

Diane Whitbey, City Clerk and Collector

North Little Rock, Arkansas
RECEIVED by H. Thomas

The Petitioner petitions the Council to select as the Proposed District's name "Northshore Lane Multi-Purpose Municipal Improvement District No. [tbd] of North Little Rock, Arkansas."

All of the real property in the Proposed District lies within the city of North Little Rock, Arkansas, and none of the real property to be included in the Proposed District lies in more than one (1) municipality.

This Amended and Restated Petition for the Formation of Municipal Improvement District is intended to replace and amend that Petition for the Formation of Municipal Improvement District filed by the Petitioner with the North Little Rock City Clerk on March 27, 2015.

[signature of Petitioner is set forth on the following Page 5]

PETITIONER:

Name of Petitioner:

Pfeifer Family Limited Partnership #1

By:



Eugene M. Pfeifer, III, General Partner

Parcel Number of Property Owned:

Parcel # 43N-013.00-016.02

And Parcel # 43N-013.00-003.00

Date: May 7, 2015

EXHIBIT "A"

**Northshore Lane Multi-Purpose Municipal
Improvement District No. [tbd] of North Little Rock, Arkansas**

DESCRIPTION

PART OF THE E1/2 OF SECTION 13, T-2-N, R-13-W, PULASKI COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE NW1/4 SE1/4, SAID SECTION 13; THENCE S02°35'31"W ALONG THE EAST LINE OF SAID NW1/4 SE1/4, 341.84 FT.; THENCE N87°24'28"W, 430.00 FT.; THENCE N89°10'51"W, 243.24 FT.; THENCE N68°10'27"W, 222.20 FT.; THENCE N07°50'03"E, 340.97 FT.; THENCE WESTERLY ALONG THE ARC OF A 1040.00 FT. RADIUS CURVE TO THE RIGHT, A CHORD BEARING AND DISTANCE OF N75°10'12"W, 253.34 FT.; THENCE N68°10'27"W, 232.29 FT. TO A POINT ON THE WEST LINE OF THE SW1/4 NE1/4 OF SAID SECTION 13; THENCE N01°59'19"E ALONG SAID WEST LINE, 510.03 FT.; THENCE EASTERLY ALONG THE FOLLOWING BEARINGS AND DISTANCES: N44°29'20"E, 202.36 FT.; N60°20'20"E, 83.77 FT.; N67°23'19"E, 150.08 FT.; S88°36'36"E, 103.00 FT.; S80°56'42"E, 64.56 FT.; S73°27'45"E, 77.92 FT.; S42°44'45"E, 79.99 FT.; S56°07'30"E, 117.63 FT.; S41°48'41"E, 101.78 FT.; S52°33'04"E, 108.81 FT.; S56°15'29"E, 65.96 FT.; S34°20'47"E, 80.72 FT.; S24°53'46"E, 66.10 FT.; S31°30'21"E, 28.94 FT.; S53°58'30"E, 56.75 FT.; S57°19'47"E, 90.33 FT.; S59°23'25"E, 80.24 FT. AND S51°48'25"E, 74.73 FT. TO A POINT ON THE EAST LINE OF SAID SW1/4 NE1/4; THENCE S00°29'15"W ALONG SAID EAST LINE, 348.11 FT. TO THE POINT OF BEGINNING, CONTAINING 28.128 ACRES MORE OR LESS.

AND

PART OF THE N1/2 OF SECTION 13, T-2-N, R-13-W, PULASKI COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE NE1/4 NW1/4, SAID SECTION 13; THENCE S01°46'04"W ALONG THE EAST LINE OF THE SE1/4 NW1/4, SAID SECTION 13, 491.94 FT.; THENCE S71°10'47"W, 472.73 FT.; THENCE N49°59'33"W, 522.57 FT.; THENCE N83°58'30"W, 477.39 FT.; THENCE N84°54'56"W, 235.27 FT. TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 100; THENCE NORTHEASTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING: (1) N52°00'52"E, 129.11 FT.; (2) N50°28'54"E, 158.65 FT.; (3) N45°54'28"E, 405.22 FT.; (4) N52°13'15"E, 593.11 FT. AND (5) N39°49'19"E, 90.59 FT. TO A POINT ON THE CENTER OF WHITE OAK BAYOU; THENCE EASTERLY ALONG THE CENTER OF WHITE OAK BAYOU THE FOLLOWING: (1) EASTERLY ALONG THE ARC OF A 100.00 FT. RADIUS CURVE TO THE LEFT, A CHORD BEARING AND DISTANCE OF S74°24'45"E, 150.52 FT.; (2) N56°46'10"E, 154.17 FT.; (3) S88°33'33"E, 284.19 FT.; (4) S52°43'06"E, 149.04 FT.; (5) S38°36'13"E, 228.84 FT.; (6) S74°02'25"E, 92.79 FT.; (7) S87°31'32"E, 139.80 FT.; (8) S66°04'52"E, 123.62 FT.; (9) N86°58'00"E, 209.95 FT.; (10) S72°54'33"E, 147.43 FT.; (11) S33°08'28"E, 274.42 FT.; (12) S23°17'25"E, 66.89 FT. AND (13) S11°12'06"W, 68.52 FT. TO A POINT ON THE SOUTH LINE OF THE NW1/4 NE1/4, SAID SECTION 13; THENCE N87°40'21"W ALONG SAID SOUTH LINE, 1145.97 FT. TO THE POINT OF BEGINNING, CONTAINING 38.893 ACRES MORE OR LESS.

AND

PART OF THE SE1/4 NW 1/4, SECTION 13, T-2-N, R-13-W, PULASKI COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 456 FEET SOUTH OF THE NORTHEAST CORNER OF THE SE1/4 NW 1/4 SAID SECTION 13, THENCE S00°40'15"W, 600 FEET MORE OR LESS TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF YOUNG ROAD: THENCE N77°41'W ALONG SAID NORTH RIGHT-OF-WAY LINE 157.95 FEET; THENCE 177.8 FEET; THENCE N69°12'W ALONG SAID NORTH RIGHT-OF-WAY LINE 157.95 FEET; THENCE N20°02'E, 185.00 FEET; THENCE N38°13'36"E, 380.23 FEET; THENCE N55°00'E, 25.0 FEET TO THE POINT OF BEGINNING, CONTAINING 2.56 ACRES MORE OR LESS. SUBJECT TO A 30 FEET INGRESS-EGRESS EASEMENT OVER THE WESTERLY SIDE OF ABOVE DESCRIBED PROPERTY.

AND

A TRACT OF LAND IN THE SW1/4 NE 1/4, SECTION 13, T-2-N, R-13-W. PULASKI COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SW1/4 NE1/4 SECTION 13, T-2-N, R-13-W; THENCE S01°46'W, 950.22 FEET; THENCE N52°12'W, 74.72 FEET; THENCE N59°48'W, 80.25 FEET; THENCE N57°44'W, 90.32 FEET; THENCE N54°23'W 56.75 FEET; THENCE N31°55'W, 28.95 FEET; THENCE N25°18' W, 66.10 FEET; THENCE N34°45'W, 80.71 FEET; THENCE N56°40'W, 65.97 FEET; THENCE 52°57'W, 108.81 FEET; THENCE N42°13'W, 101.78 FEET; THENCE N56°32'W, 117.63 FEET; THENCE N43°09'W, 79.99 FEET; THENCE N73°52'W, 77.92 FEET; THENCE N81°21'W, 64.56 FEET; THENCE N89°01'W, 103.00 FEET; THENCE S66°59'W, 150.07 FEET; THENCE S59°56'W. 83.78 FEET; THENCE S44°05'W, 202.05 FEET; THENCE N01°35'E, 588.79 FEET; THENCE S88°02'E, 1310.29 FEET TO THE POINT OF BEGINNING, CONTAINING 16.29 ACRES MORE OR LESS.

