

ORDINANCE NO. _____

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED NEAR AND AROUND 717 BRETT ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM R-1, C-2, C-6, CONSERVATION AND GREENBELT WETLAND TO I-1, C-2, R-1 AND GREENBELT WETLAND CLASSIFICATIONS BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; ADOPTING AN AMENDED LAND USE PLAN FOR THE SUBJECT PROPERTY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, application was duly made by Mr. Neal Morrison, P.O. Box 10064, Fort Smith, AR 72917, seeking a reclassification of the herein described land, which application was duly considered and approved (9 affirmative votes) by the North Little Rock Planning Commission at a regularly scheduled meeting thereof held on August 11, 2009; and

WHEREAS, the City adopted the North Little Rock Land Use Plan with amended land use maps in December 2002 (Ordinance No. 7507); and

WHEREAS, a revised Land Use Plan for the property herein described and being near and around 717 Brett Road in North Little Rock, Arkansas, from its present R-1, C-2, C-6, Conservation and Greenbelt Wetland zoning to the proposed I-1, C-2, R-1, and Greenbelt Wetland classifications, was approved (9 affirmative votes) by the North Little Rock Planning Commission at a regularly scheduled meeting thereof held on August 11, 2009.

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

SECTION 1: That Ordinance No. 7697 of the City of North Little Rock, Arkansas is hereby amended by changing the classification of certain land from R-1, C-2, C-6, Conservation and Greenbelt Wetland zoning to I-1, C-2, R-1, and Greenbelt Wetland classification on property located near and around 717 Brett Road in North Little Rock, Pulaski County, Arkansas, and more particularly described as follows:

SURVEY DESCRIPTION: PROPOSED C-2

Part of the West-half (W 1/2) of the Northeast Quarter (NE 1/4), Section 2, Township 1 North, Range 11 West, of the Fifth Principal Meridian, Pulaski County, Arkansas, being more particularly described as follows: Commencing at a found one-half inch (1/2") rebar marking the Northwest Corner of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section 2; Thence South 01° 11' 01" West along the west line of said Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of

Section 2 a distance of 661.55 feet to the point of BEGINNING; Thence leaving said west line South 88° 48' 59" East a distance of 656.97 feet; Thence South 03° 06' 00" East a distance of 727.11 feet to a point on the centerline of Faulkner Lake Road; Thence along said centerline of Faulkner Lake Road the following courses (bearing and distance); North 73° 05' 38" West, 156.25 feet; North 80° 42' 18" West, 186.86 feet; North 87° 25' 18" West, 376.00 feet to the west line of said Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section 2; Thence North 01° 11' 01" East along the west line thereof, a distance of 647.22 feet to the Point of Beginning Containing 10.45 acres, more or less.

SURVEY DESCRIPTION: PROPOSED I-1

Part of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4), Section 2, Township 1 North, Range 11 West, of the Fifth Principal Meridian, Pulaski County, Arkansas; Part of the Southeast Quarter (SE 1/4), Section 35; Part of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) and Part of the West-half (W 1/2) of the Southwest Quarter (SW 1/4), Section 36, all in Township 2 North, Range 11 West, of the Fifth Principal Meridian, Pulaski County, Arkansas, being more particularly described as follows: Commencing at a found one-half inch (1/2") rebar marking the Northwest Corner of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section 2; Thence South 89° 03' 21" East along the north line of said Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section 2 a distance of 60.00 feet to the Point of BEGINNING; Thence North 01° 10' 07" East a distance of 1105.11 feet; Thence North 59° 58' 43" East a distance of 738.97 feet; Thence North 68° 12' 47" East a distance of 3626.32 feet; Thence South 02° 17' 33" West a distance of 68.14 feet to a point on an existing barb-wire fence; Thence South 02° 02' 23" West along said barb-wire fence a distance of 177.81 feet; Thence South 02° 20' 45" West along said barb-wire fence a distance of 371.91 feet; Thence South 02° 18' 45" West along said barb-wire fence a distance of 562.17 feet; Thence South 02° 18' 20" West along said barb-wire fence a distance of 412.29 feet; Thence South 02° 06' 43" West along said barb-wire fence a distance of 248.78 feet to a found five-eighths inch (5/8") rebar with PS #1002; Thence North 88° 03' 07" West a distance of 99.23 feet to a found five-eighths inch (5/8") rebar with PS #1002; Thence South 88° 07' 54" West a distance of 2064.70 feet to a found five-eighths inch (5/8") rebar with PS #1002; Thence South 88° 53' 29" West a distance of 299.58 feet to a found five-eighths inch (5/8") rebar with PS #1002; Thence South 03° 41' 41" West a distance of 322.58 feet to a found five-eighths inch (5/8") rebar with PS #1002; Thence South 55° 52' 27" West a distance of 383.43 feet; Thence South 37° 51' 51" East a distance of 457.63 feet; Thence South 67° 16' 25" West a distance of 944.94 feet; Thence South 03° 06' 00" East a distance of 322.17 feet; Thence North 88° 48' 59" West a distance of 596.97 feet to a point on the west line of said Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section 2; Thence North 01°

11' 01" East along said Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section 2, a distance of 661.74 feet to the Point of Beginning Containing 138.13 acres, more or less.

