



Legislation Text

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**File #: 2015-0318, Version: 1**

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**EAST MISSION BOULEVARD MUNICIPAL MULTIPURPOSE PROPERTY OWNERS' IMPROVEMENT DISTRICT NO 34**

AN ORDINANCE TO ESTABLISH AND LAY OFF EAST MISSION BOULEVARD MULTIPURPOSE PROPERTY OWNERS' IMPROVEMENT DISTRICT NO. 34 OF FAYETTEVILLE, ARKANSAS

**WHEREAS**, a Petition to form East Mission Boulevard Multipurpose Property Owners' Improvement District No. 34 of Fayetteville, Arkansas has been filed with the Fayetteville City Clerk; and

**WHEREAS**, the City Clerk has presented said petition to the Mayor; and

**WHEREAS**, the Mayor has set July 21, 2015, at 5:30 p.m. as the date and time for a hearing before the Fayetteville City Council for consideration of said petition; and

**WHEREAS**, the Fayetteville City Council has determined from an abstracter's certificate of property ownership that those signing the petition constitute all the owners of the real property to be located in the district; and

**WHEREAS**, the Arkansas Municipal Property Owners' Improvement District Law provides at Ark. Code Ann. Sec. 14-94-106(b)(2) that if the governing body determines that all the owners of the record title to 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 THE CITY OF FAYETTEVILLE, 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 East Mission Boulevard Multipurpose Property Owners' Improvement District No. 34 of Fayetteville, Arkansas for the purpose of constructing, purchasing, accepting as a gift or maintaining facilities for waterworks, recreation, drainage, gas pipelines, underground trenches and excavations necessary for the installation by public utilities or municipal utilities of electric and telephone distribution systems, sanitary sewers, streets and highways including curbs and gutters, and sidewalks, together with facilities related to any of the foregoing, or for more than one of those purposes.

Section 2. The following three individuals are hereby appointed as commissioners of said improvement district: Tommy J. Lasiter, Paul Minton and Lawrence Finn.

Section 3. The name of said improvement district shall be East Mission Boulevard Multipurpose Property

Owners' Improvement District No. 34 of Fayetteville, Arkansas.

Section 4. The district shall not cease to exist upon the acquiring, constructing or completion of the improvements, but it shall continue to exist for the purpose of preserving, maintaining, and operating the improvements, replacing equipment, paying salaries to employees, and performing any other functions or services authorized in Ark. Code Ann., Title 14, Chapter 94.

**City of Fayetteville Staff Review Form**

**2015-0318**

**Legistar File ID**

**7/21/2015**

**City Council Meeting Date - Agenda Item Only**  
N/A for Non-Agenda Item

Sondra E. Smith

7/8/2015

City Clerk/Treasurer /  
General Government Department

**Submitted By**

**Submitted Date**

**Division / Department**

**Action Recommendation:**

An ordinance to establish Fayetteville Municipal Property Owners' Improvement District No. 34 - East Mission Boulevard Municipal Multipurpose Property Owners' Improvement District. This petition is being filed under the Arkansas Municipal Property Owners' Improvement District law. Arkansas Code Ann. Sec. 14-94-101 et seq. The petition is being filed by Stephen A. Hester on behalf of the Improvement District.

**Budget Impact:**

N/A	N/A
Account Number	Fund
N/A	N/A
Project Number	Project Title
<b>Budgeted Item?</b> NA	Current Budget    \$            -
	Funds Obligated    \$            -
	Current Balance <span style="border: 1px solid black; padding: 2px;">\$            -</span>
<b>Does item have a cost?</b> NA	Item Cost
<b>Budget Adjustment Attached?</b> NA	Budget Adjustment
	Remaining Budget <span style="border: 1px solid black; padding: 2px;">\$            -</span>

V20140710

Previous Ordinance or Resolution # \_\_\_\_\_

Original Contract Number: \_\_\_\_\_

Approval Date: \_\_\_\_\_

Comments:

OFFICE OF THE CITY CLERK TREASURER



Sondra E. Smith – City Clerk Treasurer  
Lisa Branson – Deputy City Clerk

Phone 479.575.8323  
cityclerk@fayetteville-ar.gov

113 W. Mountain Street, Suite 308  
Fayetteville, AR 72701

RECEIVED

JUL 9 2015

CITY OF FAYETTEVILLE  
MAYOR'S OFFICE

July 9, 2015

Honorable Mayor Lioneld Jordan  
City Hall  
113 W. Mountain  
Fayetteville, AR 72701

RE: Petition to form Fayetteville Municipal Multipurpose  
Property Owners' Improvement District No. 34  
East Mission Boulevard

Dear Mayor:

Pursuant to Arkansas Code Ann. Sec. 14-94-105 (e)(3), you are hereby notified that the enclosed Petition to form Fayetteville Municipal Property Owners' Improvement District No. 34, **East Mission Boulevard Municipal Multipurpose** has been filed in the office of the Fayetteville City Clerk. Pursuant to Ark. Code Ann. Sec. 14-94-106 (a)(1), I hereby present you with the Petition.

Sincerely,

*Sondra E. Smith*  
Sondra E. Smith  
City Clerk/Treasurer

cc: Kit Williams, City Attorney  
Stephen A. Hester

RECEIVED

JUL 08 2015

CITY OF FAYETTEVILLE  
CITY CLERK'S OFFICE

WILLIAMS & ANDERSON PLC  
SUITE 2200  
111 CENTER STREET  
LITTLE ROCK, ARKANSAS 72201

STEPHEN A. HESTER  
shester@williamsanderson.com  
Direct Dial(501) 372-6453  
(501) 396-8808

(501) 372-0800  
TELECOPIER

July 6, 2015

Sondra Smith  
Fayetteville AR City Clerk  
113 W. Mountain St., Ste. 308  
Fayetteville, AR 72701

Re: East Mission Blvd. Municipal Multipurpose Property Owners' Improvement  
District No. 34 of Fayetteville, Arkansas

Dear Ms. Smith:

I attach hereto the original Petition for Formation of East Mission Boulevard Municipal Multipurpose Property Owners' Improvement District No. 34 of Fayetteville, Arkansas. You should have received the original Abstractor's Certificate of Property Ownership via hand delivery from Waco Title today.

Would you please file the Petition and Abstractor's Certificate and return a file-marked copy of each document to me in the enclosed self-addressed envelope. Would you please forward this to the City Attorney and any other appropriate person(s) so that this Petition might be put on the agenda for the City of Fayetteville City Council meeting on July 21, 2015. Please call me if you have any questions or should you need anything else from me.

I greatly appreciate your attention to this matter

Cordially yours,

WILLIAMS & ANDERSON PLC

*Stephen A. Hester*

Stephen A. Hester

*by permission/uv*

Enclosure

SAH:nm

## **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.**

PETITION FOR FORMATION OF  
EAST MISSION BOULEVARD MUNICIPAL MULTIPURPOSE  
PROPERTY OWNERS' IMPROVEMENT  
DISTRICT NO. 34 OF  
FAYETTEVILLE, ARKANSAS

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF  
FAYETTEVILLE, AKRANSAS:

The undersigned, respectfully represents to the Fayetteville City Council that: (i) it owns all the record title, as reflected by the deed records in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, to the real property located within the territory described on both the legal description attached hereto as Exhibit "A" and incorporated herein and the map attached hereto as Exhibit "B" and incorporated herein; and, (ii) the real property within the territory is wholly inside the corporate boundaries of the City of Fayetteville, Arkansas.

As such owner, the undersigned respectfully petitions the City Council to lay off into an improvement district to be known as the "East Mission Boulevard Municipal Multipurpose Property Owners' Improvement District No. 34 of Fayetteville, Arkansas" (the "District"), pursuant to the provisions of Ark. Act 1987, No. 113 of the Acts of the General Assembly of the State of Arkansas, and all amendments thereto, [Codified as ARK. CODE ANN. § 14-94-101 et seq.] for the purposes hereinafter set forth, the territory in Fayetteville, Washington County, Arkansas, described on Exhibit "A."

The purposes for which the District is to be formed are as follows:

Constructing waterworks, sewers, recreational facilities and systems of gas pipelines, and grading, draining, paving, curbing, and guttering street and laying sidewalks, together with facilities related to any of the foregoing within said District and to operate and maintain any such improvements and facilities; and

To accomplish any and all other purposes authorized by law specifically including but not limited to those intents and purposes stated in Arkansas Code Annotated Section 14-94-101 et seq.

The purposes of the District shall be accomplished in the manner and of the materials that the Commissioners of the District shall deem to be in the best interest of the District.

The cost of the project shall be assessed upon the real property within the District according to the benefits received.

The District may borrow the funds with which to meet the District's goals and obligations through traditional improvement district financing such as the issuance of bonds, promissory notes, governmental or quasi-governmental grants, loans, combinations thereof or from such other sources and by such other methods as are lawful and in the best interests of the District.

The undersigned understands that its lands within the District are security for the timely repayment of any such indebtednesses of the District and the annual assessments that will be levied to repay and such debts and the operation and maintenance costs of the District, and the failure of the land owners to pay their individual assessments will result in a lien against the land owner's land within the District.

The undersigned further petitions the court to appoint as Commissioners of such District the following three (3) persons of integrity and good business ability who own interests in entities that own real property within the territory above described:

1. Tommy J. Lasiter  
111 Center Street, Suite 1510  
Little Rock, Arkansas 72201
2. Paul Minton  
6721 Warden Road  
Sherwood, Arkansas 72120
3. Lawrence Finn  
1517 McLendon Ave  
Atlanta, GA 30307

The District shall not cease to exist upon the construction or acquisition of the planned improvements but shall continue to exist for the purposes of operating, maintaining and preserving the improvements, replacing equipment, paying salaries and costs and performing any other functions or services authorized by law. Provided however that the Commissioners may dissolve the District when: (i) its obligations are paid; (ii) the ownership, operation, and maintenance of the improvements together with the appurtenances thereto are assumed by a municipality or other appropriate political entity; or (iii) the continuation of the District is no longer considered necessary by the Commissioners for any other reason.



IN WITNESS WHEREOF, the undersigned hereunto subscribes its name and address as shown below.

Petitioners for the Formation of East Mission Boulevard Municipal Multipurpose Property Owners' Improvement District No. 34 of Fayetteville, Arkansas

Property Owners:

**East Mission Boulevard, LLC**

111 Center St., Suite 1510

Little Rock, AR 72201

By:

  
\_\_\_\_\_  
Tommy J. Lasiter

WILLIAMS & ANDERSON PLC

SUITE 2200  
111 CENTER STREET  
LITTLE ROCK, ARKANSAS 72201

STEPHEN A. HESTER  
shester@williamsanderson.com  
Direct Dial(501) 372-6453  
(501) 396-8808

(501) 372-0800  
TELECOPIER

July 8, 2015

*Via US Mail and Email*

Mr. Kit Williams, Esq.  
City Attorney  
113 W. Mountain St., Ste. 302  
Fayetteville, AR 72701  
[kwilliams@fayetteville-ar.gov](mailto:kwilliams@fayetteville-ar.gov)

Re: East Mission Blvd. Municipal Multipurpose Property Owners' Improvement  
District No. \_\_\_ of Fayetteville, Arkansas

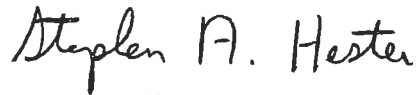
Dear Kit:

Thank you for your time on the phone today. As we discussed, I am providing the information in this letter in support of the above-referenced Petition to Form an Improvement District. The proposed Commissioners listed in the Petition, Tommy J. Lasiter, Paul Minton, and Lawrence Finn, all indirectly own property in the proposed Improvement District through their respective ownership interests in East Mission Boulevard, LLC. In addition, Tommy J. Lasiter was authorized to sign the Petition on behalf of East Mission Boulevard, LLC in his capacity as Manager of that LLC.

