

NOTES CONSTITUTING A PART OF THIS REPLAT AND TO BE READ IN CONNECTION WITH THE REPLAT AND ALL PROPERTY REFLECTED THEREON

COOPER COMMUNITIES, INC., HEREINAFTER REFERRED TO AS DEVELOPER, (FORMERLY NAMED COOPER ACQUISITION CORPORATION AND SUCCESSOR IN INTEREST TO THE PREDECESSOR COOPER COMMUNITIES, INC. AND JOHN A. COOPER COMPANY BY REASON OF MERGERS, THE SAID JOHN A. COOPER COMPANY FORMERLY BEING NAMED CHEROKEE VILLAGE DEVELOPMENT COMPANY, INC.) HERETOFORE FILED IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER IN AND FOR SALINE COUNTY, ARKANSAS, A PLAT DESIGNATING CERTAIN LANDS REFLECTED THEREON AS BLOCKS 1 THROUGH 5, FENIX SUBDIVISION, HOT SPRINGS VILLAGE, ARKANSAS, WHICH PLAT WAS THERE RECORDED ON THE 19TH DAY OF DECEMBER, 1985, IN DEED BOOK 278 AT PAGE 670 AND HEREBY REPLATS SAID LAND SUBJECT TO THE FOLLOWING PROVISIONS:

1. DEVELOPER IS THE OWNER OF BLOCKS 1 THROUGH 5, FENIX SUBDIVISION AS REFLECTED ON THE ORIGINAL PLAT THEREOF AND HEREBY REPLATS THAT PLAT FOR THE PURPOSE OF INDICATING THE 100 YEAR FLOOD PLAIN; REDUCING THE NUMBER OF BLOCKS IN SAID SUBDIVISION FROM 5 TO 4; REDUCING THE NUMBER OF LOTS IN SAID SUBDIVISION FROM 64 TO 53; REARRANGING THE LOTS WITHIN SAID SUBDIVISION; REDUCING THE TOTAL ACRES OF THIS LOTTED AREA; INCREASING THE TOTAL ACRES OF THE COMMON PROPERTIES, AND RELOCATING CERTAIN UTILITY AND DRAINAGE EASEMENTS.
2. AT 2:30 P.M. ON THE 30TH DAY OF MARCH, 1972, DEVELOPER, JOINED BY HOT SPRINGS VILLAGE PROPERTY OWNERS ASSOCIATION, A NON-PROFIT CORPORATION, FILED IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER IN AND FOR SALINE COUNTY, ARKANSAS, A DECLARATION DATED THE 20TH DAY OF APRIL, 1970, WHICH IS THERE RECORDED IN RECORD BOOK 155, PAGE 110, ET SEQ. A SUPPLEMENTAL DECLARATION OF COVENANTS AND RESTRICTIONS WAS HERETOFORE RECORDED WHICH HAD THE EFFECT OF BRINGING THE LANDS REFLECTED UPON THE REPLAT WITHIN THE PROVISIONS OF THE DECLARATION AFORESAID, SAID SUPPLEMENTAL DECLARATION BEING FILED FOR RECORD ON THE 19TH DAY OF DECEMBER, 1985, IN RECORD BOOK 278 AT PAGE 668, ET SEQ. THE DECLARATION AFORESAID AND SUPPLEMENTAL DECLARATION AFORESAID ARE IN THEIR ENTIRETY BY REFERENCE MADE A PART OF THIS REPLAT AND THE PROVISIONS THEREOF SHALL CONTROL AS TO THE REPLAT EXCEPT ONLY AS TO PROVISIONS CONTAINED HEREON OR INCONSISTENT WITH THIS REPLAT.
3. THE COMMON PROPERTIES REFLECTED UPON THE REPLAT ARE INTENDED TO BE DEVOTED TO THE COMMON USE AND ENJOYMENT OF THE OWNERS OF THE LOTS REFLECTED UPON SAID REPLAT AS WELL AS THE OWNERS OF ALL OF THE PROPERTIES AS SO DEFINED IN THE DECLARATION AFORESAID AND SHALL IN NOWISE BE CONSIDERED AS DEDICATED FOR USE TO THE GENERAL PUBLIC.
4. THE RESERVED PROPERTIES AS REFLECTED UPON THE REPLAT ARE NOT A PART OF THE REPLAT AND ARE PARTICULARLY AND SPECIFICALLY BY THE DEVELOPER RESERVED THEREFROM.
5. UTILITY AND DRAINAGE EASEMENTS ARE RESERVED BY THE DEVELOPER UPON ALL PROPERTY COVERED BY THE REPLAT PURSUANT TO ARTICLES IV OF THE DECLARATION AFORESAID UNLESS SPECIFICALLY DESIGNATED OTHERWISE ON THE REPLAT OR IN THE NOTES.
6. ALL LOTS REFLECTED UPON THE REPLAT ARE ZONED AS RESIDENTIAL LOTS, AND ONLY SINGLE FAMILY DETACHED STRUCTURES MAY BE BUILT AND CONSTRUCTED THEREON PURSUANT TO THE PROVISIONS, RESTRICTIONS AND PROTECTIVE COVENANTS AS CONTAINED IN THE DECLARATION AFORESAID. NO SINGLE FAMILY DETACHED STRUCTURE SHALL BE CONSTRUCTED WHICH SHALL HAVE A FLOOR SPACE OF LESS THAN 1000 SQUARE FEET.
7. OWNERS SHALL COMPLY WITH THE PROVISIONS OF PARAGRAPH 16 OF THE DECLARATION AFORESAID, AS TO ALL AREAS INDICATED UPON THE PLAT AS PROTECTIVE SCREENING AREAS.
8. SETBACK LINES AS INDICATED UPON THE REPLAT SHALL CONTROL AS TO CONSTRUCTION OF A STRUCTURE UPON THE LOTS REFLECTED THEREON, SUBJECT HOWEVER, TO THE PROVISIONS OF THE DECLARATION AFORESAID.
9. ALL WAYS OF ACCESS FOR VEHICLES REFLECTED UPON THE REPLAT ARE DEDICATED AS COMMON PROPERTIES FOR THE USE OF OWNERS OF LOTS WHICH ARE HEREBY SUBJECTED TO THE DECLARATION AFORESAID OR MAY HEREAFTER BECOME SUBJECT TO THE DECLARATION AFORESAID, SUCH DEDICATION BEING TO THE EXCLUSION OF THE GENERAL PUBLIC; AND ALL TITLE, RIGHTS, EASEMENTS AND PRIVILEGES THEREON ARE AS SET OUT IN ARTICLE VIII OF THE DECLARATION AFORESAID.
10. NO STRUCTURE INTENDED FOR OCCUPANCY AS LIVING SPACE MAY BE LOCATED BELOW THE ELEVATION OF THE 100 YEAR FLOOD PLAIN AS REFLECTED HEREON AND NO ITEMS SUSCEPTIBLE TO WATER DAMAGE MAY BE STORED OR LOCATED BELOW SAID ELEVATION. FOUNDATIONS, PATIOS, AND OTHER SUCH STRUCTURES NOT INTENDED FOR OCCUPANCY AS LIVING SPACE AND NOT SUSCEPTIBLE TO DAMAGE BY FLOODWATERS MAY BE LOCATED BELOW SUCH ELEVATION IN ACCORDANCE WITH THE PROVISIONS OF THE AFORESAID DECLARATION.
11. DEVELOPER, ITS SUCCESSORS AND ASSIGNS, HEREBY RESERVES A PERPETUAL BLANKET EASEMENT, PRIVILEGE AND RIGHT IN, UPON OVER AND ACROSS THE COMMON PROPERTIES REFLECTED HEREON, IF ANY, FOR PURPOSES OF CONSTRUCTING AND MAINTAINING SUCH ROADS, STREETS OR HIGHWAYS AS IT SHALL DETERMINE TO BE NECESSARY OR DESIRABLE IN ITS SOLE DISCRETION, INCLUDING SUCH CUTS, GRADINGS, LEVELING, FILLING, DRAINAGE, PAVING, BRIDGES, CULVERTS, RAMP AND ANY AND ALL OTHER ACTIONS OR INSTALLATIONS WHICH IT DEEMS NECESSARY OR DESIRABLE FOR SUCH ROADS, STREETS OR HIGHWAYS TO BE SUFFICIENT FOR ALL PURPOSES OF TRANSPORTATION AND TRAVEL. THE WIDTH AND LOCATION OF THE RIGHT OF WAY FOR SUCH ROADS, STREETS OR HIGHWAYS SHALL BE WITHIN THE SOLE DISCRETION OF DEVELOPER, ITS SUCCESSORS AND ASSIGNS, PROVIDED, HOWEVER, THAT DEVELOPER, ITS SUCCESSORS AND ASSIGNS, WILL USE ITS BEST EFFORTS TO CONSISTENTLY WITH ITS PURPOSES TO LESSEN ANY DAMAGE OR INCONVENIENCE TO IMPROVEMENTS WHICH HAVE THEREFORE BEEN LOCATED UPON THE PROPERTY. DEVELOPER, ITS SUCCESSORS AND ASSIGNS, FURTHER RESERVES THE UNRESTRICTED AND SOLE RIGHT AND POWER OF DESIGNATING SUCH ROADS, STREETS OR HIGHWAYS AS PUBLIC OR PRIVATE AND OF ALIENATING AND RELEASING THE PRIVILEGES, EASEMENTS AND RIGHTS RESERVED HEREIN.

DATED THIS 8 DAY OF Nov, 1988.

COOPER COMMUNITIES, INC.

BY *Harold E. Henry*
PRESIDENT

SW CORNER SECTION 3
T-1-S, R-18-W
ARKANSAS STATE PLANE
COORDINATES:
NORTH = 728,366.64
EAST = 1,721,402.78

FENIX SUBDIVISION
BLOCKS 1 THRU 4
LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THE SE 1/4 OF THE SW 1/4 (33.75 ACRES ±), IN THE NE 1/4 OF THE SW 1/4 (0.028 ACRES ±), IN THE SW 1/4 OF THE SE 1/4 (33.950 ACRES ±) OF SECTION 3; IN THE NW 1/4 OF THE NE 1/4 (14.422 ACRES ±), IN THE NE 1/4 OF THE NW 1/4 (11.884 ACRES ±) OF SECTION 10, ALL LYING IN TOWNSHIP 1 SOUTH, RANGE 18 WEST OF THE FIFTH PRINCIPAL MERIDIAN, SALINE COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 318.36 FEET NORTH AND 1507.22 FEET EAST OF THE SOUTHWEST CORNER OF SAID SECTION 3 (ARKANSAS STATE PLANE COORDINATES OF NORTH 728,366.64 FEET AND EAST 1,721,402.78 FEET); THENCE, N 14° 37' 15" W 118.85 FEET; THENCE, N 01° 35' 28" W 720.28 FEET; THENCE, N 86° 49' 13" E 80.14 FEET; THENCE, N 00° 16' 21" E 150.84 FEET; THENCE, S 84° 53' 52" E 129.54 FEET; THENCE, N 01° 35' 28" W 720.28 FEET; THENCE, N 33° 20' 00" W 60.92 FEET; THENCE, N 62° 40' 00" E 60.89 FEET; THENCE, S 74° 49' 06" E 379.27 FEET; THENCE, S 22° 10' 51" W 242.21 FEET; THENCE, S 53° 17' 50" E 68.00 FEET; THENCE, S 00° 00' 00" E 63.00 FEET; THENCE, S 61° 03' 11" E 258.27 FEET; THENCE, S 23° 29' 08" E 92.44 FEET; THENCE, S 34° 00' 00" W 207.42 FEET; THENCE, S 04° 00' 00" E 435.05 FEET; THENCE, S 04° 00' 00" E 435.05 FEET; THENCE, S 13° 57' 27" E 270.99 FEET; THENCE, N 01° 35' 28" W 720.28 FEET; THENCE, N 33° 20' 00" W 60.92 FEET; THENCE, N 62° 40' 00" E 60.89 FEET; THENCE, S 74° 49' 06" E 379.27 FEET; THENCE, S 22° 10' 51" W 242.21 FEET; 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