

**ORDINANCE NO. 2008-17**

**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 October 2, 2008, 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 David & Barbara Culver.

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 R-2 to-wit:

Commencing at a found railroad spike at the NW corner of said NW ¼ of the NE ¼; Thence S 88 degree 09' 09" E 497.16 feet along the north line thereof; Thence S 01 degree 38' 12" W 242.90 feet parallel to the West line thereof to a found iron rod; Thence S 87 degree 09' 06" E 70.24 feet to a fence corner; Thence N 86 degree 41' 43" E 62.23 feet to a set ½" rebar; Thence S 01 degree 38' 12" W 114.71 feet to a set ½" rebar, the point of beginning; Thence S 88 degree 09' 09" E 109.32 feet to a set ½" rebar; Thence S 00 degree 50' 22" W 138.57 feet to a set ½" rebar in line with a fence line to the West; Thence N 88 degree 18' 14" W 111.25 feet along said fence line to a set ½" rebar; Thence N 01 degree 38' 12" E 138.84 feet to the point of beginning. Containing .0351 of an acre more or less and being subject all easements of record and as shown on Arkansas River Valley Surveying Job No. 4599. Physical address 803 N 12<sup>th</sup> Street.

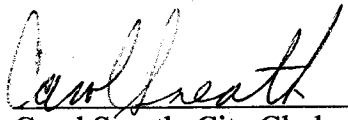
SECTION 2: All Ordinances, parts of Ordinances or Regulations in conflict herewith are hereby repealed.

SECTION 3: That the lack of R-2 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 13<sup>th</sup> day of October 2008.

  
Vernon McDaniel, Mayor of Ozark

ATTEST:

  
Carol Sneath, City Clerk

**CITY OF OZARK**

**REZONING COMMUNITY LIAISON FORM**

The Petitioner, H David Cullen  
does hereby petition the Ozark Planning Commission to rezone the following  
described property from R1 to R2. 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: 803 N 12th ST Site A & B

The proposed new use of the property shall be: \_\_\_\_\_  
Duplex  
\_\_\_\_\_  
\_\_\_\_\_

**VARIANCE OR OTHER USE**

If the applicant is applying for a variance or special use permit, the above infor-

## NOTICE OF PUBLIC HEARING

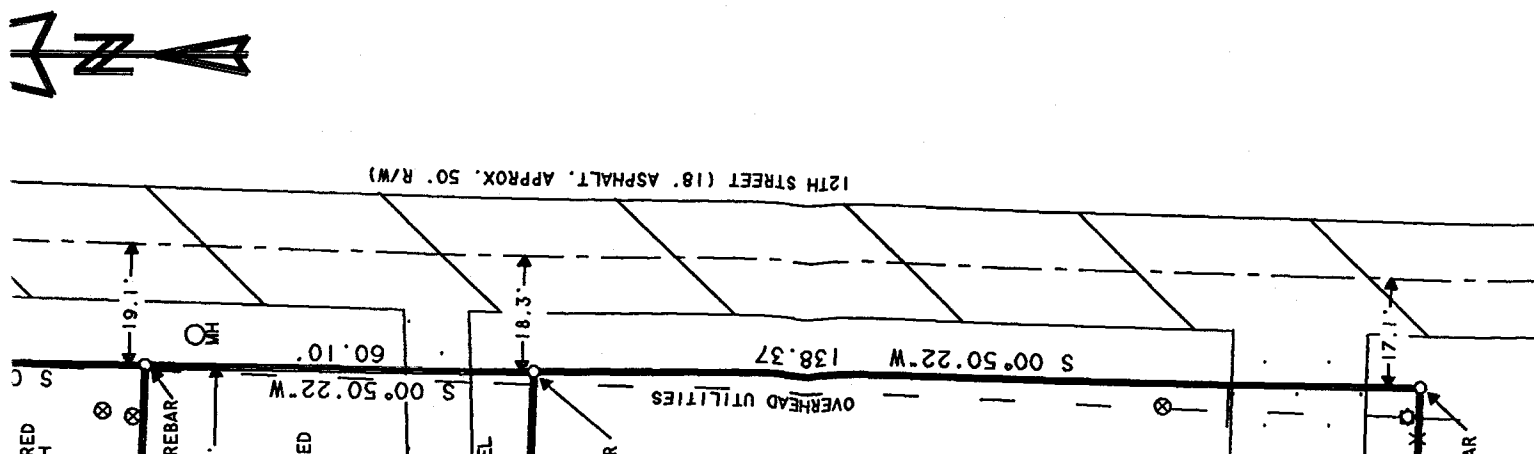
Notice is hereby given that the Ozark Planning Commission will hold a public hearing on an application for R-1 to R-2 zoning in the City of Ozark. Property hereafter described:

Commencing at a found railroad spike at the NW corner of said NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ ; Thence S 88 degree 09' 09" E 497.16 feet along the north line thereof; Thence S 01 degree 38' 12" W 242.90 feet parallel to the West line thereof to a found iron rod; Thence S 87 degree 09' 06" E 70.24 feet to a fence corner; Thence N 86 degree 41' 43" E 62.23 feet to a set  $\frac{1}{2}$ " rebar; Thence S 01 degree 38' 12" W 114.71 feet to a set  $\frac{1}{2}$ " rebar, the point of beginning; Thence S 88 degree 09' 09" E 109.32 feet to a set  $\frac{1}{2}$ " rebar; Thence S 00 degree 50' 22" W 138.57 feet to a set  $\frac{1}{2}$ " rebar in line with a fence line to the West; Thence N 88 degree 18' 14" W 111.25 feet along said fence line to a set  $\frac{1}{2}$ " rebar; Thence N 01 degree 38' 12" E 138.84 feet to the point of beginning. Containing .0351 of an acre more or less and being subject all easements of record and as shown on Arkansas River Valley Surveying Job No. 4599. Physical address 803 N 12<sup>th</sup> Street.

Notice is hereby given that the public hearing will be held at 7:00 p.m. on Thursday, the 3rd of October 2007, at the City Offices at City Hall in Ozark Arkansas.

David Culver  
Petitioner

Virginia Brown  
Ozark Planning Commission



THENCE: N 88° 18' 14\" W 128.75 FEET ALONG A FENCE LINE TO A FENCE CORNER;  
 THENCE: N 00° 50' 22\" E 249.57 FEET TO THE POINT OF BEGINNING, CONTAINING  
 0.748 OF AN ACRE MORE OR LESS AND BEING SUBJECT TO ALL EASEMENTS OF  
 RECORD AND AS SHOWN ON ARKANSAS RIVER VALLEY SURVEYING JOB #4599.

**TRACT TWO:**  
 COMMENCING AT A FOUND RAILROAD SPIKE AT THE NW CORNER OF SAID NW 1/4 OF THE  
 NE 1/4;  
 THENCE: S 88° 09' 09\" E 497.16 FEET ALONG THE NORTH LINE THEREOF;  
 THENCE: S 01° 38' 12\" W 242.90 FEET PARALLEL TO THE WEST LINE THEREOF TO A FOUND  
 IRON ROD;  
 THENCE: S 87° 09' 06\" E 70.24 FEET TO A FENCE CORNER;  
 THENCE: N 86° 41' 43\" E 62.23 FEET TO A SET 1/2\" REBAR, THE POINT OF BEGINNING;  
 THENCE: N 86° 41' 43\" E 107.99 FEET TO A SET 1/2\" REBAR;  
 THENCE: N 00° 50' 22\" W 64.33 FEET TO A SET 1/2\" REBAR;  
 THENCE: N 88° 09' 09\" W 108.49 FEET TO A SET 1/2\" REBAR;  
 THENCE: N 01° 38' 12\" E 54.62 FEET TO THE POINT OF BEGINNING, CONTAINING 0.148  
 OF AN ACRE MORE OR LESS AND BEING SUBJECT TO ALL EASEMENTS OF RECORD  
 AND AS SHOWN ON ARKANSAS RIVER VALLEY SURVEYING JOB #4599.