Should you need further information from me, please do not hesitate to call.

Very truly yours,

WILLIAMS & ANDERSON PLC



Stephen A. Hester

SAH:nm

cc: Tommy J. Lasiter

**EXHIBIT "A"**

**Tract A:** A part of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as beginning at an iron pin which iron pin is located at a point 660.00 feet East of the SW corner of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W; thence North 955.00 feet to an iron pin; thence East 335.80 feet to an iron pin; thence N 01°44'00" E, 332.40 feet to an iron pin which is located on the South right-of-way line of Highway 45; thence in a Northeasterly direction with the South right-of-way line of Highway #45; thence in a Northeasterly direction with the South right-of-way line of said Highway #45, 128.60 feet and continuing along said right-of-way line in an Easterly direction, 207.90 feet to an iron pin; thence S 01°4'00" W, along an existing fence, 1305.10 feet to the SE corner of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W; thence West 665.20 feet to the point of beginning, containing 17.22 acres, more or less.

**Tract B:** A part of the E 1/2 of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows, to-wit: Beginning at a point 965.00 feet North and 186.00 feet East of the SW corner of the said 20 acre tract, and running thence North 145.20 feet to the South side of the drive as now located; thence N 32°00'00" W, 116.70 feet to the South right-of-way line of State Highway #45 as now located; thence N 65°07'00" E, along said right-of-way line 224.70 feet; thence S 00°14'00" W, 324.20 feet; thence S 85°44'00" W, 147.90 feet to the point of beginning, containing 1.091 acres, more or less.

**Tract C:** A part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows, to-wit: Commencing at the SW corner of said SW 1/4 of the SE 1/4, thence N 00°20' E, 491.90 feet; thence S 89°39' E, 168.01 feet to the point of beginning; thence S 89°39' E, 252.00 feet; thence N 00°19'48" W, 825.60 feet; thence S 89°38'21" W, 252.00 feet; thence S 00°19'52" E, 822.47 feet to the point of beginning, containing 4.78 acres, more or less.

**Tract D:** A part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows, to-wit: Commencing at the SW corner of the said SW 1/4 of the SE 1/4; thence N 00°20' E, 491.98 feet to the point of beginning; thence N 00°19'52" W, 822.97 feet; thence N 89°51'14" E, 168.00 feet; thence S 00°19'52" E, 824.34 feet; thence N 89°39' W, 168.01 feet to the point of beginning.

**Tract E:** A part of the E 1/2 of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at an iron pin at a point where the South line of State Highway #45 intersects with the West line of said 20 acre tract, and running thence South 180.00 feet; thence East 186.00 feet; thence North 141.20 feet to an iron pin on the West line of a private roadway; thence N 31°25'00" W, 114.00 feet to an iron pin on the South line of right-of-way of said State Highway #45; thence S 65°30'00" W, 137.00 feet to the point of beginning, containing 1.0 acre, more or less.

**Tract F:** A part of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" iron rebar located N 03°40'34" E, 521.12 (DEED = N 01°04'42" E, 520.00 feet) and S 87°33'26" E, 349.74 feet (DEED = N 89°48'36" E, 350.00 feet) from a stone located at the SW corner of said forty acre tract, and running thence N 03°42'40" E, 498.02 feet to a 1/2" rebar located on the South right-of-way line of Arkansas State Highway #45; thence N 69°26'54" E, 339.95 (DEED = S 66°48'56" W, 339.95 feet) along said right-of-way to a 1/2" rebar; thence leaving said right-of-way and running S 03°42'40" W, 71.085 feet (DEED = N 01°04'42" E, 710.85 feet) to a 1/2" rebar; thence N 87°33'26" W, 135.00 feet (DEED = N 89°48'36" E, 135.00 feet) to a 1/2" rebar; thence N 03°42'40" E, 80.00 feet (DEED = S 01°04'42" W, 80.00 feet) to a 1/2" rebar; thence N 87°33'26" W, 175.00 feet (DEED = N 89°48'36" E, 175.00 feet) to the point of beginning, containing 4.26 acres, more or less. Subject to any easements and/or rights-of-way of record or fact.

**LESS & EXCEPT:** A part of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" rebar located N 03°40'34" E, 731.85 feet and S 87°48'42" E, 349.91 feet from a stone located at the SW corner of said forty acre tract, and running thence N 03°42'40" E, 285.74 feet to a 1/2" rebar located on the South right-of-way line of Arkansas State Highway



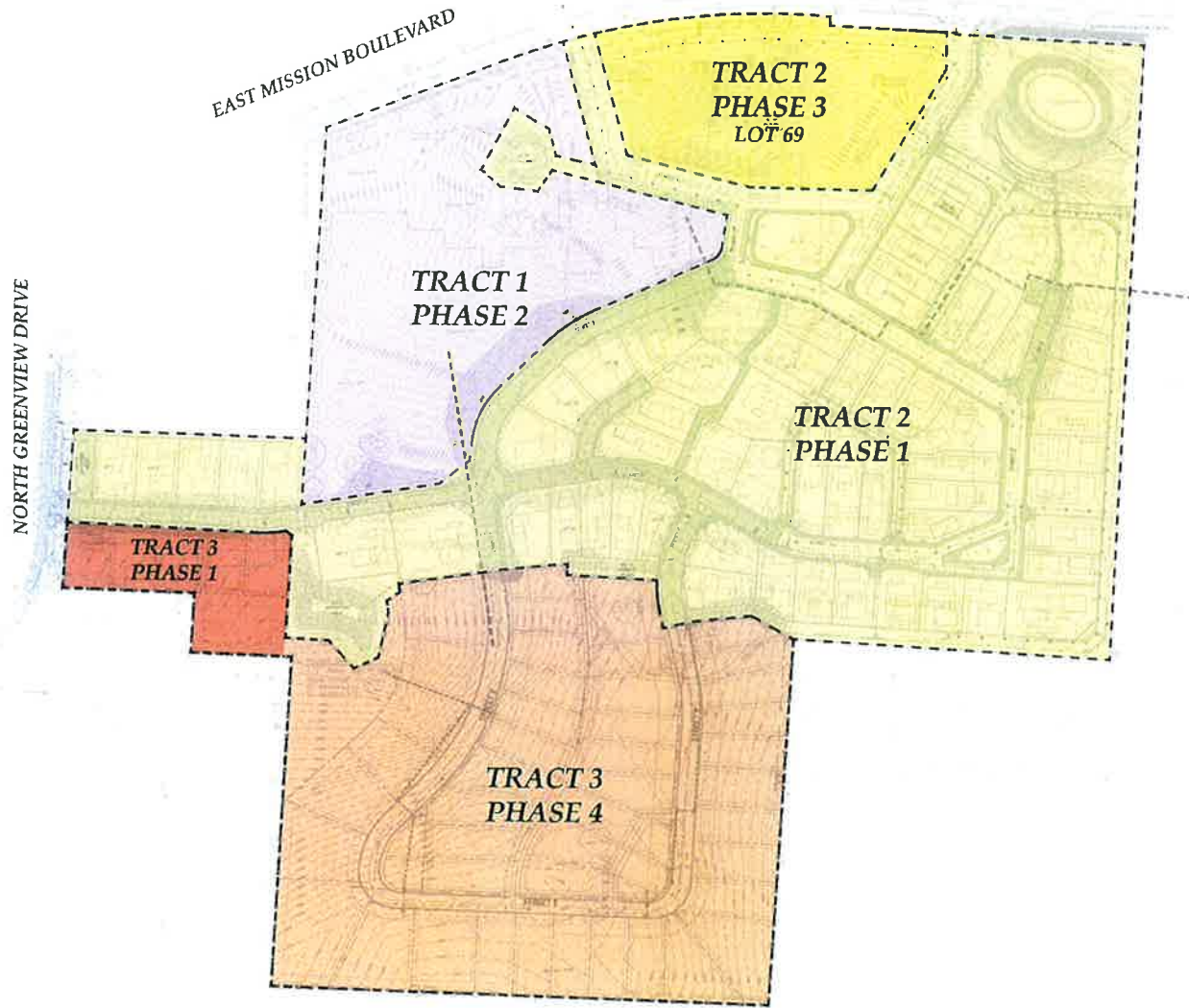
#45; thence N 69°26'54" E, 339.95 feet along said right-of-way to a 1/2" rebar; thence leaving said right-of-way and running S 03°42'40" W, 417.19 feet to a 1/2" rebar; thence N 87°48'42" W, 310.03 feet to the point of beginning, containing 2.50 acres, more or less. Subject to any easements and/or rights-of-way of record or fact.

*The above described Tracts A through F (inclusive) being combined to be more particularly described on a Commissioner's Deed in favor of Metropolitan National Bank, and filed for record December 28, 2010 as Document No. 2010-00038445, among the land records of Washington County, AR, and being described as follows:* A part of the SE 1/4 of the SW 1/4 and a part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" rebar that is located S 87°32'34" E, 660.00 feet from a stone monument located at the SW corner of said SE 1/4 of the SW 1/4 of said Section 2; thence N 03°38'08" E, 441.29 feet to a 1/2" rebar; thence N 87°33'26" W, 135.00 feet to a 1/2" rebar; thence N 03°42'40" E, 80.00 feet to a 1/2" rebar; thence N 87°33'28" W, 175.00 feet to a 1/2" rebar; thence N 03°42'40" E, 212.28 feet to a 1/2" rebar; thence S 87°48'42" E, 310.03 feet to a 1/2" rebar; thence N 03°42'38" E, 403.95 feet to a 1/2" rebar located on the South right-of-way of Arkansas State Highway No. 45 (Mission Boulevard); thence Northeasterly along said right-of-way the following: N 69°23'34" E, 254.94 feet, along a curve to the right having an arc length of 407.08 feet, a radius of 957.73, and a chord bearing N 81°34'10" E, 404.02 feet, S 86°21'22" E, 199.13 feet; thence leaving said right-of-way and running S 03°35'31" W, 1.95 feet to a 1/2" rebar; thence S 86°28'21" E, 252.00 feet to a 1/2" rebar; thence S 03°29'46" W, 825.60 feet to a 1/2" rebar located on the North line of the Park Place Addition; thence N 85°48'23" W, 422.74 feet to a 1/2" rebar located at the NW corner of said addition; thence S 03°45'46" W, 491.63 feet along the West line of said addition to a stone monument; thence N 87°31'59" W, 657.93 feet to the point of beginning, containing an area of 28.73 acres, more or less, to the City of Fayetteville, Washington County, Arkansas.

