

2014000155 Received: 1/2/2014 2:15:24 PM
Recorded: 01/02/2014 02:23:16 PM Filed &
Recorded in Official Records of Larry Crane.
PULASKI COUNTY CIRCUIT/COUNTY CLERK
Fees \$45.00



SECOND SUPPLEMENT TO BILL OF ASSURANCE

This Second Supplement to Bill of Assurance executed this 30th day of December, 2013, is made by Deltic Timber Corporation ("Deltic", also "Developer" or "Declarant") as hereinafter set forth:

WHEREAS, Developer caused to be filed in the office of the Circuit Clerk and Ex-Officio Recorder of Pulaski County, Arkansas, that certain Bill of Assurance to Chenal Valley, an addition to the City of Little Rock, Arkansas, on December 4, 2012, Instrument No. 2012079563 (the "Original Bill of Assurance") and First Supplement to Bill of Assurance on October 7, 2013, Instrument No. 2013073123, creating the Miramar Place Neighborhood;

WHEREAS, paragraph 1 of the Original Bill of Assurance specifically provides that the Developer has the right to bring within the plan and the Original Bill of Assurance, as amended, additional properties provided such properties are in accord with the general plan of development and may contain such complimentary additions and modifications of the provisions of the Original Bill of Assurance necessary to reflect the different character, if any, of the added properties; and

WHEREAS, Developer files this Second Supplement to Bill of Assurance for the purpose of adding additional property to the Miramar Place Neighborhood, which property is owned by the Developer and is described as follows:

Prepared by:
James C. Clark, Jr.
Friday, Eldredge & Clark
400 West Capitol, Suite 2000
Little Rock, AR 72201

PART OF THE NW1/4 OF SECTION 27, T-2-N, R-14-W, LITTLE ROCK, PULASKI COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF TRACT D BLOCK 109, CHENAL VALLEY, AN ADDITION TO THE CITY OF LITTLE ROCK, ARKANSAS; THENCE S80°08'38"W ALONG THE NORTH LINE OF SAID TRACT D AND ALONG THE NORTH LINE OF LOT 49, SAID BLOCK 109, CHENAL VALLEY, EXTENDED 210.00 FT. TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF MIRAMAR BLVD.; THENCE S09°51'22"E ALONG SAID WEST RIGHT-OF-WAY LINE, 25.91 FT. TO THE NORTHEAST CORNER OF TRACT B, SAID BLOCK 109, CHENAL VALLEY; THENCE S40°01'48"W ALONG THE NORTHWESTERLY LINE OF SAID TRACT B AND ALONG THE NORTHWESTERLY LINE OF LOTS 22, 21, 20 AND 19, SAID BLOCK 109, 435.08 FT.; THENCE N49°58'12"W, 175.00 FT.; THENCE N40°01'48"E, 24.46 FT.; THENCE N49°58'12"W, 130.00 FT.; THENCE N40°01'48"E, 510.00 FT.; THENCE S49°58'12"E, 84.72 FT.; THENCE N60°44'57"E, 272.59 FT.; THENCE S23°38'11"E, 65.22 FT.; THENCE S12°49'31"E, 63.07 FT.; THENCE S09°51'22"E, 170.77 FT. TO THE POINT OF BEGINNING, CONTAINING 4.8776 ACRES MORE OR LESS.

shown on the Plat hereinafter mentioned, as Lots 23–27, Block 109, Lots 46-48, Block 109, Lots 8-13, Block 110, Tracts G and H, Block 109 and Tract A, Block 110, Chenal Valley, an Addition to the City of Little Rock, Arkansas (which property together with the property described in the Original Bill of Assurance, as amended, is hereinafter referred to as the "Miramar Place Neighborhood"); and Developer has caused to be incorporated Miramar Place Property Owners Association, Inc., for the purpose of administering the maintenance of the common area tracts and amenities in the Miramar Place Neighborhood and Chenal Valley Property Owners Association, Inc. for the purpose of administering the maintenance of the common area tracts and amenities of Chenal Valley;

WHEREAS, all owners of lots within the Miramar Place Neighborhood are members of Miramar Place Property Owners Association, Inc. as provided for in the Original Bill of Assurance, and members of Chenal Valley Property Owners Association, Inc. as provided for in the Covenants and Restrictions filed November 22, 1989, in the Office of the Circuit Clerk of Pulaski County, Arkansas, as Instrument No. 89-61706, as amended (the "Covenants and Restrictions"); and

WHEREAS, it is deemed advisable that all of the property shown on the plat hereinafter mentioned be subdivided into building lots, tracts and streets as shown on the Plat filed herein, and that said property be held, owned and conveyed subject to the protective covenants

contained in the Covenants and Restrictions and Original Bill of Assurance, in order to enhance the value of the Miramar Place Neighborhood.

