

2017070782

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In Official Records of Larry Crane Circuit/County Clerk

PULASKI CO, AR FEE \$60.00

SECOND REPLAT AND SECOND AMENDMENT TO
VARENNES COURT BILL OF ASSURANCE

KNOW ALL MEN BY THESE PRESENTS:

PIA # 2017070783

WHEREAS, Deltic Timber Corporation (hereinafter called "Deltic") is the owner of the following property:

Lots 1-15, 17-21, Tracts A, B, C and DR-1, Block 98, Chenal Valley, an addition to the City of Little Rock, Arkansas

(the current "Varences Court Neighborhood");

WHEREAS, it has been deemed necessary to replat Lots 1-15, 17-21, Tracts A, B, C and DR-1, Block 98, Chenal Valley, an addition to the City of Little Rock, Arkansas, and this replat is being executed for that purpose;

WHEREAS, the undersigned, being the owner of more than seventy-five percent (75%) of the total area contained within the Varences Court Neighborhood consent and agree to this second replatting and second amendment to the Bill of Assurance, as amended, described hereafter;

WHEREAS, Deltic caused to be filed in the office of the Circuit Clerk and Ex-Officio Recorder of Pulaski County, Arkansas that certain Bill of Assurance on July 27, 2005, Instrument No. 2005062773 (the "Original Bill of Assurance"), creating the Varences Court Neighborhood;

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

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

WHEREAS, Deltic files this Second Replat and Second Amendment to Varennes Court Bill of Assurance for the purpose of replatting the existing Lots and Tracts previously described herein and adding additional property to the Varennes Court Neighborhood, which property is owned by Deltic and is described as follows:

LOTS 1 THRU 21 AND TRACTS A, B, C & DR-1, BLOCK 98, CHENAL VALLEY, AN ADDITION TO THE CITY OF LITTLE ROCK, PULASKI COUNTY, ARKANSAS;

AND

A PART OF THE SOUTH HALF OF SECTION 27, T-2-N, R-14-W, LITTLE ROCK, PULASKI COUNTY, ARKANSAS;

ALL BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE SOUTHWESTERLY CORNER OF TRACT A, BLOCK 98, CHENAL VALLEY, AN ADDITION TO THE CITY OF LITTLE ROCK, PULASKI COUNTY, ARKANSAS, SAID POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF CHENAL VALLEY DRIVE; THENCE N38°34'19"E, A DISTANCE OF 307.32 FEET; THENCE N69°57'45"E, A DISTANCE OF 201.50 FEET; THENCE S80°31'23"E, A DISTANCE OF 94.49 FEET; THENCE S74°06'11"E, A DISTANCE OF 151.33 FEET; THENCE S69°22'24"E, A DISTANCE OF 316.83 FEET; THENCE S69°41'29"E, A DISTANCE OF 47.81 FEET; THENCE N62°42'04"E, A DISTANCE OF 205.94 FEET; THENCE S27°17'56"E, A DISTANCE OF 197.86 FEET; THENCE S71°02'02"E, A DISTANCE OF 305.06 FEET; THENCE N71°23'21"E, A DISTANCE OF 834.09 FEET; THENCE S82°36'44"E, A DISTANCE OF 170.36 FEET; THENCE S47°03'59"E, A DISTANCE OF 160.07 FEET; THENCE S27°24'28"W, A DISTANCE OF 226.15 FEET; THENCE S08°51'51"W, A DISTANCE OF 104.31 FEET; THENCE S71°23'21"W, A DISTANCE OF 108.24 FEET; THENCE N75°21'35"W, A DISTANCE OF 127.67 FEET; THENCE S71°23'21"W, A DISTANCE OF 155.00 FEET; THENCE S67°10'21"W, A DISTANCE OF 127.38 FEET; THENCE S54°29'25"W, A DISTANCE OF 121.90 FEET; THENCE S45°10'33"W, A DISTANCE OF 57.46 FEET; THENCE S42°11'42"W, A DISTANCE OF 73.35 FEET; THENCE S43°24'38 E, A DISTANCE OF 235.57 FEET; THENCE S45°51'51"E, A DISTANCE OF 502.22 FEET; THENCE S34°28'52"E, A DISTANCE OF 306.61 FEET; THENCE S02°10'49"E, A DISTANCE OF 73.02 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF CHENAL VALLEY DRIVE; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING COURSES: (1) ALONG THE ARC OF A 305.00 FOOT RADIUS CURVE TO THE LEFT, HAVING A CHORD BEARING AND DISTANCE OF S84°01'28"W, 40.38 FEET; (2) S80°13'43"W, 231.06 FEET; (3) ALONG THE ARC OF A 245.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CHORD BEARING AND DISTANCE OF S86°12'31"W, 51.05 FEET; (4) N87°48'41"W, 276.33 FEET;