*The above described parcel(s) of land being more accurately described on a plat of survey by William C. Jenkins, PLS #688 dated August 2006, for Ruskin Heights Subdivision, and described as follows:* A part of the SE 1/4 of the SW 1/4 and a part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" rebar that is located S 87°32'34" E, 660.00 feet from a stone monument located at the SW corner of said SE 1/4 of the SW 1/4 of said Section 2; thence N 03°38'07" E, 441.29 feet to a 1/2" rebar; thence N 87°33'26" W, 135.00 feet to a 1/2" rebar; thence N 03°42'40" E, 80.00 feet to a 1/2" rebar; thence N 87°33'28" W, 175.00 feet to a 1/2" rebar; thence N 03°42'40" E, 212.28 feet to a 1/2" rebar; thence S 87°48'42" E, 310.03 feet to a 1/2" rebar; thence N 03°42'38" E, 417.42 feet to a 1/2" rebar located on the South right-of-way of Arkansas State Highway No. 45 (Mission Boulevard); thence Northeasterly along said right-of-way the following: N 69°23'34" E, 249.39 feet to a 1/2" rebar, along a curve to the right having a radius of 970.00 feet, an arc length of 108.99 feet, and a chord bearing of N 72°35'42" E, 108.93 feet to a 1/2" rebar, along a curve to the right having a radius of 978.84 feet, an arc length of 335.04 feet, and a chord bearing of N 85°38'10" E, 333.40 feet to a 1/2" rebar, S 01°04'05" W, 12.27 feet to a 1/2" rebar; S 86°22'14" E, 166.88 feet to a 1/2" rebar, S 03°35'31" W, 1.95 feet to a 1/2" rebar, thence S 86°28'21" E, 252.00 feet to a 1/2" rebar; thence leaving said right-of-way and running S 03°29'46" W, 825.60 feet to a 1/2" rebar located on the North line of the Park Place Addition Phase II; thence N 85°48'23" W, 422.74 feet to a 1/2" rebar located at the NW corner of said addition; thence S 03°45'46" W, 491.63 feet along the West line of said addition to a stone monument; thence N 87°31'58" W, 657.93 feet to the point of beginning, containing an area of 28.93 acres, more or less, to the City of Fayetteville, Washington County, Arkansas.

Subject to easements, rights-of-way, and protective covenants of record, if any.  
Subject to all prior mineral reservations and oil and gas leases.

PHASING MAP



THE PROPERTY HAS BEEN RECOMBINED INTO 3 TRACTS. THE DEVELOPMENT IS PROPOSED TO BE COMPLETED IN 4 PHASES. TRACT 2 WILL BE PLATTED FIRST AND INCLUDES THE FIRST RESIDENTIAL PHASE 1 AND A 2 ACRE MIXED USE OUTPARCEL PLANNED FOR PHASE 3.



**MISSION HEIGHTS**  
East Mission Boulevard  
Fayetteville AR



RECEIVED

JUL 06 2015

CITY OF FAYETTEVILLE  
CITY CLERK'S OFFICE



6815 Isaac's Orchard Rd, Ste D  
Springdale, AR 72762  
Phone: 479-770-6700  
Fax: (479) 770-6876

**SPECIAL CERTIFICATE**

File #: 1506053-102

For the use and benefit of: Williams & Anderson PLC  
Attn: Stephen A. Hester

STATE OF ARKANSAS )  
COUNTY OF Washington )

We the undersigned, being an employee of Waco Title Company, do hereby certify that we have made due and diligent search of the Records in the Assessors Office within and for Washington County, Arkansas, and find the owner to be: **EAST MISSION BOULEVARD, LLC, AN ARKANSAS LIMITED LIABILITY COMPANY**

**DEED REFERENCE: 2013-33385 AND 2015-13048 AND 2015-13049**

IN-SO-FAR as the same affects the following described property, to-wit:

SEE EXHIBIT "A"

**DATED July 1, 2015**

Countersigned  
**Waco Title Company**  
  
Twyllia G. Hudler, Authorized Signatory  
Signing Agent No.: 10214916  
Title Agency No.: 100113373

\*\*\*\*\* **DISCLAIMER** \*\*\*\*\*

This certificate is not certified as to the validity of the title to the above described lands, but rather certifies as to the correctness of the matters of record pertaining to the title to said lands during the period covered by said search. The above certificate is issued solely for the use and benefit of the party set forth above, who agrees that the liability for this certificate shall be expressly limited to the amount paid to Waco Title Company for this special certificate.

## EXHIBIT "A"

### Tract A:

A part of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as beginning at an iron pin which iron pin is located at a point 660.00 feet East of the SW corner of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W; thence North 955.00 feet to an iron pin; thence East 335.80 feet to an iron pin; thence N 01°44'00" E, 332.40 feet to an iron pin which is located on the South right-of-way line of Highway 45; thence in a Northeasterly direction with the South right-of-way line of Highway #45; thence in a Northeasterly direction with the South right-of-way line of said Highway #45, 128.60 feet and continuing along said right-of-way line in an Easterly direction, 207.90 feet to an iron pin; thence S 01°4'00" W, along an existing fence, 1305.10 feet to the SE corner of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W; thence West 665.20 feet to the point of beginning, containing 17.22 acres, more or less.

### Tract B:

A part of the E 1/2 of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows, to-wit: Beginning at a point 965.00 feet North and 186.00 feet East of the SW corner of the said 20 acre tract, and running thence North 145.20 feet to the South side of the drive as now located; thence N 32°00'00" W, 116.70 feet to the South right-of-way line of State Highway #45 as now located; thence N 65°07'00" E, along said right-of-way line 224.70 feet; thence S 00°14'00" W, 324.20 feet; thence S 85°44'00" W, 147.90 feet to the point of beginning, containing 1.091 acres, more or less.

### Tract C:

A part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows, to-wit: Commencing at the SW corner of said SW 1/4 of the SE 1/4, thence N 00°20' E, 491.90 feet; thence S 89°39' E, 168.01 feet to the point of beginning; thence S 89°39' E, 252.00 feet; thence N 00°19'48" W, 825.60 feet; thence S 89°38'21" W, 252.00 feet; thence S 00°19'52" E, 822.47 feet to the point of beginning, containing 4.78 acres, more or less.

### Tract D:

A part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows, to-wit: Commencing at the SW corner of the said SW 1/4 of the SE 1/4; thence N 00°20' E, 491.98 feet to the point of beginning; thence N 00°19'52" W, 822.97 feet; thence N 89°51'14" E, 168.00 feet; thence S 00°19'52" E, 824.34 feet; thence N 89°39' W, 168.01 feet to the point of beginning.

### Tract E:

A part of the E 1/2 of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at an iron pin at a point where the South line of State Highway #45 intersects with the West line of said 20 acre tract, and running thence South 180.00 feet; thence East 186.00 feet; thence North 141.20 feet to an iron pin on the West line of a private roadway; thence N 31°25'00" W, 114.00 feet to an iron pin on the South line of right-of-way of said State Highway #45; thence S 65°30'00" W, 137.00 feet to the point of beginning, containing 1.0 acre, more or less.

### Tract F:

A part of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" iron rebar located N 03°40'34" E, 521.12 (DEED = N 01°04'42" E, 520.00 feet) and S 87°33'26" E, 349.74 feet (DEED = N 89°48'36" E, 350.00 feet) from a stone located at the SW corner of said forty acre tract, and running thence N 03°42'40" E, 498.02 feet to a 1/2" rebar located on the South right-of-way line of Arkansas State Highway #45; thence N 69°26'54" E, 339.95 (DEED = S 66°48'56" W, 339.95 feet) along said right-of-way to a 1/2" rebar; thence leaving said right-of-way and running S 03°42'40" W, 71.085 feet (DEED = N 01°04'42" E, 710.85 feet) to a 1/2" rebar; thence N 87°33'26" W, 135.00 feet (DEED = N 89°48'36" E, 135.00 feet) to a 1/2" rebar; thence N 03°42'40" E, 80.00 feet (DEED = S 01°04'42" W, 80.00 feet) to a 1/2" rebar; thence N 87°33'26" W, 175.00 feet (DEED = N 89°48'36" E,



175.00 feet) to the point of beginning, containing 4.26 acres, more or less. Subject to any easements and/or rights-of-way of record or fact.

**LESS & EXCEPT:**

A part of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" rebar located N 03°40'34" E, 731.85 feet and S 87°48'42" E, 349.91 feet from a stone located at the SW corner of said forty acre tract, and running thence N 03°42'40" E, 285.74 feet to a 1/2" rebar located on the South right-of-way line of Arkansas State Highway #45; thence N 69°26'54" E, 339.95 feet along said right-of-way to a 1/2" rebar; thence leaving said right-of-way and running S 03°42'40" W, 417.19 feet to a 1/2" rebar; thence N 87°48'42" W, 310.03 feet to the point of beginning, containing 2.50 acres, more or less. Subject to any easements and/or rights-of-way of record or fact.

The above described Tracts A through F (inclusive) being combined to be more particularly described on a Commissioner's Deed in favor of Metropolitan National Bank, and filed for record December 28, 2010 as Document No. 2010-00038445, among the land records of Washington County, AR, and being described as follows:

A part of the SE 1/4 of the SW 1/4 and a part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" rebar that is located S 87°32'34" E, 660.00 feet from a stone monument located at the SW corner of said SE 1/4 of the SW 1/4 of said Section 2; thence N 03°38'08" E, 441.29 feet to a 1/2" rebar; thence N 87°33'26" W, 135.00 feet to a 1/2" rebar; thence N 03°42'40" E, 80.00 feet to a 1/2" rebar; thence N 87°33'28" W, 175.00 feet to a 1/2" rebar; thence N 03°42'40" E, 212.28 feet to a 1/2" rebar; thence S 87°48'42" E, 310.03 feet to a 1/2" rebar; thence N 03°42'38" E, 403.95 feet to a 1/2" rebar located on the South right-of-way of Arkansas State Highway No. 45 (Mission Boulevard); thence Northeasterly along said right-of-way the following: N 69°23'34" E, 254.94 feet, along a curve to the right having an arc length of 407.08 feet, a radius of 957.73, and a chord bearing N 81°34'10" E, 404.02 feet, S 86°21'22" E, 199.13 feet; thence leaving said right-of-way and running S 03°35'31" W, 1.95 feet to a 1/2" rebar; thence S 86°28'21" E, 252.00 feet to a 1/2" rebar; thence S 03°29'46" W, 825.60 feet to a 1/2" rebar located on the North line of the Park Place Addition; thence N 85°48'23" W, 422.74 feet to a 1/2" rebar located at the NW corner of said addition; thence S 03°45'46" W, 491.63 feet along the West line of said addition to a stone monument; thence N 87°31'59" W, 657.93 feet to the point of beginning, containing an area of 28.73 acres, more or less, to the City of Fayetteville, Washington County, Arkansas.

The above described parcel(s) of land being more accurately described on a plat of survey by William C. Jenkins, PLS #688 dated August 2006, for Ruskin Heights Subdivision, and described as follows:

A part of the SE 1/4 of the SW 1/4 and a part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows:

Beginning at a 1/2" rebar that is located S 87°32'34" E, 660.00 feet from a stone monument located at the SW corner of said SE 1/4 of the SW 1/4 of said Section 2; thence N 03°38'07" E, 441.29 feet to a 1/2" rebar; thence N 87°33'26" W, 135.00 feet to a 1/2" rebar; thence N 03°42'40" E, 80.00 feet to a 1/2" rebar; thence N 87°33'28" W, 175.00 feet to a 1/2" rebar; thence N 03°42'40" E, 212.28 feet to a 1/2" rebar; thence S 87°48'42" E, 310.03 feet to a 1/2" rebar; thence N 03°42'38" E, 417.42 feet to a 1/2" rebar located on the South right-of-way of Arkansas State Highway No. 45 (Mission Boulevard); thence Northeasterly along said right-of-way the following: N 69°23'34" E, 249.39 feet to a 1/2" rebar, along a curve to the right having a radius of 970.00 feet, an arc length of 108.99 feet, and a chord bearing of N 72°35'42" E, 108.93 feet to a 1/2" rebar, along a curve to the right having a radius of 978.84 feet, an arc length of 335.04 feet, and a chord bearing of N 85°38'10" E, 333.40 feet to a 1/2" rebar, S 01°04'05" W, 12.27 feet to a 1/2" rebar; S 86°22'14" E, 166.88 feet to a 1/2" rebar, S 03°35'31" W, 1.95 feet to a 1/2" rebar, thence S 86°28'21" E, 252.00 feet to a 1/2" rebar; thence leaving said right-of-way and running S 03°29'46" W, 825.60 feet to a 1/2" rebar located on the North line of the Park Place Addition Phase II; thence N 85°48'23" W, 422.74 feet to a 1/2" rebar located at the NW corner of said addition; thence S 03°45'46" W, 491.63 feet along the West line of said addition to a stone monument; thence N 87°31'58" W, 657.93 feet to the point of beginning, containing an area of 28.93 acres, more or less, to the City of Fayetteville, Washington County, Arkansas.



**EXHIBIT "B"**

**COVERING THE FOLLOWING PARCELS:**

**765-13353-000; 765-13353-001; 765-13353-002; 765-13363-000; 765-13365-000; 765-13366-000; 765-13364-000;  
765-13373-002;**

After recording please return to:  
Waco Title Company  
6815 Isaac's Orchard Rd, Ste D  
Springdale, AR 72762

**File# 2013-00033385**

**WARRANTY DEED  
(LLC)**

File #: 1306311A-959

**KNOW ALL MEN BY THESE PRESENTS:**

That, **Monroe Ruskin, LLC, an Arkansas limited liability company**, hereinafter called GRANTOR, for and in consideration of the sum of ---ONE AND 00/100--- DOLLAR---(\$1.00)---and other good and valuable consideration, in hand paid by **R & L Properties, an Arkansas general partnership, an undivided 27.53226% interest, I-40 RV Land, LLC, an Arkansas limited liability company, an undivided 27.53226% interest, East Mission Boulevard, LLC, an Arkansas limited liability company, an undivided 44.93548% interest, each as tenants in common**, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto **R & L Properties, an Arkansas general partnership, an undivided 27.53226% interest, I-40 RV Land, LLC, an Arkansas limited liability company, an undivided 27.53226% interest, East Mission Boulevard, LLC, an Arkansas limited liability company, an undivided 44.93548% interest, each as tenants in common**, hereinafter called GRANTEES, and unto their successors and assigns forever, the following described lands lying in **Washington County, Arkansas to-wit:**

**SEE ATTACHED EXHIBIT "A"**

**TO HAVE AND TO HOLD** the same unto the said Grantees and unto their successors and assigns forever, with all appurtenances thereunto belonging. And the Grantor hereby covenants with said Grantees that it will forever warrant and defend the title to the said lands against all claims whatsoever.



Prepared under the supervision of  
Katy M. Sager, Attorney  
6815 Isaac's Orchard Road  
Springdale, AR. 72762

## EXHIBIT "A"

**Tract A:** A part of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as beginning at an iron pin which iron pin is located at a point 660.00 feet East of the SW corner of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W; thence North 955.00 feet to an iron pin; thence East 335.80 feet to an iron pin; thence N 01°44'00" E, 332.40 feet to an iron pin which is located on the South right-of-way line of Highway #45; thence in a Northeasterly direction with the South right-of-way line of Highway #45; thence in a Northeasterly direction with the South right-of-way line of said Highway #45, 128.60 feet and continuing along said right-of-way line in an Easterly direction, 207.90 feet to an iron pin; thence S 01°4'00" W, along an existing fence, 1305.10 feet to the SE corner of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W; thence West 665.20 feet to the point of beginning, containing 17.22 acres, more or less.

**Tract B:** A part of the E 1/2 of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows, to-wit: Beginning at a point 965.00 feet North and 186.00 feet East of the SW corner of the said 20 acre tract, and running thence North 145.20 feet to the South side of the drive as now located; thence N 32°00'00" W, 116.70 feet to the South right-of-way line of State Highway #45 as now located; thence N 65°07'00" E, along said right-of-way line 224.70 feet; thence S 00°14'00" W, 324.20 feet; thence S 85°44'00" W, 147.90 feet to the point of beginning, containing 1.091 acres, more or less.

**Tract C:** A part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows, to-wit: Commencing at the SW corner of said SW 1/4 of the SE 1/4, thence N 00°20' E, 491.90 feet; thence S 89°39' E, 168.01 feet to the point of beginning; thence S 89°39' E, 252.00 feet; thence N 00°19'48" W, 825.60 feet; thence S 89°38'21" W, 252.00 feet; thence S 00°19'52" E, 822.47 feet to the point of beginning, containing 4.78 acres, more or less.

**Tract D:** A part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows, to-wit: Commencing at the SW corner of the said SW 1/4 of the SE 1/4; thence N 00°20' E, 491.98 feet to the point of beginning; thence N 00°19'52" W, 822.97 feet; thence N 89°51'14" E, 168.00 feet; thence S 00°19'52" E, 824.34 feet; thence N 89°39' W, 168.01 feet to the point of beginning.

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**LESS & EXCEPT:** A part of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" rebar located N 03°40'34" E, 731.85 feet and S 87°48'42" E, 349.91 feet from a stone located at the SW corner of said forty acre tract, and running thence N 03°42'40" E, 285.74 feet to a 1/2" rebar located on the South right-of-way line of Arkansas State Highway

#45; thence N 69°26'54" E, 339.95 feet along said right-of-way to a 1/2" rebar; thence leaving said right-of-way and running S 03°42'40" W, 417.19 feet to a 1/2" rebar; thence N 87°48'42" W, 310.03 feet to the point of beginning, containing 2.50 acres, more or less. Subject to any easements and/or rights-of-way of record or fact.

***The above described Tracts A through F (inclusive) being combined to be more particularly described on a Commissioner's Deed in favor of Metropolitan National Bank, and filed for record December 28, 2010 as Document No. 2010-00038445, among the land records of Washington County, AR, and being described as follows:*** A part of the SE 1/4 of the SW 1/4 and a part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" rebar that is located S 87°32'34" E, 660.00 feet from a stone monument located at the SW corner of said SE 1/4 of the SW 1/4 of said Section 2; thence N 03°38'08" E, 441.29 feet to a 1/2" rebar; thence N 87°33'26" W, 135.00 feet to a 1/2" rebar; thence N 03°42'40" E, 80.00 feet to a 1/2" rebar; thence N 87°33'28" W, 175.00 feet to a 1/2" rebar; thence N 03°42'40" E, 212.28 feet to a 1/2" rebar; thence S 87°48'42" E, 310.03 feet to a 1/2" rebar; thence N 03°42'38" E, 403.95 feet to a 1/2" rebar located on the South right-of-way of Arkansas State Highway No. 45 (Mission Boulevard); thence Northeasterly along said right-of-way the following: N 69°23'34" E, 254.94 feet, along a curve to the right having an arc length of 407.08 feet, a radius of 957.73, and a chord bearing N 81°34'10" E, 404.02 feet, S 86°21'22" E, 199.13 feet; thence leaving said right-of-way and running S 03°35'31" W, 1.95 feet to a 1/2" rebar; thence S 86°28'21" E, 252.00 feet to a 1/2" rebar; thence S 03°29'46" W, 825.60 feet to a 1/2" rebar located on the North line of the Park Place Addition; thence N 85°48'23" W, 422.74 feet to a 1/2" rebar located at the NW corner of said addition; thence S 03°45'46" W, 491.63 feet along the West line of said addition to a stone monument; thence N 87°31'59" W, 657.93 feet to the point of beginning, containing an area of 28.73 acres, more or less, to the City of Fayetteville, Washington County, Arkansas.

***The above described parcel(s) of land being more accurately described on a plat of survey by William C. Jenkins, PLS #688 dated August 2006, for Ruskin Heights Subdivision, and described as follows:*** A part of the SE 1/4 of the SW 1/4 and a part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" rebar that is located S 87°32'34" E, 660.00 feet from a stone monument located at the SW corner of said SE 1/4 of the SW 1/4 of said Section 2; thence N 03°38'07" E, 441.29 feet to a 1/2" rebar; thence N 87°33'26" W, 135.00 feet to a 1/2" rebar; thence N 03°42'40" E, 80.00 feet to a 1/2" rebar; thence N 87°33'28" W, 175.00 feet to a 1/2" rebar; thence N 03°42'40" E, 212.28 feet to a 1/2" rebar; thence S 87°48'42" E, 310.03 feet to a 1/2" rebar; thence N 03°42'38" E, 417.42 feet to a 1/2" rebar located on the South right-of-way of Arkansas State Highway No. 45 (Mission Boulevard); thence Northeasterly along said right-of-way the following: N 69°23'34" E, 249.39 feet to a 1/2" rebar, along a curve to the right having a radius of 970.00 feet, an arc length of 108.99 feet, and a chord bearing of N 72°35'42" E, 108.93 feet to a 1/2" rebar, along a curve to the right having a radius of 978.84 feet, an arc length of 335.04 feet, and a chord bearing of N 85°38'10" E, 333.40 feet to a 1/2" rebar, S 01°04'05" W, 12.27 feet to a 1/2" rebar; S 86°22'14" E, 166.88 feet to a 1/2" rebar, S 03°35'31" W, 1.95 feet to a 1/2" rebar, thence S 86°28'21" E, 252.00 feet to a 1/2" rebar; thence leaving said right-of-way and running S 03°29'46" W, 825.60 feet to a 1/2" rebar located on the North line of the Park Place Addition Phase II; thence N 85°48'23" W, 422.74 feet to a 1/2" rebar located at the NW corner of said addition; thence S 03°45'46" W, 491.63 feet along the West line of said addition to a stone monument; thence N 87°31'58" W, 657.93 feet to the point of beginning, containing an area of 28.93 acres, more or less, to the City of Fayetteville, Washington County, Arkansas.

Subject to easements, rights-of-way, and protective covenants of record, if any.  
Subject to all prior mineral reservations and oil and gas leases.

WITNESS our hands and seals as such GRANTOR, this 27 day of September, 2013

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument.

Monroe Ruskin, LLC, an Arkansas limited liability company

GRANTEE OR AGENT: 241 Prosperitas, I-40 Rly LLC, East Mission Boulevard, LLC

GRANTEE'S ADDRESS: 141 Waco Title, Agents, 11 Center St.

By: [Signature]  
Ryan Fowler, authorized member

State 1510 Cooper Little Rock, AR 72201

**ACKNOWLEDGMENT**

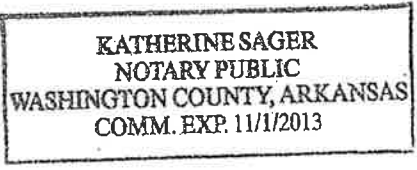
STATE OF Arkansas )  
COUNTY OF Washington ) SS.

On this day before the undersigned, a Notary Public, duly commissioned, qualified and acting, within and for the said County and State, appeared in person the within named **Ryan Fowler** to me personally known, who stated that he is the authorized Member of **Monroe Ruskin, LLC, an Arkansas limited liability company**, and is duly authorized in his capacity to execute the foregoing instrument for and in the name and behalf of said company, and further stated and acknowledged that he had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 27 day of September, 2013.

[Signature]  
Notary Public

My commission expires:  
\_\_\_\_\_



Washington County, AR  
I certify this instrument was filed on  
9/30/2013 3:54:09 PM  
and recorded in REAL ESTATE  
  
File# 2013-00033385  
Kyle Sylvester - Circuit Clerk

[Signature]

File# 2015-00013048

This instrument was prepared by:  
G. Robert Hardin  
Hardin & Grace, P. A.  
500 Main Street  
Suite A  
North Little Rock, Arkansas 72114

### SPECIAL WARRANTY DEED

KNOW ALL BY THESE PRESENTS:

That **I-40 RV Land, LLC**, an Arkansas limited liability company ("Grantor"), in consideration of the sum of Ten Dollars (\$10.00), paid by **East Mission Boulevard, LLC**, an Arkansas limited liability company ("Grantee"), the receipt of which is hereby acknowledged, hereby grants, bargains, sells and conveys unto Grantee and unto its successors and assigns forever, all of Grantor's **undivided 27.53226%** interest in the following described land located in the County of Washington, State of Arkansas:

*Tract A:* A part of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as beginning at an iron pin which iron pin is located at a point 660.00 feet East of the SW corner of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W; thence North 955.00 feet to an iron pin; thence East 335.80 feet to an iron pin; thence N 01°44'00" E, 332.40 feet to an iron pin which is located on the South right-of-way line of Highway 45; thence in a Northeasterly direction with the South right-of-way line of Highway #45; thence in a Northeasterly direction with the South right-of-way line of said Highway #45, 128.60 feet and continuing along said right-of-way line in an Easterly direction, 207.90 feet to an iron pin; thence S 01°4'00" W, along an existing fence, 1305.10 feet to the SE corner of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W; thence West 665.20 feet to the point of beginning, containing 17.22 acres, more or less.

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*Tract C:* A part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows, to-wit: Commencing at the SW corner of said SW 1/4 of the SE 1/4, thence N 00°20' E, 491.90 feet; thence S 89°39' E,

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168.01 feet to the point of beginning; thence S 89°39' E, 252.00 feet; thence N 00°19'48" W, 825.60 feet; thence S 89°38'21" W, 252.00 feet; thence S 00°19'52" E, 822.47 feet to the point of beginning, containing 4.78 acres, more or less.

**Tract D:** A part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows, to-wit: Commencing at the SW corner of the said SW 1/4 of the SE 1/4; thence N 00°20' E, 491.98 feet to the point of beginning; thence N 00°19'52" W, 822.97 feet; thence N 89°51'14" E, 168.00 feet; thence S 00°19'52" E, 824.34 feet; thence N 89°39' W, 168.01 feet to the point of beginning.

**Tract E:** A part of the E 1/2 of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at an iron pin at a point where the South line of State Highway #45 intersects with the West line of said 20 acre tract, and running thence South 180.00 feet; thence East 186.00 feet; thence North 141.20 feet to an iron pin on the West line of a private roadway; thence N 31°25'00" W, 114.00 feet to an iron pin on the South line of right-of-way of said State Highway #45; thence S 65°30'00" W, 137.00 feet to the point of beginning, containing 1.0 acre, more or less.

**Tract F:** A part of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" iron rebar located N 03°40'34" E, 521.12 (DEED = N 01°04'42" E, 520.00 feet) and S 87°33'26" E, 349.74 feet (DEED = N 89°48'36" E, 350.00 feet) from a stone located at the SW corner of said forty acre tract, and running thence N 03°42'40" E, 498.02 feet to a 1/2" rebar located on the South right-of-way line of Arkansas State Highway #45; thence N 69°26'54" E, 339.95 (DEED = S 66°48'56" W, 339.95 feet) along said right-of-way to a 1/2" rebar; thence leaving said right-of-way and running S 03°42'40" W, 71.085 feet (DEED = N 01°04'42" E, 710.85 feet) to a 1/2" rebar; thence N 87°33'26" W, 135.00 feet (DEED = N 89°48'36" E, 135.00 feet) to a 1/2" rebar; thence N 03°42'40" E, 80.00 feet (DEED = S 01°04'42" W, 80.00 feet) to a 1/2" rebar; thence N 87°33'26" W, 175.00 feet (DEED = N 89°48'36" E, 175.00 feet) to the point of beginning, containing 4.26 acres, more or less. Subject to any easements and/or rights-of-way of record or fact.

**LESS & EXCEPT:** A part of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" rebar located N 03°40'34" E, 731.85 feet and S 87°48'42" E, 349.91 feet from a stone located at the SW corner of said forty acre tract, and running thence N 03°42'40" E, 285.74 feet to a 1/2" rebar located on the South right-of-way line of Arkansas State Highway #45; thence N 69°26'54" E, 339.95 feet along said right-of-way to a 1/2" rebar; thence leaving said right-of-way and running S 03°42'40" W, 417.19 feet to a 1/2" rebar; thence N 87°48'42" W, 310.03 feet to the point of beginning, containing 2.50 acres, more or less. Subject to any easements and/or rights-of-way of record or fact.

*The above described Tracts A through F (inclusive) being combined to be more particularly described on a Commissioner's Deed in favor of Metropolitan National Bank, and filed for record December 28, 2010 as Document No. 2010-00038445, among the land records of Washington County, AR, and being described as follows:* A part of the SE 1/4 of

the SW 1/4 and a part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" rebar that is located S 87°32'34" E, 660.00 feet from a stone monument located at the SW corner of said SE 1/4 of the SW 1/4 of said Section 2; thence N 03°38'08" E, 441.29 feet to a 1/2" rebar; thence N 87°33'26" W, 135.00 feet to a 1/2" rebar; thence N 03°42'40" E, 80.00 feet to a 1/2" rebar; thence N 87°33'28" W, 175.00 feet to a 1/2" rebar; thence N 03°42'40" E, 212.28 feet to a 1/2" rebar; thence S 87°48'42" E, 310.03 feet to a 1/2" rebar; thence N 03°42'38" E, 403.95 feet to a 1/2" rebar located on the South right-of-way of Arkansas State Highway No. 45 (Mission Boulevard); thence Northeasterly along said right-of-way the following: N 69°23'34" E, 254.94 feet, along a curve to the right having an arc length of 407.08 feet, a radius of 957.73, and a chord bearing N 81°34'10" E, 404.02 feet, S 86°21'22" E, 199.13 feet; thence leaving said right-of-way and running S 03°35'31" W, 1.95 feet to a 1/2" rebar; thence S 86°28'21" E, 252.00 feet to a 1/2" rebar; thence S 03°29'46" W, 825.60 feet to a 1/2" rebar located on the North line of the Park Place Addition; thence N 85°48'23" W, 422.74 feet to a 1/2" rebar located at the NW corner of said addition; thence S 03°45'46" W, 491.63 feet along the West line of said addition to a stone monument; thence N 87°31'59" W, 657.93 feet to the point of beginning, containing an area of 28.73 acres, more or less, to the City of Fayetteville, Washington County, Arkansas.

*The above described parcel(s) of land being more accurately described on a plat of survey by William C. Jenkins, PLS #688 dated August 2006, for Ruskin Heights Subdivision, and described as follows:* A part of the SE 1/4 of the SW 1/4 and a part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" rebar that is located S 87°32'34" E, 660.00 feet from a stone monument located at the SW corner of said SE 1/4 of the SW 1/4 of said Section 2; thence N 03°38'07" E, 441.29 feet to a 1/2" rebar; thence N 87°33'26" W, 135.00 feet to a 1/2" rebar; thence N 03°42'40" E, 80.00 feet to a 1/2" rebar; thence N 87°33'28" W, 175.00 feet to a 1/2" rebar; thence N 03°42'40" E, 212.28 feet to a 1/2" rebar; thence S 87°48'42" E, 310.03 feet to a 1/2" rebar; thence N 03°42'38" E, 417.42 feet to a 1/2" rebar located on the South right-of-way of Arkansas State Highway No. 45 (Mission Boulevard); thence Northeasterly along said right-of-way the following: N 69°23'34" E, 249.39 feet to a 1/2" rebar, along a curve to the right having a radius of 970.00 feet, an arc length of 108.99 feet, and a chord bearing of N 72°35'42" E, 108.93 feet to a 1/2" rebar, along a curve to the right having a radius of 978.84 feet, an arc length of 335.04 feet, and a chord bearing of N 85°38'10" E, 333.40 feet to a 1/2" rebar, S 01°04'05" W, 12.27 feet to a 1/2" rebar; S 86°22'14" E, 166.88 feet to a 1/2" rebar, S 03°35'31" W, 1.95 feet to a 1/2" rebar, thence S 86°28'21" E, 252.00 feet to a 1/2" rebar; thence leaving said right-of-way and running S 03°29'46" W, 825.60 feet to a 1/2" rebar located on the North line of the Park Place Addition Phase II; thence N 85°48'23" W, 422.74 feet to a 1/2" rebar located at the NW corner of said addition; thence S 03°45'46" W, 491.63 feet along the West line of said addition to a stone monument; thence N 87°31'58" W, 657.93 feet to the point of beginning, containing an area of 28.93 acres, more or less, to the City of Fayetteville, Washington County, Arkansas.

Subject to easements, rights-of-way, and protective covenants of record, if any.  
Subject to all prior mineral reservations and oil and gas leases.



TO HAVE AND TO HOLD unto Grantee and unto its successors and assigns forever, with all tenements, appurtenances and hereditaments thereunto belonging. And Grantor hereby covenants with Grantee that Grantor will forever warrant and defend the title to such lands against all claims and encumbrances done or suffered by or through it, but against none other.

IN WITNESS WHEREOF, the Grantor has executed this instrument effective the 30<sup>th</sup> day of September, 2014.

I-40 RV Land, LLC

By: *Paul Minton*  
Paul Minton, Manager

ACKNOWLEDGMENT

STATE OF ARKANSAS     )  
  )  
COUNTY OF PULASKI    )     ss

On 14<sup>th</sup> day May, 2015, before the undersigned, a Notary Public, duly commissioned, qualified and acting, within and for the said County and State, appeared in person the within named Paul Minton, to me personally known, who stated that he is the authorized Manager of I-40 RV Land, LLC, an Arkansas limited liability company, and is duly authorized in his capacity to execute the foregoing instrument for and in the name and behalf of said I-40 RV Land, LLC, and further stated and acknowledged that he had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

*[Signature]*  
Notary Public

My Commission Expires: 9-30-2020



I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument (If none shown, exempt or no consideration paid).  
Grantee or Agent: *[Signature]*  
Grantee's Address: 111 Center St, Little Rock, AR 72201  
This Transfer is exempt pursuant to A.C.A. §26-60-102(11)



STATE OF ARKANSAS  
DEPARTMENT OF FINANCE AND ADMINISTRATION  
MISCELLANEOUS TAX SECTION  
P.O. BOX 896, LITTLE ROCK, AR 72203-0896

## Affidavit of Compliance



File Number: 1502422-106

**Grantee:** EAST MISSION BOULEVARD, LLC  
**Mailing Address:** 111 CENTER ST.  
LITTLE ROCK AR 722010000

**Grantor:** I-40 RV LAND, LLC  
**Mailing Address:** 10201 W. MARKHAM, SUITE 213  
LITTLE ROCK AR 722050000

Washington County, AR  
I certify this instrument was filed on  
5/15/2015 12:12:53 PM  
and recorded in REAL ESTATE

File# 2015-00013048  
Kyle Sylvester - Circuit Clerk

**Property Purchase Price:** \$0.00  
**Tax Amount:** \$0.00

**County:** WASHINGTON  
**Date Issued:** 05/15/2015  
**Affidavit ID:** 1635631104

The grantee/grantor claims the following exemption to the Real Estate Transfer Tax:

An instrument conveying land between corporations, partnerships, limited liability companies, or other business entities or between a business entity and its shareholder, partner, or member incident to the organization, reorganization, merger, consolidation, capitalization, asset distribution, or liquidation of a corporation, partnership, limited liability company, or other business entity.

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument

Grantee or Agent Name (printed): East Mission Boulevard LLC

Grantee or Agent Name (signature): Wesley Tittle as agent Date: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

File# 2015-00013049

This instrument was prepared by:  
G. Robert Hardin  
Hardin & Grace, P. A.  
500 Main Street  
Suite A  
North Little Rock, Arkansas 72114

### SPECIAL WARRANTY DEED

KNOW ALL BY THESE PRESENTS:

That **R & L Properties**, an Arkansas general partnership ("Grantor"), in consideration of the sum of Ten Dollars (\$10.00), paid by **East Mission Boulevard, LLC**, an Arkansas limited liability company ("Grantee"), the receipt of which is hereby acknowledged, hereby grants, bargains, sells and conveys unto Grantee and unto its successors and assigns forever, all of Grantor's **undivided 27.53226%** interest in the following described land located in the County of Washington, State of Arkansas:

*Tract A:* A part of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as beginning at an iron pin which iron pin is located at a point 660.00 feet East of the SW corner of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W; thence North 955.00 feet to an iron pin; thence East 335.80 feet to an iron pin; thence N 01°44'00" E, 332.40 feet to an iron pin which is located on the South right-of-way line of Highway 45; thence in a Northeasterly direction with the South right-of-way line of Highway #45; thence in a Northeasterly direction with the South right-of-way line of said Highway #45, 128.60 feet and continuing along said right-of-way line in an Easterly direction, 207.90 feet to an iron pin; thence S 01°4'00" W, along an existing fence, 1305.10 feet to the SE corner of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W; thence West 665.20 feet to the point of beginning, containing 17.22 acres, more or less.

*Tract B:* A part of the E 1/2 of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows, to-wit: Beginning at a point 965.00 feet North and 186.00 feet East of the SW corner of the said 20 acre tract, and running thence North 145.20 feet to the South side of the drive as now located; thence N 32°00'00" W, 116.70 feet to the South right-of-way line of State Highway #45 as now located; thence N 65°07'00" E, along said right-of-way line 224.70 feet; thence S 00°14'00" W, 324.20 feet; thence S 85°44'00" W, 147.90 feet to the point of beginning, containing 1.091 acres, more or less.

*Tract C:* A part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows, to-wit: Commencing at the SW corner of said SW 1/4 of the SE 1/4, thence N 00°20' E, 491.90 feet; thence S 89°39' E,

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168.01 feet to the point of beginning; thence S 89°39' E, 252.00 feet; thence N 00°19'48" W, 825.60 feet; thence S 89°38'21" W, 252.00 feet; thence S 00°19'52" E, 822.47 feet to the point of beginning, containing 4.78 acres, more or less.

**Tract D:** A part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows, to-wit: Commencing at the SW corner of the said SW 1/4 of the SE 1/4; thence N 00°20' E, 491.98 feet to the point of beginning; thence N 00°19'52" W, 822.97 feet; thence N 89°51'14" E, 168.00 feet; thence S 00°19'52" E, 824.34 feet; thence N 89°39' W, 168.01 feet to the point of beginning.

**Tract E:** A part of the E 1/2 of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at an iron pin at a point where the South line of State Highway #45 intersects with the West line of said 20 acre tract, and running thence South 180.00 feet; thence East 186.00 feet; thence North 141.20 feet to an iron pin on the West line of a private roadway; thence N 31°25'00" W, 114.00 feet to an iron pin on the South line of right-of-way of said State Highway #45; thence S 65°30'00" W, 137.00 feet to the point of beginning, containing 1.0 acre, more or less.

**Tract F:** A part of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" iron rebar located N 03°40'34" E, 521.12 (DEED = N 01°04'42" E, 520.00 feet) and S 87°33'26" E, 349.74 feet (DEED = N 89°48'36" E, 350.00 feet) from a stone located at the SW corner of said forty acre tract, and running thence N 03°42'40" E, 498.02 feet to a 1/2" rebar located on the South right-of-way line of Arkansas State Highway #45; thence N 69°26'54" E, 339.95 (DEED = S 66°48'56" W, 339.95 feet) along said right-of-way to a 1/2" rebar; thence leaving said right-of-way and running S 03°42'40" W, 71.085 feet (DEED = N 01°04'42" E, 71.085 feet) to a 1/2" rebar; thence N 87°33'26" W, 135.00 feet (DEED = N 89°48'36" E, 135.00 feet) to a 1/2" rebar; thence N 03°42'40" E, 80.00 feet (DEED = S 01°04'42" W, 80.00 feet) to a 1/2" rebar; thence N 87°33'26" W, 175.00 feet (DEED = N 89°48'36" E, 175.00 feet) to the point of beginning, containing 4.26 acres, more or less. Subject to any easements and/or rights-of-way of record or fact.

**LESS & EXCEPT:** A part of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" rebar located N 03°40'34" E, 731.85 feet and S 87°48'42" E, 349.91 feet from a stone located at the SW corner of said forty acre tract, and running thence N 03°42'40" E, 285.74 feet to a 1/2" rebar located on the South right-of-way line of Arkansas State Highway #45; thence N 69°26'54" E, 339.95 feet along said right-of-way to a 1/2" rebar; thence leaving said right-of-way and running S 03°42'40" W, 417.19 feet to a 1/2" rebar; thence N 87°48'42" W, 310.03 feet to the point of beginning, containing 2.50 acres, more or less. Subject to any easements and/or rights-of-way of record or fact.

*The above described Tracts A through F (inclusive) being combined to be more particularly described on a Commissioner's Deed in favor of Metropolitan National Bank, and filed for record December 28, 2010 as Document No. 2010-00038445, among the land records of Washington County, AR, and being described as follows:* A part of the SE 1/4 of

the SW 1/4 and a part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" rebar that is located S 87°32'34" E, 660.00 feet from a stone monument located at the SW corner of said SE 1/4 of the SW 1/4 of said Section 2; thence N 03°38'08" E, 441.29 feet to a 1/2" rebar; thence N 87°33'26" W, 135.00 feet to a 1/2" rebar; thence N 03°42'40" E, 80.00 feet to a 1/2" rebar; thence N 87°33'28" W, 175.00 feet to a 1/2" rebar; thence N 03°42'40" E, 212.28 feet to a 1/2" rebar; thence S 87°48'42" E, 310.03 feet to a 1/2" rebar; thence N 03°42'38" E, 403.95 feet to a 1/2" rebar located on the South right-of-way of Arkansas State Highway No. 45 (Mission Boulevard); thence Northeasterly along said right-of-way the following: N 69°23'34" E, 254.94 feet, along a curve to the right having an arc length of 407.08 feet, a radius of 957.73, and a chord bearing N 81°34'10" E, 404.02 feet, S 86°21'22" E, 199.13 feet; thence leaving said right-of-way and running S 03°35'31" W, 1.95 feet to a 1/2" rebar; thence S 86°28'21" E, 252.00 feet to a 1/2" rebar; thence S 03°29'46" W, 825.60 feet to a 1/2" rebar located on the North line of the Park Place Addition; thence N 85°48'23" W, 422.74 feet to a 1/2" rebar located at the NW corner of said addition; thence S 03°45'46" W, 491.63 feet along the West line of said addition to a stone monument; thence N 87°31'59" W, 657.93 feet to the point of beginning, containing an area of 28.73 acres, more or less, to the City of Fayetteville, Washington County, Arkansas.

*The above described parcel(s) of land being more accurately described on a plat of survey by William C. Jenkins, PLS #688 dated August 2006, for Ruskin Heights Subdivision, and described as follows:* A part of the SE 1/4 of the SW 1/4 and a part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" rebar that is located S 87°32'34" E, 660.00 feet from a stone monument located at the SW corner of said SE 1/4 of the SW 1/4 of said Section 2; thence N 03°38'07" E, 441.29 feet to a 1/2" rebar; thence N 87°33'26" W, 135.00 feet to a 1/2" rebar; thence N 03°42'40" E, 80.00 feet to a 1/2" rebar; thence N 87°33'28" W, 175.00 feet to a 1/2" rebar; thence N 03°42'40" E, 212.28 feet to a 1/2" rebar; thence S 87°48'42" E, 310.03 feet to a 1/2" rebar; thence N 03°42'38" E, 417.42 feet to a 1/2" rebar located on the South right-of-way of Arkansas State Highway No. 45 (Mission Boulevard); thence Northeasterly along said right-of-way the following: N 69°23'34" E, 249.39 feet to a 1/2" rebar, along a curve to the right having a radius of 970.00 feet, an arc length of 108.99 feet, and a chord bearing of N 72°35'42" E, 108.93 feet to a 1/2" rebar, along a curve to the right having a radius of 978.84 feet, an arc length of 335.04 feet, and a chord bearing of N 85°38'10" E, 333.40 feet to a 1/2" rebar, S 01°04'05" W, 12.27 feet to a 1/2" rebar; S 86°22'14" E, 166.88 feet to a 1/2" rebar, S 03°35'31" W, 1.95 feet to a 1/2" rebar, thence S 86°28'21" E, 252.00 feet to a 1/2" rebar; thence leaving said right-of-way and running S 03°29'46" W, 825.60 feet to a 1/2" rebar located on the North line of the Park Place Addition Phase II; thence N 85°48'23" W, 422.74 feet to a 1/2" rebar located at the NW corner of said addition; thence S 03°45'46" W, 491.63 feet along the West line of said addition to a stone monument; thence N 87°31'58" W, 657.93 feet to the point of beginning, containing an area of 28.93 acres, more or less, to the City of Fayetteville, Washington County, Arkansas.

Subject to easements, rights-of-way, and protective covenants of record, if any.  
Subject to all prior mineral reservations and oil and gas leases.

TO HAVE AND TO HOLD unto Grantee and unto its successors and assigns forever, with all tenements, appurtenances and hereditaments thereunto belonging. And Grantor hereby covenants with Grantee that Grantor will forever warrant and defend the title to such lands against all claims and encumbrances done or suffered by or through it, but against none other.

IN WITNESS WHEREOF, the Grantor has executed this instrument effective the 30<sup>th</sup> day of September, 2014.

