

ORDINANCE NO. 2009-05

AN ORDINANCE AMENDING THE ZONING REGULATIONS AND ZONING MAPS OF THE CITY OF OZARK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the Ozark Planning Commission conducted a public hearing on January 8, 2009, at which the proposed Amendment was discussed with members of the public; and,

WHEREAS, the public hearing was advertised in a paper of general circulation in the City of Ozark at least fifteen (15) days prior to the meeting; and,

WHEREAS, the City Council has heard the report and recommendation of the Ozark Planning Commission as to the Amendment of the Ozark Zoning Regulations and maps; that said property is owned by Roy & Teresa Day.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OZARK, ARKANSAS:

SECTION 1: That the zoning regulations and map of the City of Ozark shall be amended to reflect that the zoning of the following described property located in the Ozark District of Franklin County, Arkansas is modified from R-1 to C-3 to-wit:

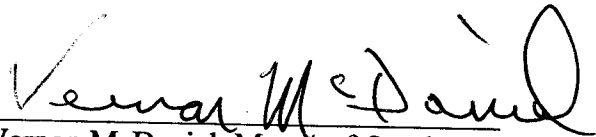
Part of the Southwest quarter of the Southwest Quarter of Section 25, Township 10 North, Range 27 West, Franklin County, Arkansas being more particularly described as follows:

Commencing at a set rebar marking the Northeast Corner of said Southwest Quarter, Southwest Quarter. Thence along the East line of said Southwest Quarter, Southwest Quarter, South 00 degrees 38 minutes 57 seconds West, 148.5 feet to the Point of Beginning. Thence continue along said East line, South 00 degrees 35 minutes 57 seconds West, 90.00 feet. Thence leaving said East line, South 88 degrees 57 minutes 22 seconds West, 132.36 feet to an existing fence post. Thence North 04 degrees 47 minutes 31 seconds East along an existing fence line, 109.06 feet to an existing fence post. Thence South 82 degrees 32 minutes 03 seconds East, 125.23 feet to the Point of Beginning, containing 0.29 of an acre and subject to Highway Rights of Way and any Easements of record. Physical address 1113 N. 3rd Street.

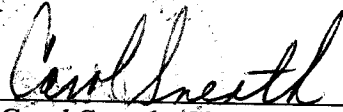
SECTION 2: All Ordinances, parts of Ordinances or Regulations in conflict herewith are hereby repealed.

SECTION 3: That the lack of C-3 zoning at the above-described location has resulted in conditions which are detrimental to the City of Ozark and its citizens. An emergency is therefore declared and this Ordinance being necessary for the preservation of public peace, health and safety shall be in full force and effect from and after its passage.

PASSED this 9th day of February 2009.


Vernon McDaniel, Mayor of Ozark

ATTEST:


Carol Sneath, City Clerk

STATE OF ARKANSAS, COUNTY OF FRANKLIN
OZARK DISTRICT
FILED FOR RECORD THE 12th DAY OF February
2009 AT 1:30 O'CLOCK P. M. AND RECORDED
IN BOOK 100 PAGE 411
WILMA GRAGG - BRUSHWOOD
CIRCUIT CLERK AND RECORDER
BY Sharon Madison D.C.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Ozark Planning Commission will hold a public hearing on a request from R-1 to C-3 zoning in the City of Ozark. Property hereafter described:

Part of the Southwest quarter of the Southwest Quarter of Section 25, Township 10 North, Range 27 West, Franklin County, Arkansas being more particularly described as follows:

Commencing at a set rebar marking the Northeast Corner of said Southwest Quarter, Southwest Quarter. Thence along the East line of said Southwest Quarter, Southwest Quarter, South 00 degrees 38 minutes 57 seconds West, 148.5 feet to the Point of Beginning. Thence continue along said East line, South 00 degrees 35 minutes 57 seconds West, 90.00 feet. Thence leaving said East line, South 88 degrees 57 minutes 22 seconds West, 132.36 feet to an existing fence post. Thence North 04 degrees 47 minutes 31 seconds East along an existing fence line, 109.06 feet to an existing fence post. Thence South 82 degrees 32 minutes 03 seconds East, 125.23 feet to the Point of Beginning, containing 0.29 of an acre and subject to Highway Rights of Way and any Easements of record. Physical address 1113 N. 3rd Street.

Notice is hereby given that the public hearing will be held at 7:00 p.m. on Thursday, the 8th of January 2009, at the City Offices at City Hall in Ozark Arkansas.

Roy & Teresa Day
Petitioner

Virginia Brown
P&Z Chairman

CITY OF OZARK

REZONING COMMUNITY LIAISON FORM

The Petitioner, Ray [Signature]
does hereby petition the Ozark Planning Commission to rezone the following
described property from R1 to C3. If such rezone
involves a plat or subdivision, such rezone shall be accompanied by a plat of
the property. Other cases shall have a survey or map of the location, such as
a plat.

