

ORDINANCE NO. 5999

AN ORDINANCE ANNEXING CERTAIN LANDS THAT ARE COMPLETELY SURROUNDED BY THE INCORPORATED LIMITS OF THE CITY OF HOT SPRINGS (HIGDON FERRY ENCLAVES); AND FOR OTHER PURPOSES.

WHEREAS, A.C.A. 14-40-501—14-40-503 provides that unincorporated islands of land that have been surrounded by the incorporated limits of a municipality may be annexed by that municipality.

WHEREAS, the City of Hot Springs desires to annex certain lands (Higdon Ferry Enclaves) more completely described below; and

WHEREAS, all necessary urban services, including fire and police protection, are to be extended to such area within the time prescribed by law; and that

WHEREAS, the area to be annexed complies with the standards for lands qualifying for annexation which are set forth in ACA 14-40-302 and ACA 14-40-501; and

WHEREAS, H.S.C. 16-2-32 (d) establishes the procedure for zones annexed; and that

WHEREAS, public hearings regarding this proposed annexation were held on January 7, 2014 and February 18, 2014; and

WHEREAS, on January 2, 2014, and January 16, 2014, legal notice was published setting out the legal description of the territory proposed to be annexed; and all known property owners within the area were notified by certified mail of their right to appear at each public hearing.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the City of Hot Springs, Arkansas, as follows:

SECTION 1. That the following described unincorporated area which is completely surrounded by the city limits of the City of Hot Springs is hereby annexed to the City of Hot Springs

A PART OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 19 WEST, GARLAND COUNTY, ARKANSAS; BEING AN ENCLAVE WITHIN AND CONTIGUOUS WITH THE EXISTING CITY OF HOT SPRINGS CITY LIMITS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 19; THENCE WEST, ALONG NORTH LINE TO THE NORTHWEST CORNER OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE SOUTH 01° 12' 56" WEST, ALONG WEST LINE OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4, 254.98 FEET; THENCE SOUTH 88° 51' 01" EAST, 305.49 FEET; THENCE NORTH 00° 00' 14" EAST, 148.68 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF ARKANSAS HIGHWAY NO.

270 (A.K.A. MLK EXPRESSWAY); THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING EIGHT (8) COURSES: SOUTH 70° 06' 15" EAST, 118.76 FEET; SOUTH 79° 44' 04" EAST, 101.14 FEET; NORTH 80° 34' 53" EAST, 204.01 FEET; SOUTH 79° 32' 27" EAST, 202.08 FEET; SOUTH 66° 15' 01" EAST, 215.26 FEET; SOUTH 23° 17' 05" EAST, 86.08 FEET; SOUTH 20° 41' 17" WEST, 202.91 FEET; AND SOUTH 59° 21' 13" EAST, 15 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF HIGDON FERRY ROAD; THENCE SOUTH 30° 38' 46" WEST, ALONG SAID RIGHT-OF-WAY, 491.07 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 12,345.00 FEET, AN ARC LENGTH OF 249.25 FEET, AND HAVING A CHORD WHICH BEARS SOUTH 30° 04' 04" WEST FOR A DISTANCE OF 249.25 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF SECTION LINE WAY; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING FIVE (5) COURSES: NORTH 39° 33' 37" WEST, 156.46 FEET; NORTH 51° 56' 35" WEST, 132.38 FEET; NORTH 58° 33' 58" WEST, 125.10 FEET; NORTH 70° 34' 08" WEST, 162.02 FEET; AND NORTH 58° 39' 38" WEST, 126.15 FEET; THENCE NORTH 88° 00' 31" WEST LEAVING SAID RIGHT-OF-WAY, 153.84 FEET TO A POINT ON THE WEST LINE OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE SOUTH ALONG WEST LINE TO THE SOUTHWEST CORNER OF THE SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE WEST ALONG SOUTH LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 19 TO THE NORTHEAST CORNER OF FOREST LAKES GARDEN HOMES-SECTION 2 PHASE 2; THENCE SOUTH 02°02'53" WEST, 304.61 FEET; THENCE SOUTH 84°10'47" WEST, 151.96 FEET; THENCE SOUTH 88°49'45" WEST, 71.58 FEET; THENCE SOUTH 02°02'53" WEST, 15.70 FEET; THENCE 35.54 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 64.00 FEET, THROUGH A CENTRAL ANGLE OF 31°49'12" AND HAVING A CHORD WHICH BEARS SOUTH 17°57'29" WEST, 35.09 FEET FROM LAST SAID POINT; THENCE 39.01 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 44.00 FEET, THROUGH A CENTRAL ANGLE OF 50°48'01", AND HAVING A CHORD WHICH BEARS SOUTH 08°28'04" WEST, 37.75 FEET FROM LAST SAID POINT; THENCE SOUTH 16°55'56" EAST, 173.34 FEET; THENCE 16.73 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 19.00 FEET, THROUGH A CENTRAL ANGLE OF 50°26'57", AND HAVING A CHORD WHICH BEARS SOUTH 42°09'24" EAST, 16.19 FEET FROM LAST SAID POINT; THENCE 61.91 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1762.98 FEET, THROUGH A CENTRAL ANGLE OF 02°00'44" AND HAVING A CHORD WHICH BEARS SOUTH 74°01'59" WEST, 61.91 FEET FROM LAST SAID POINT; THENCE NORTH 16°55'56" WEST, 201.26 FEET; THENCE SOUTH 76°17'43" WEST, 450.00 FEET; THENCE SOUTH 01°39'25" WEST, 107.59 FEET; THENCE SOUTH 01° 38' 54" WEST, 265.75 FEET TO A POINT ON THE CENTERLINE OF TWIN POINTS ROAD; THENCE NORTH 74° 05' 08" EAST, ALONG SAID CENTERLINE TO THE NORTHEAST CORNER OF THAT CERTAIN TRACT 3 AS REFERENCED IN ORDINANCE ANNEXATION DOCUMENT NO. 5501 AS THE POINT LEAVING SAID CENTERLINE; THENCE SOUTH 01° 37' 34" WEST, LEAVING SAID CENTERLINE, 769.13 FEET; THENCE SOUTH 89° 08' 49" EAST, 647.81 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF HIGDON FERRY ROAD; THENCE SOUTH 01° 15' 41" WEST, ALONG SAID RIGHT-OF-WAY, 76.96 FEET; THENCE NORTH 89° 08' 49" WEST, LEAVING SAID RIGHT-OF-WAY, 648.12 FEET; THENCE SOUTH 01° 32' 49" WEST, 399.43 FEET; THENCE SOUTH 89° 01' 23" EAST, 165.98 FEET; THENCE SOUTH 01° 50' 47" WEST, 433.34 FEET; THENCE NORTH 85° 39' 31" WEST, 660.00 FEET; THENCE SOUTH 31° 24' 49" WEST, 314.72 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 19; THENCE SOUTH 01° 30' 49" WEST, ALONG EAST LINE OF SAID SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, 1154.15 FEET; THENCE SOUTH 85° 32' 16" EAST, LEAVING SAID EAST LINE, 242.06 FEET TO A