(5) ALONG THE ARC OF A 245.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CHORD BEARING AND DISTANCE OF N67°41'09"W, 168.60 FEET; (6) N47°33'36"W, 653.40 FEET; (7) ALONG THE ARC OF A 1037.82 FOOT RADIUS CURVE TO THE LEFT, HAVING A CHORD BEARING AND DISTANCE OF N50°31'42"W, 107.49 FEET; (8) N53°29'48"W, 604.27 FEET; (9) ALONG THE ARC OF A 984.93 FOOT RADIUS CURVE TO THE LEFT, HAVING A CHORD BEARING AND DISTANCE OF N55°39'26"W, 74.26 FEET; (10) N57°49'04"W, 751.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT

LOT 16R AND TRACT DR, BLOCK 98, CHENAL VALLEY, AN ADDITION TO THE CITY OF LITTLE ROCK, PULASKI COUNTY, ARKANSAS;

CONTAINING A TOTAL OF 44.3967 ACRES, MORE OR LESS

that is reflected on the Plat hereinafter mentioned as Lots 1-15, Lots 17-35, Tracts AR, BR, CR, DR-2, ER, FR, HR and K1, Block 98, Chenal Valley, an addition to the City of Little Rock, Arkansas; and Deltic has caused to be incorporated Varennes Court Property Owners Association, Inc. ("POA"), for the purpose of administering the maintenance of the common area, streets, tracts and amenities in the Varennes Court Neighborhood;

WHEREAS, all owners of lots within the Varennes Court Neighborhood are members of the POA as provided for in the Original Bill of Assurance, as amended; 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, as amended, and this Second Replat and Second Amendment to the Original Bill of Assurance, in order to enhance the value of the Varennes Court Neighborhood.

NOW, THEREFORE, Deltic, 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 the 20 day of November, 2017, and bearing a Certificate of Approval executed by the Department of Comprehensive Planning of the City of Little Rock, and showing the lots, replatted lots, tracts and replatted tracts and showing the boundaries and dimensions of the additional property now being subdivided into lots, tracts and streets (collectively, the "Plat").

All roadways and streets shown on the Plat, including any guard houses and gates constructed from time to time thereon, are private roadways and subject to the provisions of the

Original Bill of Assurance, as amended. The POA shall maintain all streets, roads, guard houses and gates at its sole cost.

There are shown on said Plat certain easements for drainage and/or utilities which Deltic hereby donates and dedicates, subject to other provisions of the Original Bill of Assurance, as amended, and this Second Replat and Second Amendment to Varennes Court 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 10 foot wide utility easement across the front of all lots adjacent to the private roadway and utility easement. Drainage easements may be used for storm drainage and drainage overflow.

No trees, shrubbery, structures, fences or similar improvements shall be grown, built or maintained within the area of such utility/drainage easements. 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.

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 Varennes Court Neighborhood with the right, subject to further terms and conditions of the Plat and this Second Replat and Second Amendment to Varennes Court Bill of Assurance, to use these areas for landscaping, in addition to any further uses described herein. 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.