R & L Properties, an Arkansas general partnership

By: [Signature]  
Tommy J. Lasiter, General Partner

ACKNOWLEDGMENT

STATE OF ARKANSAS     )  
  )     ss  
COUNTY OF PULASKI    )

On the 14<sup>th</sup> day of May, 2015, before the undersigned, a Notary Public, duly commissioned, qualified and acting, within and for the said County and State, appeared in person the within named Tommy J. Lasiter, to me personally known, who stated that he is the authorized Manager of R & L Properties, an Arkansas general partnership, and is duly authorized in his capacity to execute the foregoing instrument for and in the name and behalf of said R & L Properties, and further stated and acknowledged that he had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

[Signature]  
Notary Public

My Commission Expires: 9-30-2020



I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument (If none shown, exempt or no consideration paid).  
Grantee or Agent: [Signature]  
Grantee's Address: 111 Center St, Little Rock, AR 72201  
This Transfer is exempt pursuant to A.C.A. §26-60-102(11)



STATE OF ARKANSAS  
DEPARTMENT OF FINANCE AND ADMINISTRATION  
MISCELLANEOUS TAX SECTION  
P.O. BOX 896, LITTLE ROCK, AR 72203-0896

## Affidavit of Compliance



File Number: 1502422-106

**Grantee:** EAST MISSION BOULEVARD, LLC  
**Mailing Address:** 111 CENTER ST.  
LITTLE ROCK AR 722010000

**Grantor:** R & L PROPERTIES  
**Mailing Address:** 111 CENTER ST.  
LITTLE ROCK AR 722010000

Washington County, AR  
I certify this instrument was filed on  
5/15/2015 12:13:21 PM  
and recorded in REAL ESTATE

File# 2015-00013049  
Kyle Sylvester - Circuit Clerk

**Property Purchase Price:** \$0.00  
**Tax Amount:** \$0.00

**County:** WASHINGTON  
**Date Issued:** 05/15/2015  
**Affidavit ID:** 1304608768

The grantee/grantor claims the following exemption to the Real Estate Transfer Tax:

An instrument conveying land between corporations, partnerships, limited liability companies, or other business entities or between a business entity and its shareholder, partner, or member incident to the organization, reorganization, merger, consolidation, capitalization, asset distribution, or liquidation of a corporation, partnership, limited liability company, or other business entity.

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument

Grantee or Agent Name (printed): East Mission Boulevard, LLC

Grantee or Agent Name (signature): Waco T. H. as agent Date: \_\_\_\_\_

Address: 111 Center St.

City/State/Zip: Little Rock, AR 72201

RECEIVED

JUL 06 2015

ABTRACTOR'S CERTIFICATE OF PROPERTY OWNERSHIP CITY OF FAYETTEVILLE  
CITY CLERK'S OFFICE

The undersigned hereby certifies that the deed records in the office of the Circuit Clerk and Ex-Officio Records of Washington County, Arkansas, reflect that **East Mission Boulevard, LLC** is the record title owner of all the real property described in Exhibit "A" to the Petition to Form the East Mission Boulevard Municipal Multipurpose Property Owners' Improvement District No. \_\_\_ of Fayetteville, Arkansas, a copy of which Exhibit "A" is attached hereto and made a part hereof.

Dated the 1st day of July, 2015.

WACO TITLE COMPANY

By: *Angela Huddle*  
Signing Agent No. 10214916



#### EXHIBIT "A"

*Tract A:* A part of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as beginning at an iron pin which iron pin is located at a point 660.00 feet East of the SW corner of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W; thence North 955.00 feet to an iron pin; thence East 335.80 feet to an iron pin; thence N 01°44'00" E, 332.40 feet to an iron pin which is located on the South right-of-way line of Highway 45; thence in a Northeasterly direction with the South right-of-way line of Highway #45; thence in a Northeasterly direction with the South right-of-way line of said Highway #45, 128.60 feet and continuing along said right-of-way line in an Easterly direction, 207.90 feet to an iron pin; thence S 01°4'00" W, along an existing fence, 1305.10 feet to the SE corner of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W; thence West 665.20 feet to the point of beginning, containing 17.22 acres, more or less.

*Tract B:* A part of the E 1/2 of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows, to-wit: Beginning at a point 965.00 feet North and 186.00 feet East of the SW corner of the said 20 acre tract, and running thence North 145.20 feet to the South side of the drive as now located; thence N 32°00'00" W, 116.70 feet to the South right-of-way line of State Highway #45 as now located; thence N 65°07'00" E, along said right-of-way line 224.70 feet; thence S 00°14'00" W, 324.20 feet; thence S 85°44'00" W, 147.90 feet to the point of beginning, containing 1.091 acres, more or less.

*Tract C:* A part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows, to-wit: Commencing at the SW corner of said SW 1/4 of the SE 1/4, thence N 00°20' E, 491.90 feet; thence S 89°39' E, 168.01 feet to the point of beginning; thence S 89°39' E, 252.00 feet; thence N 00°19'48" W, 825.60 feet; thence S 89°38'21" W, 252.00 feet; thence S 00°19'52" E, 822.47 feet to the point of beginning, containing 4.78 acres, more or less.

*Tract D:* A part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows, to-wit: Commencing at the SW corner of the said SW 1/4 of the SE 1/4; thence N 00°20' E, 491.98 feet to the point of beginning; thence N 00°19'52" W, 822.97 feet; thence N 89°51'14" E, 168.00 feet; thence S 00°19'52" E, 824.34 feet; thence N 89°39' W, 168.01 feet to the point of beginning.

*Tract E:* A part of the E 1/2 of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at an iron pin at a point where the South line of State Highway #45 intersects with the West line of said 20 acre tract, and running thence South 180.00 feet; thence East 186.00 feet; thence North 141.20 feet to an iron pin on the West line of a private roadway; thence N 31°25'00" W, 114.00 feet to an iron pin on the South line of right-of-way of said State Highway #45; thence S 65°30'00" W, 137.00 feet to the point of beginning, containing 1.0 acre, more or less.

*Tract F:* A part of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" iron rebar located N 03°40'34" E, 521.12 (DEED = N 01°04'42" E, 520.00 feet) and S 87°33'26" E, 349.74 feet (DEED = N 89°48'36" E, 350.00 feet) from a stone located at the SW corner of said forty acre tract, and running thence N 03°42'40" E, 498.02 feet to a 1/2" rebar located on the South right-of-way line of Arkansas State Highway #45; thence N 69°26'54" E, 339.95 (DEED = S 66°48'56" W, 339.95 feet) along said right-of-way to a 1/2" rebar; thence leaving said right-of-way and running S 03°42'40" W, 71.085 feet (DEED = N 01°04'42" E, 710.85 feet) to a 1/2" rebar; thence N 87°33'26" W, 135.00 feet (DEED = N 89°48'36" E, 135.00 feet) to a 1/2" rebar; thence N 03°42'40" E, 80.00 feet (DEED = S 01°04'42" W, 80.00 feet) to a 1/2" rebar; thence N 87°33'26" W, 175.00 feet (DEED = N 89°48'36" E, 175.00 feet) to the point of beginning, containing 4.26 acres, more or less. Subject to any easements and/or rights-of-way of record or fact.

*LESS & EXCEPT:* A part of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" rebar located N 03°40'34" E, 731.85 feet and S 87°48'42" E, 349.91 feet from a stone located at the SW corner of said forty acre tract, and running thence N 03°42'40" E, 285.74 feet to a 1/2" rebar located on the South right-of-way line of Arkansas State Highway

#45; thence N 69°26'54" E, 339.95 feet along said right-of-way to a 1/2" rebar; thence leaving said right-of-way and running S 03°42'40" W, 417.19 feet to a 1/2" rebar; thence N 87°48'42" W, 310.03 feet to the point of beginning, containing 2.50 acres, more or less. Subject to any easements and/or rights-of-way of record or fact.

*The above described Tracts A through F (inclusive) being combined to be more particularly described on a Commissioner's Deed in favor of Metropolitan National Bank, and filed for record December 28, 2010 as Document No. 2010-00038445, among the land records of Washington County, AR, and being described as follows:* A part of the SE 1/4 of the SW 1/4 and a part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" rebar that is located S 87°32'34" E, 660.00 feet from a stone monument located at the SW corner of said SE 1/4 of the SW 1/4 of said Section 2; thence N 03°38'08" E, 441.29 feet to a 1/2" rebar; thence N 87°33'26" W, 135.00 feet to a 1/2" rebar; thence N 03°42'40" E, 80.00 feet to a 1/2" rebar; thence N 87°33'28" W, 175.00 feet to a 1/2" rebar; thence N 03°42'40" E, 212.28 feet to a 1/2" rebar; thence S 87°48'42" E, 310.03 feet to a 1/2" rebar; thence N 03°42'38" E, 403.95 feet to a 1/2" rebar located on the South right-of-way of Arkansas State Highway No. 45 (Mission Boulevard); thence Northeasterly along said right-of-way the following: N 69°23'34" E, 254.94 feet, along a curve to the right having an arc length of 407.08 feet, a radius of 957.73, and a chord bearing N 81°34'10" E, 404.02 feet, S 86°21'22" E, 199.13 feet; thence leaving said right-of-way and running S 03°35'31" W, 1.95 feet to a 1/2" rebar; thence S 86°28'21" E, 252.00 feet to a 1/2" rebar; thence S 03°29'46" W, 825.60 feet to a 1/2" rebar located on the North line of the Park Place Addition; thence N 85°48'23" W, 422.74 feet to a 1/2" rebar located at the NW corner of said addition; thence S 03°45'46" W, 491.63 feet along the West line of said addition to a stone monument; thence N 87°31'59" W, 657.93 feet to the point of beginning, containing an area of 28.73 acres, more or less, to the City of Fayetteville, Washington County, Arkansas.

*The above described parcel(s) of land being more accurately described on a plat of survey by William C. Jenkins, PLS #688 dated August 2006, for Ruskin Heights Subdivision, and described as follows:* A part of the SE 1/4 of the SW 1/4 and a part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" rebar that is located S 87°32'34" E, 660.00 feet from a stone monument located at the SW corner of said SE 1/4 of the SW 1/4 of said Section 2; thence N 03°38'07" E, 441.29 feet to a 1/2" rebar; thence N 87°33'26" W, 135.00 feet to a 1/2" rebar; thence N 03°42'40" E, 80.00 feet to a 1/2" rebar; thence N 87°33'28" W, 175.00 feet to a 1/2" rebar; thence N 03°42'40" E, 212.28 feet to a 1/2" rebar; thence S 87°48'42" E, 310.03 feet to a 1/2" rebar; thence N 03°42'38" E, 417.42 feet to a 1/2" rebar located on the South right-of-way of Arkansas State Highway No. 45 (Mission Boulevard); thence Northeasterly along said right-of-way the following: N 69°23'34" E, 249.39 feet to a 1/2" rebar, along a curve to the right having a radius of 970.00 feet, an arc length of 108.99 feet, and a chord bearing of N 72°35'42" E, 108.93 feet to a 1/2" rebar, along a curve to the right having a radius of 978.84 feet, an arc length of 335.04 feet, and a chord bearing of N 85°38'10" E, 333.40 feet to a 1/2" rebar, S 01°04'05" W, 12.27 feet to a 1/2" rebar; S 86°22'14" E, 166.88 feet to a 1/2" rebar, S 03°35'31" W, 1.95 feet to a 1/2" rebar, thence S 86°28'21" E, 252.00 feet to a 1/2" rebar; thence leaving said right-of-way and running S 03°29'46" W, 825.60 feet to a 1/2" rebar located on the North line of the Park Place Addition Phase II; thence N 85°48'23" W, 422.74 feet to a 1/2" rebar located at the NW corner of said addition; thence S 03°45'46" W, 491.63 feet along the West line of said addition to a stone monument; thence N 87°31'58" W, 657.93 feet to the point of beginning, containing an area of 28.93 acres, more or less, to the City of Fayetteville, Washington County, Arkansas.