POINT ON THE NORTHERLY RIGHT-OF WAY OF HIGDON FERRY ROAD; THENCE SOUTHEASTERLY CROSSING SAID ROAD TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF SAID ROAD; THENCE NORTHEASTERLY ALONG SAID SOUTH RIGHT-OF-WAY TO A POINT BEING REFERENCED IN ORDINANCE ANNEXATION DOCUMENT NO. 3635 AS THE POINT LEAVING SAID RIGHT-OF-WAY; THENCE SOUTH 62° 15' EAST, 273 FEET; THENCE SOUTH 75° EAST, 260 FEET; THENCE EASTERLY 30 FEET, MORE OR LESS, TO A POINT WHERE A 20 FOOT LANE CROSSES THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 19; THENCE EASTERLY ALONG SOUTH LINE OF SAID 20 FOOT LANE, 442 FEET; THENCE NORTH 00° 30' 05" WEST, 996.68 FEET; THENCE NORTH 83° 16' 37" EAST TO THE EAST LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 19; THENCE NORTH, ALONG SAID EAST LINE TO THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 19; THENCE NORTH 87° 15' 02" WEST, ALONG SOUTH LINE OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4, 1288.85 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF HIGDON FERRY ROAD; THENCE NORTHERLY, ALONG SAID RIGHT-OF-WAY THE FOLLOWING (5) COURSES: NORTH 02° 55' 19" EAST, 195.54 FEET; THENCE NORTH 13° 50' 56" EAST, 198.52 FEET; THENCE NORTH 30° 30' 46" EAST, 163.73 FEET; THENCE NORTH 40° 23' 19" EAST, 633.93 FEET; THENCE NORTH 36° 32' 49" EAST, 325.39 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE SOUTH 88° 24' 22" EAST LEAVING SAID RIGHT-OF-WAY AND ALONG NORTH LINE, 616.80 FEET TO THE NORTHEAST CORNER OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE NORTH, ALONG EAST LINE OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4 TO THE POINT OF BEGINNING.

LESS AND EXCEPT: A PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 AND PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 19 WEST, GARLAND COUNTY, ARKANSAS, LOCATED AT THE SOUTHWEST CORNER OF TWIN POINTS ROAD AND HIGDON FERRY ROAD, SAME BEING PREVIOUSLY ANNEXED IN ORDINANCE NO. 5501 (TRACT 1).

SECTION 2. That necessary urban services, including police and fire protection, shall be extended to such area at the time prescribed by law.

SECTION 3. That pursuant to H.S.C. 16-2-32(d), islands annexed by ordinance shall be assigned a temporary zoning classification of Rural Residential (R-1) at the time the Board of Directors annexes the territory by ordinance.

SECTION 4. That Construction-related permit fee waivers for new single family homes on lands annexed by this Ordinance shall be effective until April 18, 2017, which is a period of 36 months from annexation ordinance approval date.

SECTION 5. That the Board of Directors hereby directs the Planning Commission to hold a public hearing to recommend a permanent zoning classification. Notice of the public hearing shall be advertised in a newspaper of general circulation not less than 15 days prior to the hearing.

SECTION 6. That Planning Commission's recommended permanent zoning requires Board of Directors' approval by a separate ordinance. Therefore, this Ordinance shall be in full force and effect on April 18, 2014. Should the Board adopt an ordinance assigning certain parcels permanent zone

districts and should the mandatory 30-day appeal period have elapsed by that date, then temporary R-1 zoning for those parcels will not be needed.

SECTION 7. That Parcel ID 93728, a 0.77 acre property owned by Joseph White, includes both residential and commercial uses. Therefore, up to three signs customarily displayed during certain times of the year may continue to be permitted as lawful nonconforming signs.

SECTION 8 That Lands within the previously described areas (Higdon Ferry Enclaves) shall be assigned to City of Hot Springs Board District Four (4) and Board District Five (5).

PASSED: March 4, 2014

APPROVED: Ruth Carney
RUTH CARNEY, MAYOR

ATTEST: Lance Spicer
LANCE SPICER, CITY CLERK

APPROVED AS TO LEGAL FORM: Brian W. Albright
BRIAN W. ALBRIGHT, CITY ATTORNEY

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF GARLAND

SUBSCRIBED AND SWORN to before me this 4th day of March, 2014.

Leslie Kauffman
Notary Public

My Commission Expires:

2-6-2022

