

VAN BUREN COUNTY QUORUM COURT

Sponsored by J.P Philips

ORDINANCE NO. 2015-29

BOOK 2015

PAGE 107

Recorded In:

ORDINANCE Book

10/16/2015 1:22:42 PM

PAM BRADFORD

County Clerk

VAN BUREN County, AR

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF VAN BUREN, STATE OF ARKANSAS, AN APPROPRIATION ORDINANCE TO BE ENTITLED:

AN APPROPRIATION ORDINANCE TO AMEND THE ORIGINAL APPROPRIATION ORDINANCE #2014-24, THE ANNUAL OPERATING BUDGET FOR 2015, TO INCREASE THE PROJECTED REVENUE AND APPROPRIATE AND TRANSFER \$1,693.00 INTO THE SOLID WASTE DEPARTMENT #3009-700-3009 FROM COUNTY GENERAL #1000-123-3009.

WHEREAS: A payment was made to Atoka, Inc. from the Solid Waste Department #3009-700-3009 that should have been paid out of the Safety and Maintenance Department in County General #1000-123-3009.

NOW THEREFORE BE IT ORDAINED BY THE QUORUM COURT OF VAN BUREN COUNTY, ARKANSAS THAT:

This money be replaced into the Solid Waste Department #3009-700-3009 from County General #1000-123-3009, Safety and Maintenance Department.

Approved this 15th day of October, 2015

APPROVED: Roger W. Hooper
Roger Hooper, County Judge

ATTEST: Pam Bradford
Pam Bradford, County Clerk

I certify that this instrument was filed on 10/16/2015 1:22:42 PM and recorded in ORDINANCE Book 2015 PAM BRADFORD County Clerk VAN BUREN County, AR

Chris Bond

VAN BUREN COUNTY QUORUM COURT

Sponsored by J.P. Dell Holt

ORDINANCE NO. 2015-30

BOOK 2015

PAGE 108

Recorded In:

ORDINANCE Book

10/16/2015 2:32:40 PM

PAM BRADFORD

County Clerk

VAN BUREN County, AR

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF VAN BUREN,
STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

**AN ORDINANCE TO APPROVE AN ADDENDUM TO THE LEASE
WITH OZARK HEALTH, INC.**

WHEREAS: the County and Ozark Health, Inc., entered into a Lease Agreement, dated June 20, 2002, for the purpose of leasing property to Ozark Health, Inc., to be used for the construction and operation of a hospital, nursing home and associated facilities to provide medical care to the residents of Van Buren County and the surrounding areas; and

WHEREAS: the premises leased to Ozark Health, Inc., as a part of the Lease Agreement consisted of 19.37 acres, as more particularly described on Exhibit "A" to the Lease Agreement; and

WHEREAS: the County now wishes to include three (3) additional tracts of land in the Lease Agreement such that Ozark Health, Inc., may utilize the three (3) additional tracts of land for the provision of medical services to the residents of Van Buren County and surrounding areas.

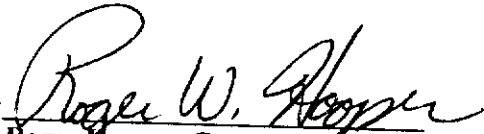
NOW, THEREFORE BE IT ENACTED BY THE QUORUM COURT OF VAN BUREN COUNTY, ARKANSAS;

Article 1. The Addendum to Lease Agreement attached hereto as Exhibit "A" is hereby approved and the County Judge is authorized to execute such Addendum and the County Clerk is authorized to attest to the execution of said Addendum.

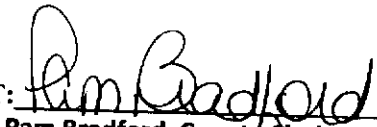
Article 2. The Quorum Court does hereby repeal any and all other ordinances or parts of ordinances inconsistent with either this ordinance or the terms and conditions of the Lease and/or Addendum

Approved this 15th day of October, 2015

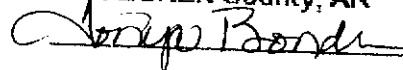
APPROVED:


Roger Hoopes, County Judge

ATTEST:


Pam Bradford, County Clerk

This instrument was
filed on 10/16/2015 2:32:40 PM
and recorded in
ORDINANCE Book 2015
PAM BRADFORD
County Clerk
VAN BUREN County, AR

 J. Bonds

ADDENDUM TO LEASE AGREEMENT

This **ADDENDUM TO LEASE AGREEMENT** (hereinafter referred to as the "Addendum") is entered into this ____ day of _____, 2015, by and between the **COUNTY OF VAN BUREN, ARKANSAS** (hereinafter referred to as either the "County" or the "Lessor") and **OZARK HEALTH, INC.**, a nonprofit corporation organized and existing under the laws of the State of Arkansas (hereinafter referred to as either "Ozark Health" or the "Lessee") for the purpose of amending and revising the "Lease Agreement" entered into by and between the parties on or about the 20th day of June, 2002 (hereinafter the "Lease").