NOW, THEREFORE, Developer for and in consideration of the benefits to accrue to it, its successors and assigns, which benefits it acknowledges to be of value has caused to be made a plat showing a survey made by Paul M. White, Registered Land Surveyor, dated _____, and bearing a Certificate of Approval executed by the Department of Comprehensive Planning of the City of Little Rock, and showing the boundaries and dimensions of the property now being subdivided into lots, tracts and streets (the "Plat").

Deltic hereby donates and dedicates to the public an easement of way on, over and under the streets and right of way on said Plat to be used as public streets. In addition to the said streets, there are shown on said Plat certain easements LOCATED ADJACENT TO THE STREET RIGHT-OF-WAY for drainage and/or utilities which Deltic hereby donates and dedicates, subject to other provisions of this Second Supplement to Bill of Assurance, to and for the use of utilities ("utilities"), the same being, without limiting the generality of the foregoing, electric power, gas, telephone, water, sewer and cable television with the right hereby granted to the persons, firms or corporations engaged in the supplying of such utilities to use and occupy such easements, and to have free ingress and egress therefrom for the installation, maintenance, repair and replacement of such utility services.

ALSO REFLECTED ON THE PLAT ARE DRAINAGE EASEMENTS AT THE REAR OF LOTS 11 AND 12 AND BETWEEN LOTS 10 AND 11 NOT DEDICATED TO THE UTILITIES. ALL COSTS FOR THE MAINTENANCE, REPAIR OR REPLACEMENT OF ANY DRAINAGE PIPES AND STRUCTURES CONSTRUCTED AND INSTALLED PRIOR TO PLATTING LOCATED ON LOTS 11 AND 12 WITHIN THE EASEMENTS REFLECTED ON THE PLAT AT THE REAR OF SUCH LOTS AND WITHIN THE EASEMENT REFLECTED ON THE PLAT OVER THE COMMON BOUNDARY OF LOTS 10 AND 11 SHALL BE THE SOLE RESPONSIBILITY OF MIRAMAR PLACE PROPERTY OWNERS ASSOCIATION, INC. ("POA"). THE POA SHALL NOT BE RESPONSIBLE FOR THE COSTS OF REPAIRING, MAINTAINING OR REPLACING ANY DRAINAGE PIPES OR STRUCTURES INSTALLED SUBSEQUENT TO PLATTING OF THE PROPERTY DESCRIBED HEREIN.

DELTIC, ITS SUCCESSORS AND ASSIGNS ARE NOT RESPONSIBLE FOR ANY COSTS FOR THE REPAIR, MAINTENANCE OR REPLACEMENT OF ANY IMPROVEMENTS TO OR WITHIN THE EASEMENTS AND TRACTS REFLECTED ON THE PLAT, WHETHER DEDICATED OR NOT BY THE SECOND SUPPLEMENT TO BILL OF ASSURANCE.

NO CONNECTION TO OR MODIFICATION OF ANY OF THE DRAINAGE PIPES OR STRUCTURES LOCATED WITHIN THE EASEMENTS OVER LOTS 10, 11 AND 12 MAY OCCUR WITHOUT PRIOR WRITTEN CONSENT AND APPROVAL OF THE

ARCHITECTURAL CONTROL COMMITTEE OF CHENAL VALLEY DESCRIBED IN THE COVENANTS AND RESTRICTIONS AND MIRAMAR PLACE PROPERTY OWNERS ASSOCIATION, INC.

The use of the areas designated on the Plat as Tracts G and H, Block 109 and Tract A, Block 110, Chenal Valley, an addition to the City of Little Rock, Arkansas, is hereby donated and dedicated by Deltic to the owners, as they may exist from time to time, of lots within the Miramar Place Neighborhood with the right to use these areas, upon being given prior written approval by Developer and Miramar Place Property Owners Association, Inc., for drainage, pedestrian paths, trails and landscaping. Miramar Place Property Owners Association, Inc. shall maintain such areas and improvements at its sole cost. ADDITIONALLY, DELTIC HEREBY GRANTS TO ANY UTILITY PROVIDER, AFTER RECEIVING WRITTEN CONSENT FROM DELTIC AND MIRAMAR PLACE PROPERTY OWNERS ASSOCIATION, INC., THE RIGHT TO USE THOSE PORTIONS OF THIS AREA WITHIN SAID TRACTS SPECIFICALLY DESIGNATED AND IDENTIFIED BY DELTIC AND MIRAMAR PLACE PROPERTY OWNERS ASSOCIATION, INC. FOR UTILITY AND DRAINAGE EASEMENTS PROVIDED SUCH IMPROVEMENTS ARE MAINTAINED BY SAID UTILITIES. No other improvements shall be placed on the areas designated as Tracts G and H, Block 109 and Tract A, Block 110, Chenal Valley, an addition to the City of Little Rock, Arkansas, unless first approved by the appropriate agencies of the City of Little Rock, Deltic, Miramar Place Property Owners Association, Inc. and the Architectural Control Committee established pursuant to the Covenants and Restrictions and By-Laws of Chenal Valley Property Owners Association, Inc. (the "Architectural Control Committee").

