

Ordinance No. 1630

AN ORDINANCE REZONING 5.049 ACRES, MORE OR LESS, OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 24, TOWNSHIP 20 NORTH, RANGE 26 WEST, IN THE CITY OF EUREKA SPRINGS FROM A, AGRICULTURE, TO C-2, CONTEMPORARY COMMERCIAL.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS:

WHEREAS, a petition was duly filed with the City Council of Eureka Springs, Arkansas on the 4th day of September, 1994, requesting a reclassification of zoning from Agriculture, A to Contemporary Commercial, C-2, of the following described property located in Eureka Springs Arkansas, to-wit:

A Part of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4), Section 24, Township-20-North, Range--26-West, Carroll County, Arkansas, more particularly described as follows: Commencing at the Southwest corner of the SW 1/4 of the NW 1/4 of said Section 24, thence N 01 degrees 05' 37" W 1586.00 feet, thence N 89 degrees 10' 56" E 882.62 feet to a found iron pin, thence N 65 degrees 27' 48" W 235.88 feet to a found iron pin for the place of beginning, thence N 83 degrees 47' 48" W 112.60 feet, thence S 62 degrees 14' 20" W 120.02', thence S 83 degrees 05' 22" W 91.06 feet, thence N 74 degrees 51' 45" W 76.18 feet, thence N 58 degrees 51' 51" W 58.03 feet, thence N 45 degrees 00' 00" E 247.96 feet, thence N 45 degrees 00' 00" W 457.84 feet, thence North 50.00 feet, thence N 65 degrees 23' 55" E 26.29 feet to the easterly side of a 60 foot road and utility easement, thence with said easterly R/W S 45° 00' 00" E 50.92 feet to a found iron pin, thence S 45 degrees 00' 00" E 29.44 feet to a found iron pin, thence leaving said easterly R/W of 60 foot road and utility easement S 57 degrees 12' 29" E 43.33 feet to a found iron pin, thence N 76 degrees 56' 31" E 51.59 feet, thence S 13 degrees 03' 29" E 27.14 feet, thence N 75 degrees 03' 45" E 112.32 feet, thence N 09 degrees 08' 48" E 201.55 feet, thence S 44 degrees 05' 15" E 372.33 feet, thence S 00 degrees 57' 16" E 420.72 feet to the place of beginning.

and

Grantees shall also have the right to ingress and egress over and across the "Road Property " as described on Exhibit "A" of the Easement and Maintenance Agreement, dated July 31, 1985, filed for record August 1, 1985 and recorded in the Deed Record Book 110 at Pages 702-708 in the Office of the Circuit Clerk & Ex-Officio Recorder in and for the Western District, Carroll County, Arkansas from U.S. Highway No. 62 to the Western edge of the above described real property.

WHEREAS, notice that a public hearing was held by the Planning Commission/ Board of Zoning Adjustment on August 11, 1994, and was duly published, and at the time set forth therein all persons present were afforded an opportunity to be heard on the question. It was ascertained that it would be in the best interests of the City of Eureka Springs for the aforesaid lands to be developed according to the uses established in the C-2, Contemporary Commercial, portion of the zoning code.

BE IT THEREFORE ORDAINED BY THE CITY COUNCIL OF EUREKA SPRINGS, ARKANSAS THAT:

Section 1: The City of Eureka Springs, Arkansas, hereby amends the land use plan of its Zoning Ordinance by withdrawing the former classification of A, Agriculture, and substituting therefore the land use classification of C-2, Contemporary Commercial, for the heretofore described lands.

Section 2: A copy of this ordinance, duly certified by the City Recorder, shall be recorded in the deed records of the Circuit Clerk and Ex-Officio Recorder in and for the Western District, Carroll County, Arkansas.

Section 3: The provisions of this Ordinance are hereby declared to be severable. In the event that any part of this Ordinance shall be held to be unenforceable or invalid by a court of competent jurisdiction, such holding shall not render the remainder of this Ordinance to be unenforceable or invalid.

Section 4: All ordinances and parts of ordinances, resolutions and parts of resolutions and minute orders in conflict with this Ordinance are hereby repealed.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS ON THIS 8th DAY OF NOVEMBER, 1994.

APPROVED:


Gerri Bess Forman
GERRI BESS FORMAN, Mayor Pro-Tem

ATTEST:


JUANITA S. BARNER, City Clerk/Treasurer

Seal of the City

September 27, 1994

LETTER OF PETITION:
To The Eureka Springs City Council:

The purpose of this letter is to request that the property described below owned by Beverly Hanby and Laura Hudgens be rezoned from Agriculture A to C-2 Contemporary Commercial. A map of the property accompanies this letter.

A Part of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4), Section 24, Township-20-North, Range--26-West, Carroll County, Arkansas, more particularly described as follows: Commencing at the Southwest corner of the SW 1/4 of the NW 1/4 of said Section 24, thence N 01 degrees 05' 37" W 1586.00 feet, thence N 89 degrees 10' 56" E 882.62 feet to a found iron pin, thence N 65 degrees 27' 48" W 235.88 feet to a found iron pin for the place of beginning, thence N 83 degrees 47' 48" W 112.60 feet, thence S 62 degrees 14' 20" W 120.02', thence S 83 degrees 05' 22" W 91.06 feet, thence N 74 degrees 51' 45" W 76.18 feet, thence N 58 degrees 51' 51" W 58.03 feet, thence N 45 degrees 00' 00" E 247.96 feet, thence N 45 degrees 00' 00" W 457.84 feet, thence North 50.00 feet, thence N 65 degrees 23' 55" E 26.29 feet to the easterly side of a 60 foot road and utility easement, thence with said easterly R/W S 45 00' 00" E 50.92 feet to a found iron pin, thence S 45 degrees 00' 00" E 29.44 feet to a found iron pin, thence leaving said easterly R/W of 60 foot road and utility easement S 57 degrees 12' 29" E 43.33 feet to a found iron pin, thence N 76 degrees 56' 31" E 51.59 feet, thence S 13 degrees 03' 29" E 27.14 feet, thence N 75 degrees 03' 45" E 112.32 feet, thence N 09 degrees 08' 48" E 201.55 feet, thence S 44 degrees 05' 15" E 372.33 feet, thence S 00 degrees 57' 16" E 420.72 feet to the place of beginning.

Thank you for your consideration.


Beverly Hanby

Laura Hudgens

**city of eureka
springs**

city offices, 44 south main

eureka springs, arkansas 72632

(501) 253-9703 FAX (501) 253-6967



**PLANNING COMMISSION/
BOARD OF ZONING ADJ.**

Sept. 9, 1994

TO: Mayor Louise Berry and City Council

RE: Rezoning of Hanby property

The Planning Commission/Board of Zoning Adjustment recommends the rezoning of 5.049 acres adjacent to the Four Runners Inn off of Highway 62 East from A, Agriculture, to C-2, Contemporary Commercial.

A public hearing was held on the request from Beverly Hanby and Laura Hanby Hudgens during a regular meeting Thursday, Sept. 8, 1994.

Adjoining property owner Rockey Whitely spoke in favor of the request. No one spoke in opposition.

Motion to recommend the rezoning to C-2 was approved by a vote of 6-0-0. One member was absent.

A handwritten signature in cursive script that reads "Mary Jean".

Mary Jean Sell,
Admin. Liaison,
Deputy City Clerk

Passion
play Rd.

Sold 2/2/83

Appert 1000's

U.S. Hwy 62

Motel

Sonic

Western
Sizzlin

Paved Road

4 Runners
Inn

AG1

Harby - Hudgens
Property
5,049
acres

Whitely