

ORDINANCE NO. 81

FILED
2009 DEC 23 PM 12:26

AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN REAL ESTATE TO THE TOWN OF AVOCA, ARKANSAS, AND MAKING SAME A PART OF THE TOWN OF AVOCA.

WHEREAS, petition was filed with the County Clerk of Benton County, Arkansas by EM Rental Properties, LLC, real estate owner of the hereinafter described territory praying that said territory be annexed to, and made a part of the Town of Avoca, Arkansas; and,

WHEREAS, on the 17th day of November, 2008 the County Court of Benton County, Arkansas found that the petition was signed by the sole owners of the said territory; that said territory was contiguous and adjoining the present corporate limits of the Town of Avoca, Arkansas; that proper notice had been given for the time and in the manner prescribed by law, and that said lands should be annexed to and made a part of the Town of Avoca, Arkansas subject to the acceptance of same by the Town Council of the Town of Avoca, Arkansas 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 Benton County Court has expired and no appeal has been taken from said order.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF AVOCA, ARKANSAS:

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

A Part of the S1/2 of the NE1/4 of Section 20, Township 20 North, Range 29 West, Benton County, Arkansas, Being the same land and being more also described as:

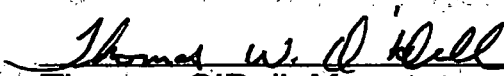
Commencing at the NW Corner of the SW 1/4 of the NE 1/4 of said Section 20, Thence S88 ° 50' 44" East 603.06 feet to the point of beginning, thence continuing S88° 50' 44" E 713.88 feet, thence S00 ° 10' 38" W 430.83 feet, thence S50 ° 59' 06" E 129.30 feet to the northwesterly right-of-way line of U.S. Highway No. 62, thence along said right-of-way line S44 ° 25' 24" W 226.69 feet, thence leaving said right-of-way line N86 ° 55' 06" W 656.44 feet, thence N00 ° 06' 44" E 651.70 feet to the point of beginning, containing 482,079.0 square feet or 11.07 acres, more or less, and subject to all rights-of-ways, easements and restrictive covenants of record or fact.

Section 2. That the above described territory shall be annexed to and made a part of the Town of Avoca, Arkansas.

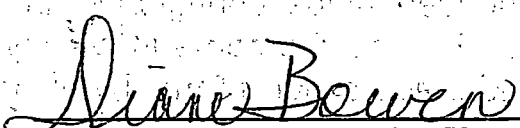
Section 3. That the acceptance of the annexation of said real estate will broaden the tax base of the Town and thus enhance the public welfare and for the foregoing reason an emergency is declared to exist and this Ordinance shall be in full force and effect from and after date of the passage thereof.

PASSED this 18 day of December, 2008.

APPROVED:


Thomas O'Dell, Mayor

ATTEST:


Diane Bowen, Recorder-Treasurer

AFFIDAVIT OF PUBLICATION

STATE OF ARKANSAS,

Counties of Benton & Washington

I, Jim Mears do solemnly swear that I am Customer Service Rep

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WHEREAS, petition was filed with the County Clerk of Benton County, Arkansas, by EM Rental Properties, LLC, real estate owner of the hereinafter described territory praying that said territory be annexed to, and made a part of the Town of Avoca, Arkansas; and

WHEREAS, on the 17th day of November, 2008, the County Court of Benton County, Arkansas, found that the petition was signed by the sole owners of the said territory; that said territory was contiguous and adjoining the preset corporate limits of the Town of Avoca, Arkansas; that proper notice had been given for the time and in the manner prescribed by law, and that said lands should be annexed to and made a part of the Town of Avoca, Arkansas, subject to the acceptance of same by Town Council of the Town of Avoca, Arkansas, 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 Benton County Court has expired and no appeal has been taken from said order.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF AVOCA, ARKANSAS:

SECTION 1. That the following described lands contiguous and adjoining the Town of Avoca, Arkansas, be and the same is

hereby accepted as part of and annexed to and made a part of the Town of Avoca.

A Part of the S 1/2 of the NE 1/4 of Section 20, Township 20 North, Range 29 West, Benton County, Arkansas, being the same land and being more also described as:

Commencing at the NW Corner of the SW 1/4 of the NE 1/4 of said Section 20, thence S 88°50'44" East 603.06 feet to the point of beginning, thence continuing S 88°50'44" E 713.88 feet, thence S 00°10'38" W 430.83 feet, thence S 50°59'06" E 129.30 feet to the north-westerly right of way line of U.S. Highway No. 62, thence along said right of way line S 44°25'24" W 226.69 feet, thence leaving said right of way line N 86°55'06" W 656.44 feet, thence N 00°06'44" E 651.70 feet to the point of beginning, containing 482,079.0 square feet or 11.07 acres, more or less, and subject to all rights of ways, easements and restrictive covenants of record or fact.

SECTION 2. That the above described territory shall be annexed to and made a part of the Town of Avoca, Arkansas.

SECTION 3. That the acceptance of the annexation of said real estate will broaden the tax base of the Town and thus enhance the public welfare and for the foregoing reason an emergency is declared to exist and this Ordinance shall be in full force and effect from and after the date of the passage thereof.

PASSED this 18th day of December, 2008.

APPROVED:

/s/ Thomas O'Dell

Mayor

ATTEST:

/s/ Diane Bowen

Recorder- Treasurer

January 14, 2009

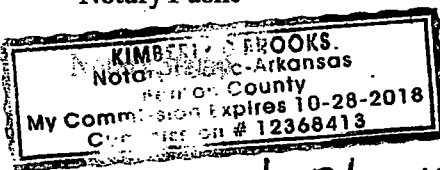
of The Morning News, a daily newspaper having a general circulation in said county, and do solemnly swear the said advertisement was published for 1 requested day(s) in said newspaper, the said publication appearing:

14th day of January 2009
____ day of _____
____ day of _____
____ day of _____
____ day of _____

Signed Jim Mears

Sworn to me this 14th day of January 2009

Kimberly D Brooks
Notary Public



My Commission expires: 10/28/2018

Publication Charges: \$ 139.70

DISP#13897 AD# 472023

LETTER OF PURIFICATION

STATE OF ARIZONA
County of Pima

Know all men by these presents, that I, _____
do hereby certify that _____
is a resident of the County of _____ State of _____

and that he is the owner of the following described real estate to-wit:
