

FILED

IN THE COUNTY COURT OF BENTON COUNTY, ARKANSAS

2012 MAY -9 PM 2:49

IN RE: Benton County, Arkansas Suburban Sewer District No. 1 –
Villages of Cross Creek Project

CC 2012-011
CO. & PROBATE CLERK
BENTON COUNTY, ARK

JUDGMENT AND ORDER ESTABLISHING
BENTON COUNTY, ARKANSAS SUBURBAN SEWER DISTRICT NO. 1 –
VILLAGES OF CROSS CREEK PROJECT

On this 9th day of May 2012, pursuant to a petition for the formation and establishment of Benton County, Arkansas Suburban Sewer District No. 1 – Villages of Cross Creek Project, which has been presented to this Court for approval, the Court, based upon the testimony, pleadings, statements of counsel and the entire record of this matter, does hereby enter its judgment and order establishing Benton County, Arkansas Suburban Sewer District No. 1 – Villages of Cross Creek Project (the “District”).

In support of this judgment and order, the Court does hereby find:

1. CC-THP-Little Flock, L.L.C., an Arkansas limited liability company, and Greenfield Capital Development, LLC, an Arkansas limited liability company, (the “Record Owners”) are all of the record owners of all of the real property to be located in the proposed District. Tom Bartlett, Kathy Bartlett, and Larry Sisson (collectively, the “Petitioner”), representing the Record Owners, filed a petition praying that a suburban sewer district be established pursuant to Ark. Code Ann. § 14-249-101 *et seq.* (the “Suburban Sewer District Law”) for the purposes therein set out.

2. The County Court of Benton County has heard all of the parties desiring to be heard and has ascertained that said petition was signed by all of the record owners of real property in the proposed District. Upon making this determination, the County Court of Benton County, Arkansas, has the authority and duty to create and establish such a suburban sewer district.

3. The County Court of Benton County deems it in the best interest of owners of real property within the proposed District that the proposed District shall become a suburban sewer district under the terms of Ark. Code Ann. §§ 14-249-101 *et seq.* and 14-121-101 *et seq.*

4. Matt Phelps, with APEC Engineering, having been recommended to serve as engineer for the proposed District, is an engineer and is a suitable, satisfactory, and appropriate person to be named as the engineer of the District.

5. Mr. Phelps has already completed a survey which ascertains the limits of the proposed District. Mr. Phelps has already been paid by the Petitioner for his work in preparation of such survey.

6. Tom Bartlett, Kathy Bartlett, and Larry Sisson, having been recommended as the commissioners of the proposed District, are persons of integrity and good business agility and are appropriate persons to be named as commissioners of the District.

7. The purposes of the proposed District appear to be lawful and proper purposes for a suburban sewer district.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

A. A suburban sewer district is hereby established and named "Benton County, Arkansas Suburban Sewer District No. 1," embracing the property in the County of Benton, State of Arkansas, described in the attached **Exhibit A**.

B. The purposes for which the District is formed are for any or all of the following purposes: purchasing, accepting as a gift, constructing or maintaining wastewater systems, sewers or grading; or for more than one of these purposes and doing all things reasonably incidental to the accomplishment of any of the foregoing; or doing all things now or hereinafter permitted under applicable law, including without limitation those things set forth in the Suburban Sewer District Law.

C. The costs incurred by the District in pursuit of the purposes herein authorized and as authorized by Arkansas law shall be assessed upon the real property within the District according to the benefits received.

D. Matt Phelps is hereby appointed as engineer of the District, with all of the rights and duties afforded under the Suburban Sewer District Law.

E. The survey of the proposed District having already been completed and the expense of said survey having already been paid for by the Petitioners, the bond required by Ark. Code Ann. § 14-121-101(a) is hereby waived. No bond to pay of the expense of the survey of the proposed District is required.

F. The survey having already been completed, the bond required by Ark. Code Ann. § 14-121-101(b) is hereby waived. Mr. Phelps is not required to file a bond for the faithful discharge of his duties.

G. Tom Bartlett, Kathy Bartlett, and Larry Sisson are hereby appointed as commissioners of the District, with all of the rights and duties afforded under the Suburban Sewer District Law.

H. The purposes of the District should be accomplished in the manner and of the materials that the commissioners of the District shall deem to be in the best interests of the District, including, but not limited to, the employment of contractors, engineers, attorneys, assessors, and other assistance as deemed appropriate by the commissioners of the District.

I. 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 and all other functions or services authorized by law.

J. The District may be dissolved by the commissioners of the District when its obligations are paid and the ownership, operation, and maintenance of the improvements,

together with the appurtenances thereto, are assumed by a municipality or other entity deemed appropriate by the commissioners of the District; or the continuation of the District is no longer considered necessary by the commissioners of the District for any other reason.



THE HONORABLE ROBERT CLINARD
COUNTY JUDGE, BENTON COUNTY,
ARKANSAS

PREPARED BY:

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By: _____
Jeb H. Joyce, Ark. Bar No. 97244

Attorneys for the Petitioner

EXHIBIT A

[LEGAL DESCRIPTION OF REAL PROPERTY WITHIN THE PROPOSED DISTRICT]

A part of the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4) of Section 35, Township 20 North (T-20-N), Range 30 West (R-30-W) of the Fifth Principal Meridian, Benton County, Arkansas and being described as follows:

Commencing at a found aluminum cap set in concrete for the Southwest Corner of the SE ¼ of the NW ¼ of Section 35, T-20-N, R-30-W, said point being the TRUE POINT OF BEGINNING; thence North 02 degrees, 35 minutes, 03 seconds East 906.77 feet to an existing fence corner post marking the SW Corner of the North Twelve and One-Half Acres of the said SE ¼ of the NW ¼; thence along the South Boundary Line of the North Twelve and One-Half Acres, South 87 degrees, 14 minutes, 40 seconds East 140.06 feet to a set iron pin; thence South 73 degrees, 30 minutes, 57 seconds East 56.85 feet to a set iron pin; thence South 79 degrees, 18 minutes, 13 seconds East 30.42 feet to a set iron pin; thence South 00 degrees, 10 minutes, 28 seconds West 35.01 feet to an existing chain link fence corner; thence along the chain link fence line, South 88 degrees, 04 minutes, 20 seconds East 43.67 feet to an existing chain link fence corner; thence along the existing chain link fence line, North 11 degrees, 18 minutes, 49 seconds East 9.47 feet to the Southwest Corner of an existing 840 square foot brick building; thence along the outside building line of the 840 square foot building, North 00 degrees, 16 minutes, 39 seconds East 26.23 feet to the Northwest Corner of said brick building; thence along the outside building line of the 840 square foot brick building, North 89 degrees, 59 minutes, 47 seconds East 32.04 feet to the Northeast Corner of the said brick building; thence along the outside building line of the 840 square foot brick building, South 00 degrees, 12 minutes, 05 seconds West 26.18 feet to the Southeast Corner of said brick building; thence along the outside building line of the 840 square foot brick building, South 59 degrees, 16 minutes, 29 seconds West 14.53 feet to an existing chain link fence corner; thence leaving the building line of the 840 square foot building and along the existing chain link fence line, South 00 degrees, 05 minutes, 23 seconds East 44.73 feet to an existing chain link fence corner; thence along the existing chain link fence line, South 89 degrees, 54 minutes, 43 seconds East 136.53 feet to a set iron pin; thence South 00 degrees, 00 minutes, 22 seconds East 86.63 feet to a set iron pin; thence South 86 degrees, 56 minutes; 32 seconds East, 202.55 feet to a set iron pin; thence South 82 degrees, 40 minutes, 36 seconds East 38.61 feet to a set iron pin; thence South 81 degrees, 02 minutes, 42 seconds East 51.72 feet to a set iron pin; thence South 79 degrees, 26 minutes, 00 seconds East 55.11 feet to a set iron pin; thence North 10 degrees, 04 minutes, 01 seconds West 181.38 feet to an iron pin set on the South Boundary Line of the North 12.5 acres of the SE ¼ of the NW ¼ of said Section 35; thence along the South Boundary Line of the North 12.5 acres of the said SE ¼ of the NW ¼, South 87 degrees, 14 minutes, 40 seconds East 584.12 feet to found cotton spindle in the roadway of Dixieland Road marking the SE Corner of the North Twelve and One-Half Acres of the said SE ¼ of the NW 1/4 ; thence along the roadway of Dixieland Road, South 02 degrees, 27 minutes, 11 seconds West 289.53 feet to a found cotton spindle; thence leaving the roadway of Dixieland Road, North 87 degrees, 10 minutes, 49 seconds West 435.60 feet to a found number 5 rebar pin; thence South 02 degrees, 27 minutes, 11 seconds West 200.00 feet to a found number 5 rebar pin; thence South 87 degrees, 10 minutes, 49 seconds East, 80.80 feet to a found number 5 rebar pin; thence South 02 degrees, 27 minutes, 11 seconds West 210.00 feet to a found number 5 rebar pin; thence North 87 degrees, 10 minutes 47 seconds West 249.54 feet to

a found number 4 rebar pin; thence South 02 degrees, 14 minutes, 13 seconds West 206.75 feet to a found number 4 rebar pin; thence North 87 degrees, 10 minutes, 46 seconds West 701.57 feet to the TRUE POINT OF BEGINNING, containing 19.205 acres and being subject to the right-of-way of Dixieland Road along the East side thereof and to all other easements and right-of-ways of record that a complete title search may reveal and to all easements and right-of-ways by prescriptive actions of others, if any.

-AND-

PARCEL I

A part of the Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4) of Section 35, Township 20 North (T-20-N), Range 30 West (R-30-W) of the Fifth Principal Meridian, Benton County, Arkansas and being described as follows :

Commencing at a found aluminum cap set in concrete for the Southwest Corner of the SE1/4 of the NW1/4 of Section 35, T-20-N, R-30-W; thence North 02 degrees, 35 minutes, 03 seconds East 905.77 feet to an existing fence corner post marking the SW Corner of the North Twelve and One-Half Acres of the said SE1/4 of the NW1/4; thence along the South Boundary Line of the North Twelve and One-Half Acres, South 87 degrees, 14 minutes, 40 seconds East 140.08 feet to a set iron pin, said iron pin also being the TRUE POINT OF BEGINNING; thence South 73 degrees, 30 minutes, 57 seconds East 58.85 feet to a set iron pin; thence South 79 degrees, 18 minutes, 13 seconds East 30.42 feet to a set iron pin; thence South 00 degrees, 10 minutes, 28 seconds West 35.01 feet to an existing chain link fence corner; thence along the chain link fence line, South 89 degrees, 04 minutes, 20 seconds East 43.87 feet to an existing chain link fence corner; thence along the existing chain link fence line, North 11 degrees, 18 minutes, 49 seconds East 9.47 feet to the Southwest Corner of an existing 840 square foot brick building; thence along the outside building line of the 840 square foot brick building, North 00 degrees, 16 minutes, 35 seconds East 26.24 feet to the Northwest Corner of said brick building; thence along the outside building line of the 840 square foot brick building, North 89 degrees, 59 minutes, 47 seconds East 32.04 feet to the Northeast Corner of the said brick building; thence along the outside building line of the 840 square foot brick building, South 00 degrees, 12 minutes, 05 seconds West 26.16 feet to the Southeast Corner of said brick building; thence along the outside building line of the 840 square foot brick building, South 89 degrees, 16 minutes, 29 seconds West 14.53 feet to an existing chain link fence corner; thence leaving the building line of the 840 square foot building and along the existing chain link fence line, South 00 degrees, 05 minutes, 23 seconds East 44.73 feet to an existing chain link fence corner; thence along the existing chain link fence line, South 89 degrees, 54 minutes, 43 seconds East 136.93 feet to a set iron pin; thence South 00 degrees, 00 minutes, 22 seconds East 86.63 feet to a set iron pin; thence South 88 degrees, 58 minutes, 32 seconds East 202.55 feet to a set iron pin; thence South 82 degrees, 40 minutes, 35 seconds East 38.61 feet to a set iron pin; thence South 81 degrees, 02 minutes, 42 seconds East 61.72 feet to a set iron pin; thence South 79 degrees, 26 minutes, 00 seconds East 35.11 feet to a set iron pin; thence North 10 degrees, 04 minutes, 01 seconds West 181.36 feet to an iron pin set on the South Boundary Line of the North 12.5 acres of the SE1/4 of the NW1/4 of said Section 35; thence along the South Boundary Line of the North 12.5 acres of the said SE1/4 of the NW1/4, North 87 degrees, 14 minutes, 40 seconds West 589.03 feet to the TRUE POINT OF BEGINNING, containing 1.885 acres and being subject to a drainage easement being described as follows: Commencing at a found aluminum cap set in concrete for the SW Corner of the SE1/4 of the NW1/4 of Section 35, T-20-N, R-30-W; thence North 02 degrees, 35 minutes, 03 seconds East 905.77 feet and South 87 degrees, 14 minutes, 40 seconds East 804.31 feet to the TRUE POINT OF BEGINNING of the drainage easement; thence South 87 degrees, 14 minutes, 40 seconds East 134.80 feet; thence South 10 degrees, 04 minutes, 01 seconds East 26.01 feet; thence North 87 degrees, 14 minutes, 57 seconds West 106.20 feet; thence South 19 degrees, 17 minutes, 21 seconds East 91.18 feet; thence South 89 degrees, 17 minutes, 10 seconds East 103.51 feet; thence South 10 degrees, 04 minutes, 01 seconds East 29.10 feet; thence North 69 degrees, 17 minutes, 10 seconds West 130.06 feet; thence North 19 degrees, 17 minutes, 22 seconds West 122.42 feet; thence North 10 degrees, 22 minutes, 21 seconds West 15.11 feet to the TRUE POINT OF BEGINNING, containing 0.20 acres.