LEGAL DESCRIPTION:

The street address of the property is: 1113 7th St.

The proposed new use of the property shall be: Thompson
Chiropractic Clinic

VARIANCE OR OTHER USE

If the applicant is applying for a variance or special use permit, the above infor-
mation must be accompanied by a description of such special use or the need
for such variance.

The petitioner also signs to the fact that he/she has received a copy of the
Zoning Ordinance.

[Signature]
Petitioner

Approved by:

Mayor
Building Inspector
Water Manager
Electric Utility
Natural Gas Utility

[Signature]
[Signature]
[Signature]
[Signature]

The City Clerk acknowledges the receipt of \$ 100.00 for the fee for rezone.

CITY OF OZARK

REZONING COMMUNITY LIAISON FORM

The Petitioner, Ray M
does hereby petition the Ozark Planning Commission to rezone the following
described property from R1 to C3. If such rezone
involves a plat or subdivision, such rezone shall be accompanied by a plat of
the property. Other cases shall have a survey or map of the location, such as
a plat.

LEGAL DESCRIPTION:

The street address of the property is: 1113 7 3rd St.

The proposed new use of the property shall be: Thompson
Chiropractic Clinic

VARIANCE OR OTHER USE

If the applicant is applying for a variance or special use permit, the above infor-
mation must be accompanied by a description of such special use or the need
for such variance.

The petitioner also signs to the fact that he/she has received a copy of the
Zoning Ordinance.

Ray M
Petitioner

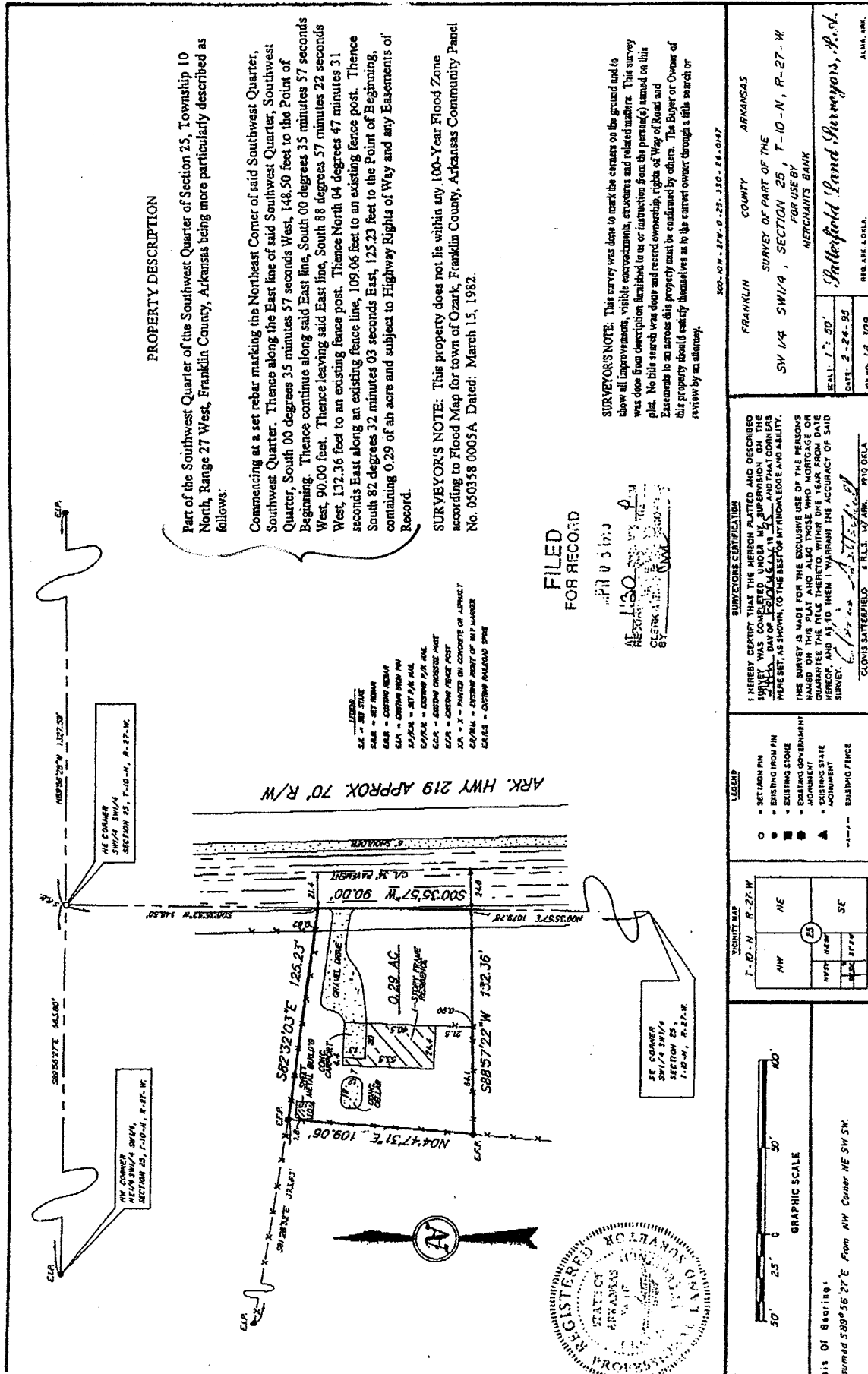
Approved by:

- Mayor
- Building Inspector
- Water Manager
- Electric Utility
- Natural Gas Utility

Vernon McDaniel
Robert [unclear]
[unclear]
David P. [unclear]

Survey
E132
4-5-95

3rd Street



PROPERTY DESCRIPTION

Part of the Southwest Quarter of the Southwest Quarter of Section 25, Township 10 North, Range 27 West, Franklin County, Arkansas being more particularly described as follows:

Commencing at a set rebar marking the Northeast Corner of said Southwest Quarter, Southwest Quarter. Thence along the East line of said Southwest Quarter, Southwest Quarter, South 00 degrees 57 minutes 57 seconds West, 148.50 feet to the Point of Beginning. Thence continue along said East line, South 00 degrees 35 minutes 57 seconds West, 90.00 feet. Thence leaving said East line, South 88 degrees 57 minutes 22 seconds West, 132.36 feet to an existing fence post. Thence North 04 degrees 47 minutes 31 seconds East along an existing fence line, 109.06 feet to an existing fence post. Thence South 82 degrees 32 minutes 03 seconds East, 125.23 feet to the Point of Beginning, containing 0.29 of an acre and subject to Highway Rights of Way and any Easements of Record.

SURVEYOR'S NOTE: This property does not lie within any 100-Year Flood Zone according to Flood Map for town of Ozark, Franklin County, Arkansas Community Panel No. 050358 0005A. Dated: March 15, 1982.

SURVEYOR'S NOTE: This survey was done to mark the corners on the ground and to show all improvements, visible encroachments, structures and related matters. This survey was done from description furnished to us or instruction from the person(s) named on this plat. No bill search was done and record ownership, rights of Way of Record, and Easements to or across this property must be confirmed by others. The Buyer or Owner of this property should satisfy themselves as to the correct owner through a title search or review by an attorney.

FILED FOR RECORD

APR 05 1995

ATTEST: I, CLONIE SENTERFIELD, Surveyor, do hereby certify that the above described plat was correctly prepared and filed for record in accordance with the provisions of the Arkansas Statutes.

501-107-270-0-25-130-24-0187

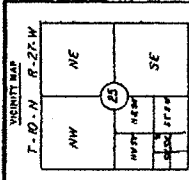
FRANKLIN COUNTY ARKANSAS
SURVEY OF PART OF THE
SW 1/4 SW 1/4, SECTION 25, T-10-N, R-27-W
FOR USE BY
MERCHANTS BANK

SCALE: 1" = 20'
DATE: 2-24-95
REG. NO. 18, 309
REG. ARK. LAND SURVEYORS, P.C.

AKR

SURVEYOR'S CERTIFICATION
I HEREBY CERTIFY THAT THE HEREON PLATTED AND DESCRIBED SURVEY WAS COMPLETED UNDER MY SUPERVISION OR THE DIRECT SUPERVISION OF AN ASSISTANT SURVEYOR, AND THAT THE SURVEY IS ACCURATE AND CORRECT IN ACCORDANCE WITH THE PROVISIONS OF THE ARKANSAS STATUTES. THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PERSONS NAMED ON THIS PLAT AND ALSO THOSE WHO MORTGAGE OR OTHERWISE ACQUIRE AN INTEREST IN THE SURVEYED LAND. THE SURVEYOR'S LIABILITY IS LIMITED TO THE ACCURACY OF SAID SURVEY, AND HE OR SHE DOES NOT WARRANT THE ACCURACY OF SAID SURVEY.

LEGEND
○ SECTION PIN
● EXISTING IRON PIN
■ EXISTING STONE
▲ EXISTING GOVERNMENT MONUMENT
▲ EXISTING STATE MONUMENT
--- EXISTING FENCE



GRAPHIC SCALE
50' 25' 0'
515 of Bearings
Summed S89°56'27"E From NW Corner NE SW SW.

