

ORDINANCE NO. 6029

AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY, KNOWN AS "CARTER DAIRY ADDITION", TO THE CITY OF HOT SPRINGS, ARKANSAS; MAKING SAME A PART OF THE CITY OF HOT SPRINGS; ASSIGNING SAID LANDS TO A ZONING DISTRICT; REVISING THE FUTURE LAND USE MAP; ASSIGNING SAID LANDS TO A BOARD DISTRICT; AND FOR OTHER PURPOSES.

WHEREAS, a Petition was filed with the County Clerk of Garland County, Arkansas, pursuant to Arkansas Code Annotated §14-40-601 *et seq.* by the majority of the real estate owners of the hereinafter described territory praying that said territory be annexed to, and made a part of the City of Hot Springs, Arkansas; and that

WHEREAS, on February 5, 2014, the County Court of Garland County, Arkansas, found that the Petition was signed by a majority of the real estate owners in said territory; that said territory was contiguous and adjoining the present corporate limits of the City of Hot Springs, Arkansas; that an accurate plat or map of said territory had been filed with and made a part of said Petition; that proper notice had been given for the time and in the manner prescribed by law, and that all things pertaining thereto had been done in the manner prescribed by law, and that said lands and territory should be annexed to and made a part of the City of Hot Springs, Arkansas; and that

WHEREAS, Hot Springs Code §16-2-32(c) states: Following the entering of an order by the county court granting a petition for annexation, and during the 30 day waiting period during which proceedings may be instituted for having the annexation prevented, the planning commission shall conduct a public hearing to discuss the zoning of the proposed annexed areas and any modifications to the comprehensive plan that might be appropriate; and

WHEREAS, the time fixed by law for appealing from said Order of Annexation made by the County Court has expired, and no appeal has been taken from said Order; and that

WHEREAS, the Petitioners upon remand by the Board of Directors requested R-4 (Residential Medium-High) zone district for the 25.34 acres of Carter Dairy Farm; and that

WHEREAS, Planning Commission duly advertised and held a public hearing on April 10, 2014 to recommend a permanent zoning classification of R-4 (Residential Medium-High) for the subject Carter property and by unanimous vote recommend that the Board of Directors not to zone the subject property R-4; and that;

WHEREAS, the Petitioners on May 7, 2014, by appeal of Planning Commission Decision request that the Board assign R-4 (Residential Medium-High) zone district; and that

WHEREAS, the R-4 (Residential Medium-High) zone district also requires amending the Future Land Use Plan Map designation to Residential Medium High: and

WHEREAS, the R-1(Rural Residential) zone district is the petitioned annexation default and it supports existing uses on the three most southerly parcels of the Carter Dairy Addition.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the City of Hot Springs, Arkansas, as follows:

SECTION 1. That the following described lands and territory contiguous to and adjoining the City of Hot Springs, Arkansas, be and the same is hereby accepted as part of and annexed to and made a part of the City of Hot Springs, Arkansas:

CARTER PARCEL "A"

BOUNDARY DESCRIPTION PARCEL "A" A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW 1/4- NE 1/4) AND ALL OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW 1/4- NE 1/4) OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 20 WEST OF THE FIFTH PRINCIPAL MERIDIAN, GARLAND COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SW 1/4- NE 1/4; THENCE ALONG THE WEST LINE THEREOF, NORTH 01°12'10" WEST-863.07 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE WEST LINE OF SAID SW 1/4- NE 1/4 AND SAID NW 1/4 - NE 1/4, NORTH 01°12'10" WEST 1785.69 FEET TO THE NORTHWEST CORNER OF SAID NW 1/4- NE 1/4; THENCE ALONG THE NORTH LINE OF SAID NW 1/4- NE 1/4, SOUTH 88°15'36" EAST-1230.57 FEET TO THE NORTHEAST CORNER THEREOF; THENCE ALONG THE WEST LINE OF SAID NW 1/4- NE 1/4 AND SAID SW 1/4-NE 1/4, SOUTH 02°44'45" EAST-1464.35 FEET; THENCE CONTINUE ALONG THE WEST LINE OF SAID SW 1/4- NE 1/4, SOUTH 02°02'49" EAST 299.44 FEET; THENCE LEAVING SAID WEST LINE, NORTH 89°22'15" WEST-1273.44 FEET TO THE POINT OF BEGINNING, ACCORDING TO A SURVEY BY R.L. SMITH, AR P.S. NO. 1317, DATED 12-02-2013, AND CONTAINING 13.05 ACRES IN THE SW 1/4- NE 1/4, AND 37.94 ACRES IN THE NW 1/4- NE 1/4, FOR A TOTAL OF 50.99 ACRES

