



2017074749

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In Official Records of Larry Crane Circuit/County Clerk

PULASKI CO, AR FEE \$45.00



FIRST SUPPLEMENT TO ENSBURY PLACE  
BILL OF ASSURANCE

This First Supplement to Ensbury Place Bill of Assurance executed this <sup>20<sup>th</sup></sup> day of November, 2017, 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 of Ensbury Place Neighborhood, an addition to the City of Little Rock, Arkansas, on October 18, 2016, Instrument No. 2016065731 as revised on November 2, 2016 as Instrument No. 2016069412 and November 16, 2016 as Instrument No. 2016072638 (collectively, the "Original Bill of Assurance"), creating the Ensbury Place Neighborhood;

WHEREAS, Section 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 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 First Supplement to Ensbury Place Bill of Assurance for the purpose of adding additional property to the Ensbury Place Neighborhood, which property is owned by the Developer and is described as follows:

*Plat 2017074750*

TRACT K1, BLOCK 98, CHENAL VALLEY ADDITION TO THE CITY OF LITTLE ROCK, PULASKI COUNTY, ARKANSAS, AND A PART OF THE SE1/4 OF SECTION 27, T-2-N, R-14-W, LITTLE ROCK, PULASKI COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF TRACT A, BLOCK 101, CHENAL VALLEY ADDITION TO THE CITY OF LITTLE ROCK, PULASKI COUNTY, ARKANSAS, SAID POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF CHENAL VALLY DRIVE; THENCE ALONG

Prepared by:  
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13826.0005/6073389.1

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.

*Dana Curry*  
City of Little Rock Planning Commission

SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING COURSES: (1) N87°53'18"W, 74.37 FEET; (2) ALONG THE ARC OF A 245.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CHORD BEARING AND DISTANCE OF N82°13'55"W, 48.29 FEET; (3) N76°34'33"W, 314.39 FEET; (4) ALONG THE ARC OF A 305.00 FOOT RADIUS CURVE TO THE LEFT, HAVING A CHORD BEARING AND DISTANCE OF N84°22'41"W, 82.81 FEET TO THE SOUTHEAST CORNER OF TRACT BR, BLOCK 98, CHENAL VALLEY ADDITION TO THE CITY OF LITTLE ROCK; THENCE LEAVING SAID NORTHERLY RIGHT OF WAY LINE N02°10'49"W, ALONG THE EASTERLY LINE OF SAID TRACT BR, A DISTANCE OF 73.02 FEET TO THE SOUTHEAST CORNER OF LOT 35, BLOCK 98, CHENAL VALLEY ADDITION; THENCE N34°28'52"W, ALONG THE EASTERLY LINE OF SAID LOT 35, A DISTANCE OF 256.26 FEET TO THE SOUTHEAST CORNER OF LOT 34, BLOCK 98, CHENAL VALLEY ADDITION; THENCE N46°05'33"W, ALONG THE EASTERLY LINE OF SAID LOT 34, A DISTANCE OF 189.90 FEET TO THE EASTERNMOST CORNER OF LOT 33, BLOCK 98, CHENAL VALLEY ADDITION; THENCE N50°35'25"W, ALONG THE NORTHEASTERLY LINES OF LOTS 33 AND 32, BLOCK 98, CHENAL VALLEY ADDITION, A DISTANCE OF 307.19 FEET TO THE SOUTHEASTERLY CORNER OF TRACT CR, BLOCK 98, CHENAL VALLEY ADDITION; THENCE N38°14'43"W, ALONG THE NORTHEASTERLY LINE OF SAID TRACT CR, A DISTANCE OF 46.40 FEET TO THE SOUTHEASTERLY CORNER OF LOT 31, BLOCK 98, CHENAL VALLEY ADDITION; THENCE N33°00'23"W, ALONG THE EASTERLY LINE OF SAID LOT 31, A DISTANCE OF 159.62 FEET TO THE SOUTHEASTERLY CORNER OF LOT 30, BLOCK 98, CHENAL VALLEY ADDITION; THENCE N51°51'29"W, ALONG THE EASTERLY LINE OF SAID LOT 30, A DISTANCE OF 89.30 FEET TO THE EASTERLY LINE OF LOT 29, BLOCK 98, CHENAL VALLEY ADDITION; THENCE ALONG THE EASTERLY AND SOUTHERLY LINE OF LOTS 29, 28, 27, 26 AND 25, BLOCK 98, CHENAL VALLEY ADDITION, THE FOLLOWING COURSES: (1) N42°11'42"E, A DISTANCE OF 87.10 FEET; (2) N45°10'33"E, A DISTANCE OF 57.46 FEET; (3) N54°29'25"E, A DISTANCE OF 121.90 FEET; (4) N67°10'21"E, A DISTANCE OF 127.38 FEET; (5) N71°23'21"E, A DISTANCE OF 155.00 FEET; (6) S75°21'35"E, A DISTANCE OF 127.67 FEET; (7) N71°23'21"E, A DISTANCE OF 108.24 FEET; THENCE LEAVING SAID EASTERLY AND SOUTHERLY LINE S42°28'39"E, A DISTANCE OF 82.29 FEET TO THE NORTHERNMOST CORNER OF LOT 21, BLOCK 101, CHENAL VALLEY ADDITION; THENCE S44°08'09"W, ALONG THE WESTERLY LINE OF SAID LOT 21, A DISTANCE OF 131.83 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF ENSBURY DRIVE; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE OF ENSBURY DRIVE FOLLOWING THE ARC OF A 100.00 FOOT RADIUS CURVE TO THE LEFT, HAVING A CHORD BEARING AND DISTANCE OF N82°43'31"W, 87.31 FEET; THENCE S18°36'39"E, A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF ENSBURY DRIVE; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOLLOWING THE ARC OF A 50.00 FOOT RADIUS