SURVEY DESCRIPTION: PROPOSED R-1

Part of the West-half (W 1/2) of the Northeast Quarter (NE 1/4), Section 2, Township 1 North, Range 11 West, of the Fifth Principal Meridian, Pulaski County, Arkansas; Part of the Southeast Quarter (SE 1/4), Section 35; Part of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) and Part of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4), Section 36, all in Township 2 North, Range 11 West, of the Fifth Principal Meridian, Pulaski County, Arkansas, being more particularly described as follows: BEGINNING at a found one-half inch (1/2") rebar marking the Northwest Corner of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section 2; Thence North 87° 35' 25" West a distance of 16.04 feet to a found one-half inch (1/2") rebar marking the Southwest Corner of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section 35; Thence North 01° 59' 59" East a distance of 1319.89 feet to a found bolt; Thence North 00° 27' 36" West a distance of 518.75 feet to a found one-half inch (1/2") rebar; Thence North 01° 12' 37" East a distance of 61.18 feet; Thence North 74° 53' 45" East a distance of 1500.00 feet; Thence North 63° 28' 54" East a distance of 337.50 feet to a point on the north line of the Southwest Corner of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 35; Thence along the north line South 89° 38' 14" East a distance of 463.56 feet to the Northeast Corner of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 35; Thence along the west line of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of Section 36, North 01° 13' 29" East a distance of 235.29 feet; Thence leaving said west line North 67° 02' 05" East a distance of 1000.00 feet; Thence North 72° 48' 14" East a distance of 504.18 feet; Thence South 02° 17' 33" West a distance of 578.69 feet; Thence South 02° 17' 33" West a distance of 578.69 feet; Thence South 68° 12' 47" West a distance of 3626.32 feet; Thence South 59° 58' 43" West a distance of 738.97 feet; Thence South 01° 10' 07" West a distance of 1105.11 feet; Thence South 01° 11' 01" West a distance of 661.74 feet; Thence North 88° 48' 59" West a distance of 60.00 feet to a point on the west line of said Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section 2; Thence North 01° 11' 01" East along the west line thereof, a distance of 661.49 feet to the Point of Beginning Containing 103.35 acres, more or less.

SURVEY DESCRIPTION: PROPOSED GB/W

Part of the West-half (W 1/2) of the Northwest Quarter (NW 1/4), Section 1; Part of the Northeast Quarter (NE 1/4), Section 2, all in Township 1 North, Range 11 West, of the Fifth Principal Meridian, Pulaski County, Arkansas; Part of the South-half (S 1/2) of the Southeast Quarter (SE1/4), Section 35; Part of the Southwest Quarter (SW 1/4) of the Southwest

Quarter (SW 1/4), Section 36, all in Township 2 North, Range 11 West, of the Fifth Principal Meridian, Pulaski County, Arkansas, being more particularly described as follows: Commencing at a found one-half inch (1/2") rebar marking the Northwest Corner of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section 2; Thence South 88° 59' 51" East a distance of 1410.34 feet to the Point of BEGINNING; Thence North 67° 16' 25" East a distance of 94.54 feet; Thence North 37° 51' 51" West a distance of 457.63 feet; Thence North 55° 52' 27" East a distance of 383.43 feet; Thence North 88° 00' 50" East a distance of 512.59 feet; Thence North 28° 13' 43" West a distance of 127.54 feet; Thence North 33° 40' 36" West a distance of 237.41 feet; Thence North 88° 07' 54" East a distance of 2064.70 feet; Thence South 02° 14' 19" West a distance of 332.10 feet to a found five-eighths inch (5/8") rebar with cap, PS #1002; Thence North 89° 30' 22" West a distance of 340.91 feet; Thence South 06° 21' 37" East a distance of 954.57 feet; Thence North 23° 51' 10" West a distance of 415.17 feet to found T-post; Thence North 36° 27' 16" West a distance of 446.53 feet to a found five-eighths inch (5/8") rebar with cap, PS #1002; Thence South 77° 47' 53" West a distance of 77.01 feet to a found T-post; Thence North 31° 04' 35" West a distance of 411.04 feet to a found five-eighths inch (5/8") rebar with cap, PS #1002; Thence South 77° 48' 25" West a distance of 221.24 feet to a found five-eighths inch (5/8") rebar with cap, PS #1002; Thence South 28° 13' 23" East a distance of 495.97 feet to a found five-eighths inch (5/8") rebar with cap, PS #1002; Thence North 76° 25' 59" East a distance of 243.52 feet to a found five-eighths inch (5/8") rebar with cap, PS #1002; Thence South 02° 03' 31" West a distance of 3,055.25 feet to the south line of the west-half (W 1/2) of the Northwest Quarter, Section 1; Thence North 89° 07' 10" West along the south line thereof, a distance of 507.67 feet; Thence North 01° 27' 04" East a distance of 48.97 feet to a found railroad spike and the centerline of Faulkner Lake Road; Thence along said centerline of Faulkner Lake Road the following courses (bearing and distance): North 63° 48' 38" West, 197.29 feet; North 56° 56' 23" West, 154.50 feet; North 54° 20' 23" West, 1,226.58 feet; North 54° 13' 23" West, 292.60 feet; North 59° 28' 23" West, 224.31 feet; North 67° 21' 38" West, 174.95 feet; North 73° 05' 38" West, 10.69 feet; Thence North 03° 06' 00" West a distance of 1049.29 feet; Thence North 67° 16' 25" East a distance of 850.40 feet to the Point of Beginning Containing 161.81 acres, more or less.

See Exhibits "A" (Existing Zoning Map) and "B" (Proposed Zoning Map) attached hereto.

SECTION 2: That the Land Use Plan for the subject property described in Section 1 above is hereby amended as reflected on the proposed land use map attached hereto. See attached Exhibits "C" (Existing Land Use Map) and "D" (Proposed Land Use Map).

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 provisions 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 reclassification and amended land use plan of the above-described land as provided for herein is immediately necessary in order to insure the proper and orderly growth of this land and 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:

APPROVED:

Mayor Patrick H. Hays

SPONSOR:

ATTEST:

Mayor Patrick H. Hays

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b