

ORDINANCE NO. 184

AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF CHERRY VALLEY ARKANSAS, AND MAKING SAME A PART OF THE CITY OF CHERRY VALLEY, ASSIGNING SAME TO A WARD, AND ASSIGNING A ZONING DESIGNATION.

WHEREAS, a Petition was filed pursuant to Ark. Code Ann. § 14-40-609 for the annexation of certain territory into the City of Cherry Valley, Arkansas, and

WHEREAS, the County Assessor and the County Clerk of Cross County, Arkansas issued a Verification of Petition for Annexation Pursuant to Ark. Code Ann. § 14-40-609 verifying the Petition meets the requirements of Ark. Code Ann. § 14-40-609(b)(2) and presented the Petition and their verification to the County Judge of Cross County, Arkansas; and

WHEREAS, the County Judge has (i) reviewed the Petition and verification for completeness and accuracy, (ii) determined that no enclaves will be created by the annexation, (iii) confirmed that the Petition contains a schedule of services; and (iv) issued an order articulating these findings, authorizing annexation pursuant to Ark. Code Ann. § 14-40-609, and forwarded the Petition and order to the Mayor of the City of Cherry Valley; and

WHEREAS, the City Council of the City of Cherry Valley desires that the subject territory be annexed and become a part of the city.

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

Section 1. That the property described on the attached Exhibit A is contiguous to the City of Cherry Valley, and that the same be and is hereby accepted as part of, and annexed to and made a part of the City of Cherry Valley, Arkansas.

Section 2. That the following schedule of services shall be extended to the area by the City of Cherry Valley within the statutorily required three (3) year period after the date the annexation becomes final, as follows: (i) police protection, and (ii) fire protection.

Section 3. That the above-described territory shall be annexed and made a part of Ward 2 of the City of Cherry Valley, and the same shall henceforth be a part of said ward as fully as existing parts of said ward.

Section 4. That the above-described territory shall be zoned Light Industrial (I-1) to be used in accordance with the City of Cherry Valley zoning regulations and the laws of the State of Arkansas.

Section 5. Thirty (30) days after passage of this Ordinance, the annexation shall be final and the property described in this Ordinance shall be within the corporate limits of the City of Cherry Valley except as otherwise ordered by the Circuit Court of Cross County pursuant to a cause of action filed within said thirty (30) day period pursuant to Ark. Code Ann. § 14-40-609(g)(1) and (2).


Section 6. Within fifteen (15) days of the date of passage of this Ordinance the City Recorder shall provide a copy of this Ordinance and a copy of the plat map of the annexed property to the County Clerk of Cross County.

PASSED AND APPROVED THIS 9 DAY OF MAY, 2023.

ATTEST:


Stacey Bennett, Recorder/Treasurer

APPROVED:


Adam Love, Mayor

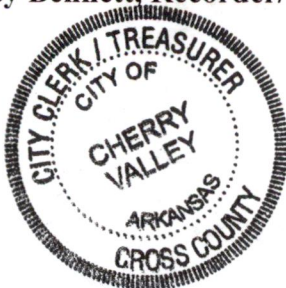


EXHIBIT A

Property Description

[SEE ATTACHED]