CURVE TO THE RIGHT, HAVING A CHORD BEARING AND DISTANCE OF N86°40'00"E, 26.35 FEET TO A POINT ON THE WESTERLY LINE OF LOT 11, BLOCK 102, CHENAL VALLEY ADDITION; THENCE S44°08'09"W, ALONG SAID WESTERLY LINE OF LOT 11, A DISTANCE OF 122.31 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID BLOCK 102, CHENAL VALLEY ADDITION; THENCE ALONG SAID SOUTHWESTERLY LINE OF BLOCK 102 THE FOLLOWING COURSES: (1) S45°51'51"E, A DISTANCE OF 822.42 FEET; (2) S43°39'43"E, A DISTANCE OF 81.20 FEET; (3) S28°51'43"E, A DISTANCE OF 77.80 FEET; (4) S59°16'58"E, A DISTANCE OF 22.38 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF ENSBURY DRIVE; THENCE S02°06'42"W, A DISTANCE OF 215.00 FEET TO THE POINT OF BEGINNING. CONTAINING 13.7824 ACRES, MORE OR LESS

shown on the Plat hereinafter mentioned, as Lots 2-20, Block 101, Lots 1-10, Block 102, Tract H, Block 101 and Tract I, Block 102, Chenal Valley, an addition to the City of Little Rock, Arkansas (which property together with the property described in the Original Bill of Assurance is hereinafter referred to as the "Ensbury Place Neighborhood"); and Developer has caused to be incorporated Ensbury Place Property Owners Association, Inc. ("POA"), for the purpose of administering the maintenance of the common area tracts and amenities in the Ensbury Place Neighborhood;

WHEREAS, the Ensbury Place Neighborhood is part of the Community known as Chenal Valley and is subject to those Certain 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 "Covenant and Restrictions"); and

WHEREAS, all owners of lots within the Ensbury Place Neighborhood are members of the POA and members of Chenal Valley Property Owners Association, Inc. as provided for in the Covenant 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 Original Bill of Assurance and this First Supplement to Ensbury Place Bill of Assurance, in order to enhance the value of the Ensbury 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 Daniel W. Havner, Registered Land Surveyor, dated *Nov 22, 2017* 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 for sanitary sewer, drainage and/or utilities which Deltic hereby donates and dedicates, subject to other provisions of this First 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. As reflected on the Plat, all lots have at least a 15 foot wide utility easement adjacent to the street right-of-way. Drainage easements may be used for storm drainage and storm drainage overflow.

No trees, shrubbery, structures, fences or similar improvements shall be grown, built or maintained within the area of such utility easement. In the event any trees, shrubbery, structures, fences or similar improvements shall be grown, built or maintained within the area of such easement, no person, firm or corporation engaged in supplying public utility services shall be liable for the destruction of same in the installation, maintenance, repair or replacement of any utility service located within the area of such easement.

DEVELOPER, ITS SUCCESSORS OR ASSIGNS, HAS NO DUTY TO MAINTAIN, REPAIR OR REPLACE ANY IMPROVEMENTS LOCATED WITHIN THE TRACTS, INCLUDING, BUT NOT LIMITED TO, PEDESTRIAN PATHS AND TRAILS, OR WITHIN OTHER EASEMENT AREAS REFLECTED ON THE PLAT. ALL COSTS ASSOCIATED WITH ANY SUCH MAINTENANCE, REPAIR OR REPLACEMENT OF SUCH IMPROVEMENTS, AND ALL LANDSCAPING TREATMENTS, IS THE SOLE AND EXCLUSIVE RESPONSIBILITY OF THE POA, TO THE EXTENT SUCH COSTS ARE NOT A RESPONSIBILITY OF THE CITY OF LITTLE ROCK, ARKANSAS

All tracts designated on the Plat are hereby donated and dedicated by Deltic to the owners, as they may exist from time to time, within the Ensbury Place Neighborhood with the right, subject to further terms and conditions of the Plat and this First Supplement to Bill of Assurance, to use these areas for landscaping. No improvements by any party shall be placed on any tract unless first approved by Deltic, the appropriate agencies of the City of Little Rock, Arkansas, the POA, and the Architectural Control Committee of Chenal Valley.