CARTER PARCEL "B"

BOUNDARY DESCRIPTION PARCEL "B". A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW 1/4- NE 1/4) OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 20 WEST OF THE FIFTH PRINCIPAL MERIDIAN, GARLAND COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SW 1/4- NE 1/4; THENCE ALONG THE WEST LINE THEREOF, NORTH 01°12'10" WEST-863.07 FEET; THENCE LEAVING SAID WEST LINE, SOUTH 89°22'15" EAST - 1273.44 FEET TO THE EAST LINE OF SAID SW 1/4- NE 1/4; THENCE ALONG SAID EAST LINE, SOUTH 02°02'49" EAST -863.57 FEET TO THE SOUTHEAST CORNER OF SAID SW 1/4- NE 1/4; THENCE ALONG THE SOUTH LINE THEREOF, NORTH 89°22'15" WEST -1286.18 FEET TO THE POINT OF BEGINNING, ACCORDING TO A SURVEY BY R.L. SMITH, AR P.S. NO.1317, DATED 12-02-2013, AND CONTAINING 25.34 ACRES.

JACKIE DYKES PARCEL:

PART OF THEN 1/2 SE 1/4 SECTION 24, TOWNSHIP 3 SOUTH, RANGE 20 WEST, DESCRIBED AS FOLLOWS: COMMENCE AT A POINT ON THE EAST SIDE OF BURCHWOOD BAY ROAD AND THE SOUTH LINE OF N 1/2 SE 1/4; THENCE NORTH 03 DEGREES 25 MINUTES 36SECONDS WEST ALONG THE EAST SIDE OF BURCHWOOD BAY ROAD 818.25 FEET TO THE POINT OF BEGINNING; THENCE NORTH 03 DEGREES 25 MINUTES 36 SECONDS WEST ALONG THE EAST SIDE OF BURCHWOOD BAY DRIVE 272.75 FEET; THENCE SOUTH 89 DEGREES 58 MINUTES 22 SECONDS EAST PARALLEL WITH THE NORTH LINE OF SAID N 1/2 SE 1/4 625.50 FEET; THENCE NORTH 00 DEGREES 34 MINUTES 11 SECONDS EAST A DISTANCE OF 210.00 FEET TO THE NORTH LINE OF SAID N 1/2 SE 1/4 THENCE SOUTH 89 DEGREES 58 MINUTES 22 SECONDS EAST ALONG SAID NORTH LINE 641.20FEET TO A FENCE CORNER; THENCE SOUTH 05 DEGREES 23 MINUTES 30 SECONDS EAST ALONG SAID FENCE 282.00 FEET; THENCE SOUTH 15 DEGREES 23 MINUTES 30SECONDS EAST ALONG SAID FENCE 20.995 FEET; THENCE SOUTH 81 DEGREES 59MINUTES 43 SECONDS WEST A DISTANCE OF 1297.18 FEET TO THE POINT OF BEGINNING. SUBJECT TO A 20.00 FOOT EASEMENT ALONG THE SOUTH SIDE OF SAID PROPERTY, CONTAINING 8.75 ACRES, MORE OR LESS, ACCORDING TO A SURVEY PREPARED BY JAMES O. TALLENT, REGISTERED LAND SURVEYOR, DATED DECEMBER3, 1984.