End Description

EXHIBIT "B"

**Northshore Lane Multi-Purpose Municipal
Improvement District No. [tbd] of North Little Rock, Arkansas**

MAP OF AREA OF PROPOSED DISTRICT

Attached

EXHIBIT "C"

**Northshore Lane Multi-Purpose Municipal
Improvement District No. [tbd] of North Little Rock, Arkansas**

DESCRIPTION OF ALTERNATIVE I IMPROVEMENTS BY PROPOSED DISTRICT

Attached

EXHIBIT "D"

**Northshore Lane Multi-Purpose Municipal
Improvement District No. [tbd] of North Little Rock, Arkansas**

DESCRIPTION OF ALTERNATIVE II IMPROVEMENTS BY PROPOSED DISTRICT

Attached



| | | | | |
|----------------|--|---|--|--|
| Exhibit | CONCEPTUAL <small>NOT FOR CONSTRUCTION</small> | Proposed Northshore Lane Alignment Large Scale Development for Trails at the Rock | CONCEPTUAL DISCLAIMER THE DRAWING WAS CREATED FOR CONCEPTUAL PURPOSES ONLY. THE SITE DEVELOPMENT PLAN OBTAINED FROM THE CITY OF CHARLOTTE, NORTH CAROLINA, THE DESIGN TEAM HAS CONDUCTED VISUAL TOPOGRAPHY ANALYSIS AND HAS IDENTIFIED AREAS OF POTENTIAL CONCERN. ANY CONCEPTUAL DATA OBTAINED FROM VISUAL TOPOGRAPHY ANALYSIS IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT TO BE USED FOR DESIGN OR CONSTRUCTION. THE DESIGN TEAM HAS CONDUCTED VISUAL TOPOGRAPHY ANALYSIS AND HAS IDENTIFIED AREAS OF POTENTIAL CONCERN. ANY CONCEPTUAL DATA OBTAINED FROM VISUAL TOPOGRAPHY ANALYSIS IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT TO BE USED FOR DESIGN OR CONSTRUCTION. | CONCEPTUAL <small>NOT FOR CONSTRUCTION</small> |
| | BLI LAW ASSOCIATES, PA 1000 W. BROADWAY, SUITE 2000 CHARLOTTE, NC 28202 PHONE: 704.375.1111 FAX: 704.375.1112 WWW.BLI.COM | 1/8" = 1'-0" 1/4" = 3'-0" 1/2" = 6'-0" 3/4" = 9'-0" 1" = 12'-0" 1 1/4" = 15'-0" 1 1/2" = 18'-0" 1 3/4" = 21'-0" 2" = 24'-0" 2 1/4" = 27'-0" 2 1/2" = 30'-0" 2 3/4" = 33'-0" 3" = 36'-0" 3 1/4" = 39'-0" 3 1/2" = 42'-0" 3 3/4" = 45'-0" 4" = 48'-0" 4 1/4" = 51'-0" 4 1/2" = 54'-0" 4 3/4" = 57'-0" 5" = 60'-0" 5 1/4" = 63'-0" 5 1/2" = 66'-0" 5 3/4" = 69'-0" 6" = 72'-0" 6 1/4" = 75'-0" 6 1/2" = 78'-0" 6 3/4" = 81'-0" 7" = 84'-0" 7 1/4" = 87'-0" 7 1/2" = 90'-0" 7 3/4" = 93'-0" 8" = 96'-0" 8 1/4" = 99'-0" 8 1/2" = 102'-0" 8 3/4" = 105'-0" 9" = 108'-0" 9 1/4" = 111'-0" 9 1/2" = 114'-0" 9 3/4" = 117'-0" 10" = 120'-0" 10 1/4" = 123'-0" 10 1/2" = 126'-0" 10 3/4" = 129'-0" 11" = 132'-0" 11 1/4" = 135'-0" 11 1/2" = 138'-0" 11 3/4" = 141'-0" 12" = 144'-0" 12 1/4" = 147'-0" 12 1/2" = 150'-0" 12 3/4" = 153'-0" 13" = 156'-0" 13 1/4" = 159'-0" 13 1/2" = 162'-0" 13 3/4" = 165'-0" 14" = 168'-0" 14 1/4" = 171'-0" 14 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