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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 17<sup>th</sup> 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, ARKANAS:

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 I/4 of the NE I/4 of said 12: 26 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 year day of December, 2008.

APPROVED:

Thomas O'Dell, Mayor

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ATTEST:

SA DAS LEBEVA COLORS

Diane Bowen, Recorder-Treasurer

## AFFIDAVIT OF PUBLICATION

## STATE OF ARKANSAS, Counties of Benton & Washington

S 1. That the following described lands contiguous and adjoining

the Town of Avoca, Ar-

kansas, be and the same is

· <b>T</b> _	Jim Mears		do solemnly
swear that I a	Customer Se	ervice Rep	
swear that I a			
AN ORDINANCE NO. 81  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 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 Buch County, Arkansas, for the said territory; that said territory; that said territory	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 northwesterly 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	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
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 COUNCIL OF THE TOWN COUNCIL THE TOWN COUNCIL THE TOWN COUNCIL OF THE TOWN COUNCIL OF THE TOWN COUNCIL THE TOWN COUNCIL OF THE TOWN COUNCIL THE TOWN COUNCIL OF THE TOWN COUNCIL OF THE TOWN COUNCIL THE TOWN	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 ac- ceptance of the annexa- tion of said real estate will broaden the tax base of the Town and thus enhance the public wel- fare 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.		Sworn to me this    Whole   Annuary All

DISP#13897

AD# 472023

APPROVED: /s/ Thomas O'Deli

PASSED this 18th day of December, 2008.

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