

ORDINANCE #2021

AN ORDINANCE TO REZONE TWO PROPERTIES ON PIVOT ROCK ROAD FROM R-2, CONTEMPORARY RESIDENTIAL, TO R-3, MULTIPLE-FAMILY RESIDENTIAL, TO BRING THE PROPERTIES INTO COMPLIANCE WITH THE EUREKA SPRINGS MUNICIPAL CODE, ZONING

WHEREAS, the City Council of the City of Eureka Springs, Arkansas, has determined that it is in the best interest of the City to rezone the following properties along Pivot Rock Road from R-2, Contemporary Residential, to R-3, Multiple Family Residential, to bring them into compliance with the Eureka Springs Municipal Code, Zoning, and conformity with their current actual use:

Property 1, commonly known as the Carroll House Apartments at 71 Pivot Rock Road, described as Part of the North Half (N $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 9, T-20-N, R-26-W, being more particularly described as follows: From the center of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 9, thence North – 864.2 feet, thence East – 391.8 feet to the intersection of the West Right-of -Way line of Pivot Rock Road and the centerline of a Public Road to Cunningham Place, thence North 54° 14' West along the centerline of said Public Road 231.0 feet, thence North 80° 24' West along centerline of said Public Road 59.3 feet to the POINT OF BEGINNING, thence North 80° 24' West along centerline of said Public Road 101.0 feet; thence South 87° 09' West along centerline of said Public Road 70.2 feet; thence North 24° 53' East leaving centerline of said Public Road 207.2 feet (record: 191.5 feet) to a big pine tree; thence North 80° 31' East – 48.2 feet; thence South 80° 00' East – 85.3 feet; thence South 14° 10' West – 200.5 feet to the POINT OF BEGINNING, containing 0.68 acres, more or less, to the City of Eureka Springs, Carroll County, Arkansas.

Subject to a power line and a public road leading to Cunningham Place shown on plat of survey by Allan Curry, Registered Land Surveyor (Ark.) No. 3 and any other easements and/or rights-of-way of record.

Property 2, commonly known as the Swiss Villa Apartments at 62 Pivot Rock Road, described as Part of the Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$), Section 9, Township 20 North, Range 26 West, more particularly described as follows, to-wit: Commencing at a found iron pin marking the SE corner of Section 9, Township 20 North, Range 26 West; thence North 00° 50' 44" East 1852.04 feet to a point; thence North 89° 07' 28" West 601.84 feet to the point of beginning; thence continue North 89° 07' 28" West 630.10 feet to the East side of Pivot Rock Road, as presently located; thence along Pivot Rock Road as follows: N 23° 44' 55" E 46.09 feet, thence N 50° 00' 10" E 274.41 feet, thence N 38° 56' 32" E 76.10 feet, thence N 15° 52' 09" E 130.10 feet, thence N 08° 03' 41" E 154.52 feet to the intersection of Dairy Hollow Road, thence along Dairy Hollow Road S 82° 06' 17" E 75.64 feet, thence S 55° 10' 21" E 53.99 feet, thence S 36° 08' 45" E 36.55 feet, thence S 20° 04' 25" E 133.99 feet, thence S 38° 40' 05" E 114.60 feet, thence S 16° 26' 09" E 52.34 feet, thence S 05° 43' 17" E 230.40 feet to the point of beginning, containing 4.33 acres, more or less.

NOW, THEREFORE, BE IT HEREBY ORDAINED:

Section 1. That the zoning on **Property 1**, commonly known as the Carroll House Apartments at 71 Pivot Rock Road, Eureka Springs, Arkansas, owned by Fannie Mae, of 135 N. Los Robles Ave. #300, Pasadena, CA 91101, and **Property 2**, commonly known as the Swiss Villa Apartments at 62 Pivot Rock

Road, Eureka Springs, Arkansas, owned by Country Side Properties, 13200 W. Markham Suite 108, Little Rock, AR 72211, should be changed from R-2, Contemporary Residential, to R-3, Multiple-Family Residential, zoning to become compliant with the *Eureka Springs Municipal Code, Zoning*.

Section 2. Conflicts: All ordinances or resolutions, and parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. Severability: In the event any one or more of the provisions contained in this ordinance shall for any reason be held by a court of law to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect the remaining provisions of this ordinance, and this ordinance shall be construed as if such invalid, illegal or unenforceable provision or provisions had never been contained herein.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS,
ARKANSAS, THIS _____ DAY OF _____, 2006

APPROVED:

KATHY HARRISON, Mayor

ATTEST:

MARY JEAN SELL, City Clerk