RECITALS

WHEREAS, the County and Ozark Health entered into the Lease for the purpose of leasing property to Ozark Health to be used for the construction and operation of a hospital, nursing home and associated facilities to provide medical care to the residents of Van Buren County and the surrounding areas; and

WHEREAS, the premises leased to Ozark Health as a part of the Lease consisted of 19.37 acres, as more particularly described on Exhibit "A" to the Lease; and

WHEREAS, the purpose of this Addendum is to include within the existing Lease three (3) tracts of land that have been acquired by the Lessor to allow the Lessee to use in providing medical services to the residents of Van Buren County and the surrounding area.

NOW, THEREFORE, in consideration of the mutual covenants, conditions, and promises set forth herein, and with the intention to be legally bound, the parties hereto agree as follows:

TERMS

A. Additional Properties. In addition to the Premises included in the Lease, containing contain approximately 19.37 acres, more particularly described on Exhibit "A" to the Lease, the parties hereby amend the Lease to include in the Premises the following three (3) additional parcels:

- (i) A tract of land containing 0.055 acres, as more particularly described on Exhibit "1" which is attached hereto and incorporated herein by reference;
- (ii) A tract of land containing 0.98 acres, as more particularly described on Exhibit "2" which is attached hereto and incorporated herein by reference; and
- (iii) A tract of land containing 1.70 acres, as more particularly described on Exhibit "3" which is attached hereto and incorporated herein by reference.

B. No Other Addenda. Other than the addenda specifically set forth in this Addendum, it is the intent of the County and Ozark Health that all other terms of the Lease shall remain unchanged and in full force and effect as originally written.

IN WITNESS WHEREOF, the County and Ozark Health have caused this Addendum to be executed by their duly authorized officials or officers as of the day and year first above written.

COUNTY OF VAN BUREN, ARKANSAS

By: _____
Roger Hooper, County Judge

ACKNOWLEDGMENT

STATE OF ARKANSAS §
 §
COUNTY OF _____ §

Before me, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared in person the within named **Roger Hooper**, who stated that he was the duly elected County Judge of Van Buren County, Arkansas, that he was duly authorized in such capacity to execute the foregoing instrument for and in the name and on behalf of said County, and further stated and acknowledged that he had so signed, executed and delivered the foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 2015.

Notary Public

My Commission Expires:

(SEAL)

OZARK HEALTH, INC.

By: _____

Title: Chairman

ACKNOWLEDGMENT

STATE OF ARKANSAS §
 §
COUNTY OF _____ §

Before me, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared in person the within named _____, who stated that he was the Chairman of the Board of Directors of Ozark Health, Inc., that he was duly authorized in such capacity to execute the foregoing instrument for and in the name and on behalf of said corporation, and further stated and acknowledged that he had so signed, executed and delivered the foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 2015.

Notary Public

My Commission Expires:

(SEAL)

EXHIBIT "1"
TO ADDENDUM

PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (PT.SE1/4 SW1/4), SECTION TWENTY-SIX (26), TOWNSHIP ELEVEN (11) NORTH, RANGE FOURTEEN (14) WEST, CITY OF CLINTON, VAN BUREN COUNTY, ARKANSAS, SOUTH OF STATE HIGHWAY 336, MORE PARTICULARLY DESCRIBED AS: STARTING AT THE CENTER OF SW1/4 SECTION 26, T-11-N, R-14-W, THENCE EAST, ALONG THE NORTH LINE OF SE1/4 SW1/4, A DISTANCE OF 283.23 FEET TO A POINT, THENCE SOUTH, A DISTANCE OF 17.69 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF STATE HIGHWAY 336, THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED; THENCE N 73°25'58" E, ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 40.00 FEET TO A POINT WHICH IS S 73°25'58" W A DISTANCE OF 22.04 FEET FROM THE POINT OF INTERSECTION OF SAID RIGHT OF WAY LINE AND SAID NORTH LINE OF SE1/4 SW1/4, THENCE LEAVING SAID HIGHWAY AND RUN S 16°34'02" E A DISTANCE OF 60.00 FEET TO A POINT, THENCE S 73°25'58" W A DISTANCE OF 40.00 FEET TO A POINT, THENCE N 16°34'02" W A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING. CONTAINING 2,400 SQUARE FEET OR 0.055 ACRE, ACCORDING TO THE CHARLES NEAL SURVEY, DATED AUGUST 19, 1991 AND RECORDED IN SURVEY RECORD E, PAGE 698.

Description herein taken from Warranty Deed from the City of Clinton to Van Buren County dated December 30, 2011 and filed of record with the Van Buren County Circuit Clerk on January 3, 2012 as Van Buren County real property Document Number 2012-0051.