**TRACT THREE:**  
 COMMENCING AT A FOUND RAILROAD SPIKE AT THE NW CORNER OF SAID NW 1/4 OF THE  
 NE 1/4;  
 THENCE: S 88° 09' 09\" E 497.16 FEET ALONG THE NORTH LINE THEREOF;  
 THENCE: S 01° 38' 12\" W 242.90 FEET PARALLEL TO THE WEST LINE THEREOF TO A FOUND  
 IRON ROD;  
 THENCE: S 87° 09' 06\" E 70.24 FEET TO A FENCE CORNER;  
 THENCE: N 86° 41' 43\" E 62.23 FEET TO A SET 1/2\" REBAR;  
 THENCE: S 01° 38' 12\" W 54.62 FEET TO A SET 1/2\" REBAR, THE POINT OF BEGINNING.  
 THENCE: S 88° 09' 09\" E 108.49 FEET TO A SET 1/2\" REBAR;  
 THENCE: S 00° 50' 22\" W 60.10 FEET TO A SET 1/2\" REBAR;  
 THENCE: N 88° 09' 09\" W 109.32 FEET TO A SET 1/2\" REBAR;  
 THENCE: N 01° 38' 12\" E 60.09 FEET TO THE POINT OF BEGINNING, CONTAINING 0.150  
 OF AN ACRE MORE OR LESS AND BEING SUBJECT TO ALL EASEMENTS OF RECORD  
 AND AS SHOWN ON ARKANSAS RIVER VALLEY SURVEYING JOB #4599.

**TRACT FOUR:**  
 COMMENCING AT A FOUND RAILROAD SPIKE AT THE NW CORNER OF SAID NW 1/4 OF THE  
 NE 1/4;  
 THENCE: S 88° 09' 09\" E 497.16 FEET ALONG THE NORTH LINE THEREOF;  
 THENCE: S 01° 38' 12\" W 242.90 FEET PARALLEL TO THE WEST LINE THEREOF TO A FOUND  
 IRON ROD;  
 THENCE: S 87° 09' 06\" E 70.24 FEET TO A FENCE CORNER;  
 THENCE: N 86° 41' 43\" E 62.23 FEET TO A SET 1/2\" REBAR;  
 THENCE: S 01° 38' 12\" W 114.71 FEET TO A SET 1/2\" REBAR, THE POINT OF BEGINNING;  
 THENCE: S 88° 09' 09\" E 109.32 FEET TO A SET 1/2\" REBAR;  
 THENCE: S 00° 50' 22\" W 138.57 FEET TO A SET 1/2\" REBAR IN LINE WITH A FENCE LINE  
 TO THE WEST;  
 THENCE: N 88° 18' 14\" W 111.25 FEET ALONG SAID FENCE LINE TO A SET 1/2\" REBAR;  
 THENCE: N 01° 38' 12\" E 138.84 FEET TO THE POINT OF BEGINNING, CONTAINING 0.351  
 OF AN ACRE MORE OR LESS AND BEING SUBJECT TO ALL EASEMENTS OF RECORD  
 AND AS SHOWN ON ARKANSAS RIVER VALLEY SURVEYING JOB NO. 4599.

THE TRACTS OF LAND SHOWN ON THIS PLAT ARE LOCATED IN ZONE "X" AN AREA  
 DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAIN ACCORDING TO FIRM MAP  
 NO. 05047C0330 C, PANEL NO. 050358-0330 C, EFFECTIVE DATE 07/17/97.