PARCEL II

A Part of the NE 1/4 of the NW 1/4 and a part of the SE 1/4 of the NW 1/4 of Section 35, Township 20 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas, and being described as follows:

Commencing at the Northwest corner of the SE 1/4 of the NW 1/4, said point being a set iron pin and also being the true point of beginning; thence along the West boundary line of the NE 1/4 of the NW 1/4 of Section 35, North 02 degrees 35 minutes 03 seconds East 185.07 feet to a set iron pin; thence leaving the said West boundary line of the NE 1/4 of the NW 1/4 South 87 Degrees, 14 minutes, 40 seconds east 200.00 feet to a set iron pin; thence South 02 degrees 35 minutes 03 seconds West 598.95 feet to a set iron pin on the South boundary line of the north 12.5 acres of the SE 1/4 of the NW 1/4 of Section 35; thence along the South boundary line of the said North 12.5 acres, North 87 degrees 14 minutes 40 seconds West 200.00 feet to an existing fence corner post; thence along the west boundary line of the SE 1/4 of the NW 1/4 of Section 35, North 02 degrees 35 minutes 03 seconds East 413.88 feet to the true point of beginning.

From: [Vickerson, Casey](#)
To: [Richardson, Stefanie](#)
Subject: FW: Permit Tracking No. 4811-WR-3
Date: Wednesday, October 15, 2014 2:50:10 PM
Attachments: [Judgment and Order Establishing Sewer Distr.pdf](#)
[Deed 10152014_0000.pdf](#)

4811-WR-4, thanks!

From: Kathy Bartlett [mailto:kathy@aquatechsys.com]
Sent: Wednesday, October 15, 2014 12:33 PM
To: Vickerson, Casey
Subject: Permit Tracking No. 4811-WR-3

Hi Casey

I received the letter from John Bailey dated Oct 06 regarding the financial assurance requirements for the Villages of Cross Creek facility, #4811-WR-3 or 4811-WR-4 (?). Attached is the Judgment and Order establishing this facility as a Sewer Improvement District which was approved and waived the FA requirements by the ADEQ in 2012. Included as well is the Quit Claim Deed transferring the property from Greenfield Capital to Dixieland Utility. If there is anything further you need, feel free to contact me.

Regards

Kathy Bartlett
Managing Member
Dixieland Utility LLC