

ORDINANCE NO. _____

AN ORDINANCE ALLOWING A SPECIAL USE TO ALLOW MINING TO CREATE A PRIVATE LAKE IN AN I-2 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 9802 HIGHWAY 165 IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, application was duly made by Mr. Robert Post, 9802 Highway 165, North Little Rock, AR 72117, seeking a special use of said land, which application was duly considered and approved (6 affirmative votes; 2 no votes; 1 absent) by the North Little Rock Planning Commission at a regularly scheduled meeting thereof, held on November 12, 2008.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That a special use is hereby granted to allow mining to create a private lake in an I-2 zone for the subject real property located at 9802 Highway 165 in the City of North Little Rock, being more particularly described as:

The legal description of the request is: Part of the Spanish Grant #2417, T1N, R11W, and the accretions lying South of said Spanish Grant #2417 as per Warranty Deed recorded in Book 860, Page 567, all in Pulaski County, Arkansas, being more particularly described as follows: Commencing at the NW corner of Spanish Grant #2417; thence Easterly along the N line of said Spanish Grant #2417 a measured distance 3742.81 feet to the E line of the W ½ of a certain 200 acres tract, conveyed by William Russell to Benjamin Johnson by a Deed recorded in Deed Record 'F' at Page 220; thence Southerly 1877.4 feet along the E line of said W ½ of said 200 acre tract and parallel with the W line of said Spanish Grant #2417 to a point on the S ROW line of U.S. Highway #165; thence continue S 1012.2 feet along the E line of said W ½ of said 200 acre tract and parallel with the W line of said Spanish Grant #2417 to the POB; thence continue S 5102.8 feet along the E line of said W ½ of said 200 acre tract and parallel with the W line of said Spanish Grant #2417 to a point on the N bank of the Arkansas River as per said Warranty Deed; thence along said N bank as per Warranty Deed the following bearings and distances: N54 04'W, 182.0 feet; N74 54'W, 660.0 feet and N78 14'W, 846.0 feet; thence N52 05'05"W, 1531.7 feet along the N bank of Arkansas River to a point 200 feet E of the W line of the W ½ of said 200 acre tract; thence leaving said N bank N 5024.0 feet parallel to the W line of said Spanish Grant #2417; thence S78 01'E, 1030.9 feet; thence S0 21'W, 95 feet; thence S84 22'E, 224.8 feet;

thence N12 14'E, 361.3 feet to the S ROW of U.S. Highway #165; thence S77 58'E, along S ROW, 100 feet; thence S12 14'W, 332.5 feet; thence 63 10' E, 531 feet; thence S52 E, 415.0 feet; thence S11 W, 100 feet; thence S54 51'E, 361.9 feet; thence S65 16'E, 449.3 feet to the POB. (See Exhibit "A" attached hereto.)

SECTION 2: That this special use shall be subject to the conditions listed below:

- a) Applicant must meet all applicable Federal, State, County and City requirements.
- b) Pave the entrance drive with asphalt millings from the road to the gate (approximately 480 feet).
- c) Obtain ADEQ soil erosion control permit.
- d) Record access easement that aligns with the McSwain's access easement and the access easement from Valero's across the vacant lot.
- e) Provide letter from AHTD concerning entrance drive.
- f) Allow an access drive that does not conform to the City's access Management Plan for Highway 165.
- g) Business license to be issued after confirmation by Planning Department Staff that requirements imposed by City Council have been met.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4: That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 5: It is hereby found and determined that the special use of the above-described lands as provided for herein is immediately necessary in order to insure the proper and orderly growth of this land and the proper and orderly growth of the City of North Little Rock, Arkansas, and being necessary for the immediate preservation of the public health, safety and welfare, THEREFORE, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED:

SPONSOR:

Alderman Olen Thomas

APPROVED:

Mayor Patrick H. Hays

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b