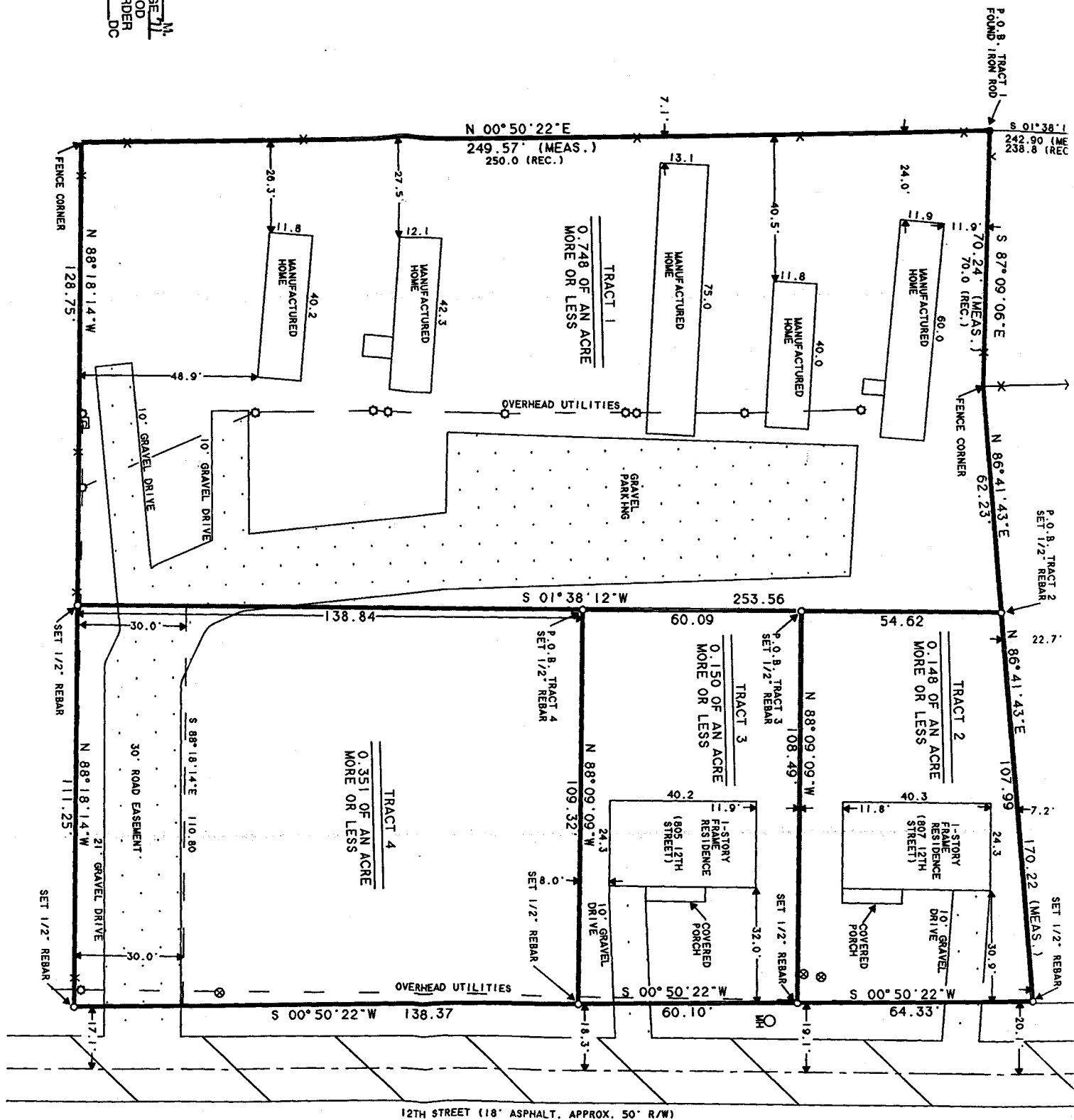
DESCRIPTION FOR ROAD EASEMENT:  
 A CERTAIN STRIP OF LAND LOCATED IN PART OF THE NW 1/4 OF THE NE 1/4 OF  
 SECTION 35 - TOWNSHIP 10 NORTH - RANGE 27 WEST IN FRANKLIN COUNTY, ARKANSAS,  
 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

L. ACREAGE  
97 ACRES  
E OR LESS

FILED  
RECORD

R 14 2003

OCLOCK A 11.  
IN BOOK PAGE 71.  
TAGG-BRUSHWOOD  
OFFICIAL RECORDER  
Madama DC



12TH STREET (18' ASPHALT, APPROX. 50' R/W)