Subject to easements, rights-of-way, and protective covenants of record, if any.  
Subject to all prior mineral reservations and oil and gas leases.

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**A.C.A. § 14-94-106** (Copy w/ Cite)

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*A.C.A. § 14-94-106*

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\*\*\* Legislation is current through the 2014 Second Extraordinary Session \*\*\*  
\*\*\* and updates received from the Arkansas Code Revision Commission \*\*\*  
\*\*\* through December 12, 2014. \*\*\*

Title 14 Local Government  
Subtitle 5. Improvement Districts Generally  
Chapter 94 Municipal Property Owners' Improvement District Law

A.C.A. § 14-94-106 (2015)

**14-94-106. Hearing on petition and determination.**

**(a) (1) (A)** Upon the filing of the petition with the clerk, it shall be the duty of the clerk to present the petition to the mayor.

**(B)** The petition shall be accompanied by a certificate from a title insurance company transacting business in the municipality:

**(i)** Stating that the signatures on the petition constitute all of the owners of real property to be located in the district; and

**(ii)** Identifying any mortgagee holding a first mortgage lien on real property constituting more than ten percent (10%) in area of the real property to be located in the district.

**(2) (A)** The mayor shall thereupon set a date and time, not later than fifteen (15) days after the date of the presentation of the petition to the mayor, for a hearing before the governing body for consideration of the petition.

**(B)** Notice of the hearing shall be sent by certified mail to any mortgagee holding a first mortgage lien on real property constituting more than ten percent (10%) in area of the real property to be located in the district.

**(C)** The notice of hearing under subdivision (a)(2)(B) of this section shall state that any existing mortgage shall be subordinated pursuant to this section and § 14-94-118(b) if the mortgagee fails to appear at the hearing and object to formation of the district.

**(b) (1)** At the hearing, it shall be the duty of the governing body to hear the petition and to ascertain whether those signing the petition constitute all the owners of the real property to be located in the district.

**(2) (A)** Except as provided in subdivision (b)(2)(B) of this section, if the governing body determines that all the owners of the real property to be located in the district have petitioned for

**(e)** In the event that lands to be included in a district lie in more than one (1) municipality:

**(1)** The municipality in which lies the largest portion of the lands, exclusive of lands which do not lie in any municipality, shall have jurisdiction to create such district and to conduct all other municipal proceedings relating thereto and to the business and affairs thereof, which municipality is referred to hereinbelow as the "creating municipality";

**(2)** No portion of a municipality shall be included in such district unless it shall be found by the creating municipality that the owners of real property lying within such municipality and within the district shall have petitioned for creation of such district;

**(3)** Notice of the filing of the petition for creation of such district shall be given by first-class mail to the mayor of each such municipality by the clerk or recorder of the creating municipality, and each such municipality may, at any time within fifteen (15) days after the deposit of such notice in the mails, unless such notice shall be waived by resolution of the governing body of such municipality, file with the clerk or recorder of the creating municipality a certified copy of a resolution of its governing body finding that the proposed improvements do not harmonize with the community facilities plans of such municipality or would diminish vehicular or pedestrian traffic in such municipality; and

**(4)** In the event of the filing of the resolution described in subdivision (e)(3) of this section, the governing body of the creating municipality shall reject the petition for creation of such district.

**HISTORY:** Acts 1987, No. 113, § 3; 1989, No. 276, § 1; 1993, No. 819, § 1; 1995, No. 1127, § 1; 1999, No. 475, § 4.

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**A.C.A. § 14-94-105** (Copy w/ Cite)

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A.C.A. § 14-94-105

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\*\*\* Legislation is current through the 2014 Second Extraordinary Session \*\*\*  
\*\*\* and updates received from the Arkansas Code Revision Commission \*\*\*  
\*\*\* through December 12, 2014. \*\*\*

Title 14 Local Government  
Subtitle 5. Improvement Districts Generally  
Chapter 94 Municipal Property Owners' Improvement District Law

A.C.A. § 14-94-105 (2015)

**14-94-105. Petition to form district.**

(a) Upon the petition of all the owners of the record title as reflected by the deed records in the office of the circuit clerk and ex officio recorder of the pertinent county, it shall be the duty of the governing body to:

(1) Lay off into an improvement district the territory described in the petition for the purpose of purchasing, accepting as a gift, constructing, or maintaining facilities for waterworks, recreation, drainage, gas pipelines, underground trenches and excavations necessary for the installation by public utilities or municipal utilities of electric and telephone distribution systems, sanitary sewers, streets and highways, including curbs and gutters, and sidewalks, together with facilities related to any of the foregoing, or for more than one (1) of those purposes; and

(2) (A) Name as commissioners of the district the three (3) individuals whose names appear in the petition if the petition contains those names, and if not, then three (3) individuals of integrity and good business ability who own real property in the district or are creditors of the district or live in the district.

(B) In the event that a property owner or creditor is a corporation, partnership, trust, or other legal entity, any officer, director, trustee, employee, or other designated representative of the entity may be named and appointed as a commissioner.

(b) All the districts shall be numbered consecutively and shall receive names selected by the governing body. If the governing body does not act promptly in complying with the terms of this section, or of any other section of this chapter essential to the creation and operation of the district, it may be compelled to do so by mandamus.

(c) Any number of petitions may be circulated, and identical petitions with additional names may be filed at any time until the governing body acts.

(d) The formation and creation of such districts is authorized, in whole or in part, outside any municipality.

**(e)** In the event that lands to be included in a district lie in more than one (1) municipality:

**(1)** The municipality in which lies the largest portion of the lands, exclusive of lands which do not lie in any municipality, shall have jurisdiction to create such district and to conduct all other municipal proceedings relating thereto and to the business and affairs thereof, which municipality is referred to hereinbelow as the "creating municipality";

**(2)** No portion of a municipality shall be included in such district unless it shall be found by the creating municipality that the owners of real property lying within such municipality and within the district shall have petitioned for creation of such district;

**(3)** Notice of the filing of the petition for creation of such district shall be given by first-class mail to the mayor of each such municipality by the clerk or recorder of the creating municipality, and each such municipality may, at any time within fifteen (15) days after the deposit of such notice in the mails, unless such notice shall be waived by resolution of the governing body of such municipality, file with the clerk or recorder of the creating municipality a certified copy of a resolution of its governing body finding that the proposed improvements do not harmonize with the community facilities plans of such municipality or would diminish vehicular or pedestrian traffic in such municipality; and

**(4)** In the event of the filing of the resolution described in subdivision (e)(3) of this section, the governing body of the creating municipality shall reject the petition for creation of such district.

**HISTORY:** Acts 1987, No. 113, § 3; 1989, No. 276, § 1; 1993, No. 819, § 1; 1995, No. 1127, § 1; 1999, No. 475, § 4.

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**A.C.A. § 14-94-105** (Copy w/ Cite)

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KIT WILLIAMS  
FAYETTEVILLE CITY ATTORNEY

Blake E. Pennington  
Assistant City Attorney

Patti T. Mulford  
Paralegal

Phone 479.575.8313  
cityattorney@fayetteville-ar.gov



113 W. Mountain Street, Suite 302  
Fayetteville, AR 72701-6083

July 9, 2015

Mr. Stephen A. Hester  
Williams & Anderson, PLC  
111 Center Street, Suite 2200  
Little Rock, AR 72201

Via US Mail and Email: [shester@williamsanderson.com](mailto:shester@williamsanderson.com)

Re: East Mission Boulevard Multipurpose Property Owners'  
Improvement District No. 34 of Fayetteville, Arkansas

Dear Stephen:

Attached please find my proposed Ordinance to establish your improvement district. Please ensure this is worded as your desire and need.

I also direct your attention to A.C.A. § 14-94-106 **Hearing on petition and determination** (attached). You need to certify whether or not there is any mortgagee holding a first mortgage on 10% or more of the property of your district.

If there is a mortgagee holding such mortgage of this property, **you much send "(n)otice of the hearing. . . by certified mail to any mortgagee holding a first mortgage lien on real property constituting more than ten percent (10%) in area of the real property to be located in the district."** A.C.A. § 14-94-106 (a) (2) (B). The hearing date is July 21, 2015 at 5:30 p.m. Please follow the requirements of A.C.A. § 14-94-106 (A) (2) (C).

Mr. Stephen A. Hester  
July 9, 2015  
Page 2

All such certification must be accomplished with evidence thereof furnished to the City of Fayetteville by 4:00 p.m., July 14, 2015. The City Council Agenda Session is scheduled for 4:30 p.m. on July 14, 2015. One of your representatives needs to attend this session and certainly needs to attend the City Council meeting on July 21, 2015 (beginning at 5:30 p.m.) to explain your request and answer any questions from the City Council.

With kindest regards,



---

**KIT WILLIAMS**  
Fayetteville City Attorney

cc: Mayor Jordan



**ORDINANCE NO.**

**AN ORDINANCE TO ESTABLISH AND LAY OFF EAST MISSION BOULEVARD MULTIPURPOSE PROPERTY OWNERS' IMPROVEMENT DISTRICT NO. 34 OF FAYETTEVILLE, ARKANSAS**

**WHEREAS**, a Petition to form East Mission Boulevard Multipurpose Property Owners' Improvement District No. 34 of Fayetteville, Arkansas has been filed with the Fayetteville City Clerk; and

**WHEREAS**, the City Clerk has presented said petition to the Mayor; and

**WHEREAS**, the Mayor has set July 21, 2015, at 5:30 p.m. as the date and time for a hearing before the Fayetteville City Council for consideration of said petition; and

**WHEREAS**, the Fayetteville 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 the district; and

**WHEREAS**, the Arkansas Municipal Property Owners' Improvement District Law provides at Ark. Code Ann. Sec. 14-94-106(b)(2) that if the governing body determines that all the owners of the record title to 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 THE CITY OF FAYETTEVILLE, 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 East Mission Boulevard Multipurpose Property Owners' Improvement District No. 34 of Fayetteville, Arkansas for the purpose of constructing, purchasing, accepting as a gift or maintaining facilities for waterworks, recreation, drainage, gas pipelines, underground trenches and excavations necessary for the installation by public utilities or municipal utilities of electric and telephone distribution systems, sanitary sewers, streets and highways including curbs and gutters, and sidewalks, together with facilities related to any of the foregoing, or for more than one of those purposes.

Section 2. The following three individuals are hereby appointed as commissioners of said improvement district: Tommy J. Lasiter, Paul Minton and Lawrence Finn.

Section 3. The name of said improvement district shall be East Mission Boulevard Multipurpose Property Owners' Improvement District No. 34 of Fayetteville, Arkansas.

Section 4. The district shall not cease to exist upon the acquiring, constructing or completion of the improvements, but it shall continue to exist for the purpose of preserving, maintaining, and operating the improvements, replacing equipment, paying salaries to employees, and performing any other functions or services authorized in Ark. Code Ann., Title 14, Chapter 94.

**PASSED** and **APPROVED** this 21<sup>st</sup> day of July, 2015.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**LIONELD JORDAN, Mayor**

By: \_\_\_\_\_  
**SONDRA E. SMITH, City Clerk/Treasurer**