The use of the area designated on the Plat as Tract DR-2, Block 98, 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 Varennes Court Neighborhood with the right, subject to further terms and conditions of the Plat and this Second Replat and Second Amendment to Varennes Court Bill of Assurance, to use this area for landscaping, pedestrian paths and golf cart path. The POA shall maintain such improvements, including landscaping, at its sole cost. No improvements by any party shall be placed on the area designated as Tract DR-2, Block 98, 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 CR, Block 98, 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 Varennes Court Neighborhood with the right, subject to further terms and conditions of the Plat and this Second Replat and Second Amendment to Varennes Court Bill of Assurance, to use this area, upon being given prior written approval by Deltic and the POA, for landscaping, storm drainage and drainage overflow. The POA shall maintain all areas and improvements, including landscaping, located on said tracts, at its sole cost. No improvements by any party shall be placed on the area designated as Tract CR, Block 98, 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 FR, Block 98, 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 Varennes Court Neighborhood with the right, subject to further terms and conditions of the Plat and this Second Replat and Second Amendment to Varennes Court Bill of Assurance, to use the area for pedestrian paths, golf cart path, storm drainage and drainage overflow, sewer easement, landscaping and secondary emergency vehicle access for use, when needed, solely by emergency and public services, to include utilities, for ingress and egress to the Varennes Court Neighborhood and adjacent neighborhoods. The POA shall maintain all improvements, including landscaping, located on the aforementioned tract, at its sole cost. No improvements by any party shall be placed on the area designated as Tract FR, Block 98, 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 BR, Block 98, 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 Varennes Court Neighborhood with the right, subject to further terms and conditions of the Plat and this Second Replat and Second Amendment to Varennes Court Bill of Assurance, to use this area for utilities and landscaping. The POA shall maintain all areas and improvements, including landscaping, located thereon at its sole cost. No improvements by any party shall be placed on the area designated as Tract BR, Block 98, 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 AR, Block 98, 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 Varennes Court Neighborhood with the right, subject to further terms and conditions of the Plat and this Second Replat and

Second Amendment to Varennes Court Bill of Assurance, to use this area for storm drainage, drainage overflow, utilities and landscaping. The POA shall maintain all areas and improvements, including landscaping, located thereon at its sole cost. No improvements by any party shall be placed on the area designated as Tract AR, Block 98, 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.

ADDITIONALLY, DELTIC HEREBY GRANTS TO THE PUBLIC UTILITIES, AFTER RECEIVING WRITTEN CONSENT FROM DELTIC AND THE POA THE RIGHT TO USE THOSE PORTIONS OF THESE AREAS WITHIN SAID TRACTS BR AND AR, BLOCK 98, VARNENNES COURT, CHENAL VALLEY, AN ADDITION TO THE CITY OF LITTLE ROCK, ARKANSAS, SPECIFICALLY DESIGNATED AND IDENTIFIED BY DELTIC AND THE POA FOR UTILITY EASEMENTS, PROVIDED SUCH IMPROVEMENTS ARE MAINTAINED BY SAID PUBLIC UTILITIES. No improvements by any party shall be placed on the areas designated as Tracts BR and AR, Block 98, 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 OR WITHIN TRACTS FR, BR AND AR, BLOCK 98, CHENAL VALLEY, AN ADDITION TO THE CITY OF LITTLE ROCK, ARKANSAS, THE PUBLIC UTILITIES 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 PUBLIC UTILITIES 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, ARKANSAS, 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.

ALL DRAINAGE INLETS, PIPES AND DITCHES SHALL BE MAINTAINED BY THE POA AT ITS SOLE COST.

TRACT K1, BLOCK 98, CHENAL VALLEY, AN ADDITION TO THE CITY OF LITTLE ROCK, ARKANSAS, SHALL BE REPLATTED AS PART OF THE ENSBURY

PLACE NEIGHBORHOOD UPON THE DEVELOPMENT OF THE ADJACENT PHASE OF THE ENSBURY PLACE NEIGHBORHOOD AND UPON SUCH REPLAT THE ENSBURY PLACE PROPERTY OWNERS ASSOCIATION, INC. SHALL BE SOLELY RESPONSIBLE FOR THE FUTURE MAINTENANCE OF SAID TRACT AND ANY IMPROVEMENTS LOCATED THEREON.

LOT 18, BLOCK 98, CHENAL VALLEY, AN ADDITION TO THE CITY OF LITTLE ROCK, ARKANSAS, BEING 54,044 SQUARE FEET, MORE OR LESS, INCLUDES THE PREVIOUSLY PLATTED TRACT DR-1, AS REFLECTED ON THE PLAT. A CONVEYANCE OF LOT 18 SHALL ALSO BE DEEMED A CONVEYANCE OF THE PREVIOUSLY PLATTED TRACT DR-1, THE USE OF SAID LOT AND TRACT BEING RESTRICTED TO A SINGLE FAMILY RESIDENCE, AS ALLOWED BY THE ORIGINAL BILL OF ASSURANCE, AS AMENDED.