In accordance with the provisions of the Second Replat and Second Amendment to Varennes Court Bill of Assurance recorded on November 3, 2017 with the Circuit Clerk of Pulaski County, Arkansas as Instrument No. 2017070782, Tract K1, Block 98, Chenal Valley, an addition to the City of Little Rock, Arkansas, is no longer a part of the Varennes Court Neighborhood and is now a part of the Ensbury Place Neighborhood and is reflected on the Plat

as a portion of Tract H, Block 101, Chenal Valley, an addition to the City of Little Rock, Arkansas.

The use of the areas designated on the Plat as Tract I, Block 102, Chenal Valley, an addition to the City of Little Rock, Arkansas (herein "tract" or "Tract") is hereby donated and dedicated by Deltic to the owners, as they may exist from time to time, of lots within the Ensburly Place Neighborhood with the right, subject to further terms and conditions of the Plat and this First Supplement to Bill of Assurance, to use this area for drainage, storm drainage overflow, sanitary sewer and landscaping. The POA shall maintain the above ground areas and improvements of such tracts, including landscaping, at its sole cost. The City of Little Rock, Arkansas shall maintain, replace and repair all underground improvements located within such tracts. No improvements by any party shall be placed on the area designated as Tract I, Block 102, Chenal Valley, an addition to the City of Little Rock, Arkansas, unless first approved by Deltic, the appropriate agencies of the City of Little Rock, Arkansas, the POA, and the Architectural Control Committee of Chenal Valley.

The use of the area designated on the Plat as Tract H, Block 101, 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 Ensburly Place Neighborhood with the right to use these areas, upon being given prior written approval by Developer and the POA, for drainage, storm drainage overflow, sanitary sewer, landscaping, golf cart path and secondary emergency vehicle access for use, when needed, solely by emergency and public services, to include utilities, for ingress and egress to the Ensburly Place Neighborhood and adjacent neighborhoods. The POA shall maintain the above ground area and improvements of such tract, including landscaping, at its sole cost. The City of Little Rock, Arkansas shall maintain, replace and repair all underground improvements located within such tract. No improvements by any party shall be placed on the area designated as Tract H, Block 101, Chenal Valley, an addition to the City of Little Rock, Arkansas, unless first approved by Deltic, the appropriate agencies of the City of Little Rock, Arkansas, the POA and the Architectural Control Committee of Chenal Valley.

PRIOR TO THE COMMENCEMENT OF ANY INSTALLATION OF UTILITIES WITHIN THE UTILITY EASEMENTS REFLECTED ON THE PLAT, THE UTILITIES PROVIDER MUST SUBMIT WRITTEN PLANS AND SPECIFICATIONS OF THE PROPOSED IMPROVEMENTS TO THE ARCHITECTURAL CONTROL COMMITTEE OF CHENAL VALLEY AND DEVELOPER 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 First Supplement to the Original 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 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 2-20, Block 101, Lots 1-10, Block 102, Tracts H and K1, Block 101, and Tract I, Block 102, Chenal Valley, an addition to the City of Little Rock, Arkansas, and any and every deed of conveyance of any lot in the Ensburly Place Neighborhood, describing the same by the number shown on said plat shall always be deemed a sufficient description thereof.

1. Assignment of Rights. Declarant reserves the right to: (a) execute and record documentation confirming and defining the rights of any third person maintaining facilities in easement areas, and (b) to assign its rights hereunder, all of which acts shall be binding upon each Lot in Ensburly Place.

2. Covenants and Restrictions. Said lands herein platted and any interest therein are hereby added to and made a part of the Ensburly Place Neighborhood and shall, on and after the date hereof, be subject to the Original Bill of Assurance and all supplements thereto.

EXECUTED this 20<sup>th</sup> day of November, 2017.

DELTIC TIMBER CORPORATION

BY: David Meghreblian  
David Meghreblian, Vice President

Attest: Jim F. Andrews, Jr.  
Jim F. Andrews, Jr., Secretary

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.

Dana Carney  
City of Little Rock Planning Commission

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 David Meghreblian and Jim F. Andrews, Jr., to me well known, who stated that they were the Vice 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 20<sup>th</sup> day of November, 2017.

Linda Harvey  
Notary Public

My Commission Expires:

August 26, 2026