KATHY HOOD PARCEL:

PART OF THEN 1/2 SE 1/4 SECTION 24, TOWNSHIP 3 SOUTH, RANGE 20 WEST, DESCRIBED AS FOLLOWS: COMMENCE AT A POINT ON THE EAST SIDE OF BURCHWOOD BAY ROAD AND THE SOUTH LINE OF SAID N 1/2 SE 1/4; THENCE NORTH 03° 25' 36" WEST ALONG THE EAST SIDE OF BURCHWOOD BAY ROAD 545.50' TO THE POINT OF BEGINNING; THENCE NORTH 84° 00'01" EAST A DISTANCE OF 1361.21'TO A FENCE; THENCE NORTH 15° 23' 30" WEST ALONG SAID FENCE 322.186'; THENCE SOUTH 81° 59' 43" WEST A DISTANCE OF 1297.18' TO A POINT ON THE EAST SIDE OF BURCHWOOD BAY ROAD THAT IS NORTH 03° 25' 36" WEST AND 272.75' FROM THE POINT OF BEGINNING; THENCE SOUTH 03° 25' 36" EAST ALONG THE EAST SIDE OF BURCHWOOD BAY ROAD 272.75' TO THE POINT OF BEGINNING; SUBJECT TO A 20.00' EASEMENT ALONG THE NORTH SIDE OF SAID PROPERTY. CONTAINING 8.75 ACRES, MORE OR LESS, ACCORDING TO A SURVEY BY JAMES O. TALLENT, REGISTERED LAND SURVEYOR, DATED DECEMBER 3, 1984.

WILLIAM H. & PATRICIA JEAN FIRES PARCEL:

A PART OF THE NW 1/4 SE 1/4 OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 20 WEST OF THE 5TH P.M. IN GARLAND COUNTY, ARKANSAS, PARTICULARLY DESCRIBED AS COMMENCE AT THE NORTHWEST CORNER OF SAID QUARTER QUARTER SECTION; RUN THENCE EAST ALONG THE NORTH LINE THEREOF FOR 3.8 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF THE BURCHWOOD BAY ROAD AND THE POINT OF BEGINNING OF THIS TRACT OF LAND; THENCE EAST ALONG THE NORTH LINE OF SAID QUARTER QUARTER SECTION FOR A DISTANCE OF 625 FEET; THENCE SOUTH AND PARALLEL WITH THE WEST LINE OF SAID QUARTER QUARTER SECTION FOR 210 FEET; THENCE WEST AND PARALLEL WITH NORTH LINE FOR 617 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF THE BURCHWOOD BAY ROAD; THENCE NORTHERLY ALONG THE SAID RIGHT OF WAY FOR A DISTANCE OF 210 FEET TO THE POINT OF BEGINNING.

SECTION 2. That pursuant to Hot Springs Code §16-2-32(c) the parcel called the Carter Parcel "B" above-described territory shall be and are hereby zoned R-1, Rural Residential and the zoning map as adopted by the Zoning Code is hereby amended to the extent necessary to designate this zoning classification.

SECTION 3 That pursuant to Hot Springs Code §16-2-32(c) the parcels called Carter Parcel "A", Jackie Dykes, Kathy Hood and William H. & Patricia Jean Fires of the above-described territory shall be and are hereby zoned R-1, Rural Residential and the zoning map as adopted by the Zoning Code is hereby amended to the extent necessary to designate this zoning classification.

SECTION 4 Carter Dairy Addition owners who do not have a current survey or professionally prepared legal description required to assign a permanent zoning district shall have the option to pursue permanent zoning without Planning Commission application fee through July 3, 2015.

SECTION 5 That the above-described territory shall be made a part of District 4 of the City of Hot Springs, Arkansas, and the same shall, henceforth, be a part of said District as fully as the existing part of said District.

PASSED: June 3, 2014

APPROVED: Ruth Carney
RUTH CARNEY, MAYOR

ATTEST: [Signature]
LANCE SPICER, CITY CLERK

APPROVED AS TO LEGAL FORM: [Signature]
BRIAN W. ALBRIGHT, CITY ATTORNEY

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF GARLAND

SUBSCRIBED AND SWORN to before me this 3 day of June,
2014.


Notary Public

My Commission Expires:

2-6-2022