PRIOR TO THE COMMENCEMENT OF ANY INSTALLATION OF UTILITIES WITHIN THE UTILITY EASEMENTS REFLECTED ON THE PLAT OR WITHIN TRACTS G AND H, BLOCK 109 OR TRACT A, BLOCK 110, CHENAL VALLEY, AN ADDITION TO THE CITY OF LITTLE ROCK, ARKANSAS, THE UTILITIES PROVIDER MUST SUBMIT WRITTEN PLANS AND SPECIFICATIONS OF THE PROPOSED IMPROVEMENTS TO THE ARCHITECTURAL CONTROL COMMITTEE OF CHENAL VALLEY FOR REVIEW AND APPROVAL.

ALL UTILITIES TO BE INSTALLED BY UTILITIES PROVIDERS AFTER PLATTING OF THE RIGHTS-OF-WAY MUST BE APPROVED PRIOR TO COMMENCEMENT OF CONSTRUCTION BY THE PUBLIC WORKS DEPARTMENT OF THE CITY OF LITTLE ROCK AND IF SUBSEQUENTLY INSTALLED IN THE RIGHTS-OF-WAY OR IN ANY EASEMENT ADJACENT TO THE RIGHTS-OF-WAY SUCH INSTALLATION MUST BE AT A DEPTH OF AT LEAST 30" BELOW THE ELEVATION OF THE ADJACENT STREET.

The filing of this Second Supplement to Bill of Assurance and Plat for record in the office of the Circuit Clerk and Ex-Officio Recorder of Pulaski County shall be a valid and

Reviewed only for inclusion of minimum standards required by the City of Little Rock subdivision regulations. Bill of Assurance provisions established by the developer may exceed minimum regulations of the Little Rock subdivision and zoning ordinances.


City of Little Rock Planning Commission

complete delivery and dedication of the streets and easements subject to the limitations herein set out.

The lands embraced in the Plat shall be forever known as Lots 23-27, Block 109, Lots 46-48, Block 109, Lots 8-13, Block 110, Tracts G and H, Block 109 and Tract A, Block 110, Chenal Valley, an Addition to the City of Little Rock, Arkansas, and any and every deed of conveyance of any lot in the Miramar Place Neighborhood, describing the same by the number shown on said plat shall always be deemed a sufficient description thereof.

Said lands herein platted and any interest therein are hereby added to and made a part of the Miramar Place Neighborhood and shall, on and after the date hereof, be subject to all of those certain terms, covenants and restrictions contained in the Covenants and Restrictions filed November 22, 1989 as Instrument No. 89-61706, and the Original Bill of Assurance filed December 4, 2012, as Instrument No. 2012079563, and all supplements and amendments thereto, all of which are incorporated herein by reference and made a part hereof and Deltic Timber Purchasers, Inc. executes this Second Supplement to Bill of Assurance for the purpose set forth in paragraph 28 of the Original Bill of Assurance.

EXECUTED this 30th day of December, 2013.

DELTIC TIMBER CORPORATION

BY: _____

Ray C. Dillon
Ray C. Dillon, President

Attest:

Jim F. Andrews, Jr.
Jim F. Andrews, Jr., Secretary

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF Union

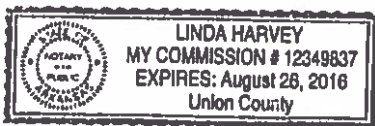
On this day before me, a Notary Public, duly commissioned, qualified and acting within and for said county and state, appeared the within named Ray C. Dillon and Jim F. Andrews, Jr., to me well known, who stated that they were the President and Secretary, respectively, of DELTIC TIMBER CORPORATION and were designated and duly authorized in their respective capacities by said DELTIC TIMBER CORPORATION to execute the above instrument for and in the name and behalf of said DELTIC TIMBER CORPORATION and further acknowledged that they had so signed, executed, and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 30th day of December, 2013.


Notary Public

My Commission Expires:

August 26, 2016



DELTIC TIMBER PURCHASERS, INC.

By: Ray C. Dillon
Ray C. Dillon, President

Attest:

Jim F. Andrews, Jr.
Jim F. Andrews, Jr., Secretary

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF Union

On this day before me, a Notary Public, duly commissioned, qualified and acting within and for said county and state, appeared the within named Ray C. Dillon and Jim F. Andrews, Jr., to me well known, who stated that they were the President and Secretary, respectively, of DELTIC TIMBER PURCHASERS, INC. and were designated and duly authorized in their respective capacities by said DELTIC TIMBER PURCHASERS, INC. to execute the above instrument for and in the name and behalf of said DELTIC TIMBER PURCHASERS, INC., and further acknowledged that they had so signed, executed, and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 30th day of December, 2013.

Linda Harvey
NOTARY PUBLIC

My commission expires:

August 26, 2016