The following paragraphs are amended and are hereby substituted for Paragraphs 8, 9, 19 and 21 of the Original Bill of Assurance:

8. Setback Requirements. No residence shall be located on any lot nearer to the front lot line or the side street line than twenty-five (25) feet, no building shall be located nearer to an interior lot side line than fifteen (15) feet, and no residence shall be located on any lot nearer than twenty-five (25) feet to the rear lot line, provided such setback requirements can be modified if such modification is approved by the Architectural Control Committee of Chenal Valley, the Little Rock Planning Commission or the Little Rock Board of Adjustment, and such other regulatory agency as may succeed to their functions. For the purposes of this covenant, eaves, steps and porches not under roofs shall not be considered as a part of the building. Where two or more lots are acquired as a single building site, the site building lines shall refer only to those bordering the adjoining property owner.

9. Minimum Square Feet Area. No residence shall be constructed or permitted to remain on any building site in the Varennes Court Neighborhood unless the finished heated living area, exclusive of porches, patios, garages, breezeways, exterior stairways, porte cocheres, storage areas and outbuildings, shall be equal to or exceed that shown in the following schedule:

<u>Lot Number</u>	<u>One Story Minimum Sq. Ft.</u>	<u>Multi-Story Minimum Sq. Ft.</u>
All Lots	3,000	4,000

Finished heated living area shall be measured in a horizontal plane to the face of the outside wall on each level.

19. Easements for Golf Cart Traffic. In addition to the easements previously dedicated, an access easement for the residents within the Varennes Court Neighborhood who are members in good standing of Chenal Country Club, Inc. and entitled to golfing privileges, is located upon Tracts DR and FR, Block 98, Chenal Valley, an addition to the City of Little Rock, as shown on the Plat and such easements are hereby dedicated as a private easement for pedestrian and golf traffic for the use of owners of lots in the Varennes Court Neighborhood to be used for access to the adjacent golf course. The easements shall be maintained by the POA at its sole cost.

21. Grinder Pump Stations. Owners of Lots 1-10 and 13-16R, Block 98, Chenal Valley, an addition to the City of Little Rock, Arkansas, must install, at their sole expense, Grinder Pump Stations that comply with any applicable regulations and specifications of the Arkansas State Board of Health and Little Rock Wastewater Utility as part of the construction of any single family residence or additional structures on such Lots. Grinder Pump Stations shall be Environment One (e-one) Extreme W-Series Fiberglass Pump Station (or approved equal), as shown on the construction plans prepared by White-Daters & Associates and approved by the Little Rock Wastewater Utility. All aspects regarding installation shall be subject to inspection and approval of White-Daters & Associates, the Architectural Control Committee of Chenal Valley, and Little Rock Wastewater Utility. All construction methods shall conform to the manufacturer's requirements and recommendations.

The POA, at its sole cost, shall be responsible for the future maintenance of all installed Grinder Pump Stations, including the control panel, and the costs of any future replacement or substitution thereof. The Lot Owner shall be responsible for the maintenance of the pressure sewer line. The POA shall be in possession, upon the complete construction of the first residence within the Varennes Court Neighborhood, of at least two (2) grinder pump core units. The POA shall have the right to enter upon any Lot to maintain, repair or replace any grinder pump station and/or pressure a sewer line or other appurtenances.

The filing of this Second Replat and Second Amendment to Varennes Court Bill of Assurance 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 easements subject to the limitations herein set out.

The lands embraced in the Plat shall be forever known as Lots 1-15, Block 98, and Lots 17-35, Block 98, and Tracts AR, BR, CR, DR-2, ER, FR, HR AND K1, Block 98, Varennes Court, an addition to the City of Little Rock, Arkansas, and any and every deed of conveyance of any lot in the Varennes Court 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 Varennes Court.

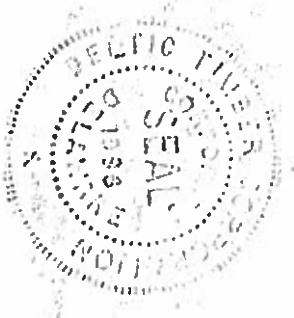
2. Covenants and Restrictions. Said lands herein platted and any interest therein are hereby added to and made a part of the Varennes Court Neighborhood and shall, on and after the date hereof, be subject to the Original Bill of Assurance and all amendments and supplements thereto.

EXECUTED this 1st 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.

[Signature]
City of Little Rock Planning Commission

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF Dulaski

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 1st day of November, 2017.


Notary Public

My Commission Expires:

Feb. 22, 2022