EXHIBIT "2"
TO ADDENDUM

LEGAL DESCRIPTION OF A 0.98 -ACRE TRACT PREPARED SEPTEMBER 21, 2015 AND BASED ON A DEED RECORDED AS DOCUMENT NUMBER 2010-8005 IN THE VAN BUREN COUNTY, ARKANSAS CIRCUIT CLERK'S OFFICE ALONG WITH A SURVEY DATED 08-03-2011 BY PLS 1075.

A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER CONTAINING APPROXIMATELY 0.25 ACRES AND A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER CONTAINING APPROXIMATELY 0.73 ACRES, ALL IN SECTION 26, TOWNSHIP 11 NORTH, RANGE 14 WEST, VAN BUREN COUNTY, ARKANSAS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 11 NORTH, RANGE 14 WEST, VAN BUREN COUNTY, ARKANSAS; THENCE N 88°50'44" W ALONG THE SOUTH LINE OF THE SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER A DISTANCE OF 267.52 FEET TO THE POINT OF BEGINNING, THENCE S 00°55'48" E A DISTANCE OF 37.99 FEET TO A POINT, THENCE S 71°52'18" W A DISTANCE OF 148.00 FEET TO A POINT, THENCE S 00°17'01" E ALONG THE EAST RIGHT OF WAY LINE OF QUALITY DRIVE A DISTANCE OF 74.53 FEET TO A POINT ON A NON-TANGENT CURVE WHICH HAS A CHORD BEARING N 73°02'03" E A DISTANCE OF 58.32 FEET, THE RADIUS POINT OF WHICH BEARS S 17°57'44" E A DISTANCE OF 1,677.02 FEET, THENCE EASTERLY ALONG THE NORTH RIGHT OF WAY LINE OF ARKANSAS HIGHWAY 336 AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 1°59'34" A DISTANCE OF 58.33 FEET TO A POINT, THENCE N 73°23'05" E A DISTANCE OF 366.17 FEET TO A POINT, THENCE N 73°23'05" E A DISTANCE OF 15.39 FEET TO A POINT, THENCE N 68°59'26" E A DISTANCE OF 70.93 FEET TO A POINT, THENCE LEAVE THE NORTH RIGHT OF WAY LINE OF ARKANSAS HIGHWAY 336 AND RUN N 78°11'00" W A DISTANCE OF 282.99 FEET TO A POINT, THENCE N 87°33'35" W A DISTANCE OF 71.92 FEET TO A POINT, THENCE S 00°55'48" E A DISTANCE OF 54.01 FEET TO THE POINT OF BEGINNING.

THIS TRACT CONTAINS 0.98 ACRES MORE OR LESS AND IS SUBJECT TO RESTRICTIONS, EASEMENTS AND RIGHTS OF WAY OF RECORD AND PRESCRIPTIVE.

EXHIBIT "3"
TO ADDENDUM

PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (PT. SE1/4 SW1/4, SECTION TWENTY-SIX (26), TOWNSHIP ELEVEN (11) NORTH, RANGE FOURTEEN (14) WEST, IN THE CITY OF CLINTON, VAN BUREN COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS: STARTING AT THE SE CORNER SE1/4 SW1/4 SECTION 26, T-11-N, R-14-W; THENCE N89°35'40" W, ALONG THE SOUTH LINE OF SAID SE1/4 SW1/4, A DISTANCE OF 337.10 FEET TO A CONCRETE RIGHT OF WAY MARKER ON THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY 65, BEING 86.6 FEET LEFT OF CENTERLINE STATION 344+10.5 FEET, ASHC JOB NUMBER 8566; THENCE N 04°10'38" W, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 278.67 FEET TO A CONCRETE RIGHT OF WAY MARKER; THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY LINE, N 11°03'40" W A DISTANCE OF 204.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF A 60 FOOT ROADWAY; THENCE LEAVING SAID HIGHWAY 65 AND RUN N 89°29'30" W, ALONG SAID NORTH RIGHT OF WAY OF 60 FOOT ROADWAY, A DISTANCE OF 280.63 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED: THENCE CONTINUING N 89°29'30" W ALONG SAID ROADWAY, A DISTANCE OF 492.60 FEET TO A POINT; THENCE LEAVING SAID ROADWAY AND RUN N 00°30'22" E A DISTANCE OF 150.00 FEET TO A POINT; THENCE S 89°29'30" E A DISTANCE OF 492.60 FEET TO A POINT; THENCE S 00°30'30" W A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING, CONTAINING 73,890 SQUARE FEET OR 1.70 ACRES, ACCORDING TO THE CHARLES NEAL COMPUTATIONS FROM HIS (JOINT) SURVEY AS RECORDED IN SURVEY RECORD BOOK "J", AT PAGE 442.

Description herein taken from Warranty Deed from the Joe E. Lee and Mary Lou Lee to Van Buren County that was filed of record with the Van Buren County Circuit Clerk on March 3, 2011 as Van Buren County real property Document Number 2011-1435.