BLEW & ASSOCIATES, PA
CIVIL ENGINEERS & LAND SURVEYORS

Annexation Description

A TRACT OF LAND CONSISTING OF PARTS OF SECTIONS 20, 21, 22, 27, 28 & 29, ALL IN TOWNSHIP 9 NORTH, RANGE 3 EAST, 5TH PRINCIPAL MERIDIAN, CROSS COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SECTION 29, THENCE ALONG THE NORTHERLY LINE THEREOF N89°00'30"E A DISTANCE OF 2,608.11' TO THE NORTH QUARTER CORNER OF SECTION 29; THENCE CONTINUING N89°00'30"E DISTANCE OF 1,304.06', TO A POINT ON THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 20; THENCE ALONG SAID WESTERLY LINE N00°15'49"W A DISTANCE OF 2,676.62' TO A POINT ON THE NORTH LINE OF SAID SOUTHEAST QUARTER OF SAID SECTION; THENCE CONTINUING ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER N82°40'34"E A DISTANCE OF 1,311.68' TO THE EAST QUARTER CORNER OF SECTION 20; THENCE ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 21 N89°01'21"E A DISTANCE OF 2,643.22' TO THE CENTER CORNER OF SECTION 21; THENCE ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 21 N00°07'26"E A DISTANCE OF 1,338.63' TO THE NORTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 21; THENCE ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 21 S89°34'17"E A DISTANCE OF 2,467.96' TO THE NORTHWEST CORNER OF THE LANDS OWNED NOW OR FORMERLY BY GARY AND OLINDA DAVIS; THENCE CONTINUING ALONG THE DAVIS PROPERTY LINE FOR THE FOLLOWING TWO CALLS, (1) S01°37'03"W A DISTANCE OF 205.69' TO THE SOUTHWEST CORNER THEREOF; (2) THENCE S88°23'41"E A DISTANCE OF 210.00' TO THE SOUTHEAST CORNER THEREOF LYING ON THE EASTERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 21; THENCE ALONG THE EAST LINE OF THE SOUTHEAST QUARTER S01°36'19"W A DISTANCE OF 1,063.96' TO THE SOUTHEAST CORNER OF SECTION 21; THENCE ALONG THE NORTH LINE OF SECTION 22 N89°08'37"E A DISTANCE OF 2,643.19' TO THE NORTH SECTION QUARTER THEREOF; THENCE CONTINUING ALONG SAID NORTH LINE, N89°08'12"E A DISTANCE OF 1,372.35' TO THE NORTHWEST CORNER OF TRACT 2, AS SHOWN ON A PLAT OF SURVEY SIGNED BY JOHN M. EASLEY; THENCE WITH THE PROPERTY LINE OF SAID TRACT 2 THE FOLLOWING FOUR (4) CALLS: (1) S00°32'32"E A DISTANCE OF 183.74'; (2) THENCE N87°35'13"E A DISTANCE OF 148.68'; (3) THENCE S09°43'12"W A DISTANCE OF 174.12'; (4) THENCE S80°16'48"E A DISTANCE OF 261.08' TO A POINT OF INTERSECTION OF THE AFOREMENTIONED TRACT 2 WITH THE WESTERLY LINE OF THE MISSOURI PACIFIC RAILROAD 100' PRIVATE RIGHT-OF-WAY; THENCE CONTINUING ALONG THE WESTERLY LINE OF SAID RAILROAD RIGHT-OF-WAY, S09°43'32"W, A DISTANCE OF 6,324.33' TO A POINT OF INTERSECTION WITH THE NORTHLINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 27; THENCE ALONG SAID NORTHERLY LINE N88°46'06"E A DISTANCE OF 1,738.01' TO A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 27; THENCE ALONG SAID EAST LINE, S00°19'36"W A DISTANCE OF 1,328.34' TO THE SOUTHEAST CORNER OF SECTION 27; THENCE S88°38'04"W A DISTANCE OF 2,646.29' TO THE SOUTH QUARTER CORNER OF SECTION 27; THENCE CONTINUING ALONG THE SOUTH LINE OF SECTION 27, S88°46'10"W A DISTANCE OF 2,630.28' TO THE SOUTHWEST CORNER THEREOF; THENCE CONTINUING S88°46'10"W ALONG THE NORTHERLY LINE OF SECTION 33, A DISTANCE OF 102.31' TO THE INTERSECTION OF SAID NORTHERLY SECTION LINE WITH THE WESTERLY LINE OF ARKANSAS HIGHWAY STATE 1; THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY FOR THE FOLLOWING (8) CALLS: (1) S05°20'21"E A DISTANCE OF 220.01'; (2) THENCE S00°16'39"W A DISTANCE OF 727.16'; (3) THENCE S01°03'56"W A DISTANCE OF 380.08'; (4) THENCE S01°03'56"W A DISTANCE OF 789.00'; (5) THENCE N88°53'50"W A DISTANCE OF 10.03'; (6) THENCE S01°06'10"W A DISTANCE OF 400.00'; (7) THENCE N88°53'50"W A DISTANCE OF 70.00'; (8) THENCE S01°06'10"W A DISTANCE OF 142.16' TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 33, WHICH LIES N01°06'10"E A DISTANCE OF 181.31' FROM THE EAST QUARTER CORNER; THENCE ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 33, S88°47'59"W A DISTANCE OF 1,141.07'; THENCE ALONG THE WEST LINE OF THE EAST HALF OF SAID NORTHEAST QUARTER N00°22'36"E A DISTANCE OF 2,634.23' TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 28; THENCE CONTINUING ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 28 S88°48'24"W A DISTANCE OF 1,321.18' TO THE SOUTH QUARTER CORNER OF SAID SECTION 28; THENCE ALONG THE WEST LINE OF SOUTHEAST QUARTER OF SECTION 28, N00°18'26"E A DISTANCE OF 2,633.30' TO THE CENTER OF SECTION 28; THENCE ALONG THE SOUTHERN LINE OF THE NORTHWEST QUARTER OF SECTION 28, S88°50'07"W A DISTANCE OF 1,319.27' TO A POINT ON THE WEST LINE OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 28; THENCE ALONG SAID WEST LINE N00°20'53"E A DISTANCE OF 2,354.11' TO A POINT LYING 300.00' SOUTHERLY AND PARALLEL TO THE NORTH LINE OF SECTION 28; THENCE ALONG A LINE LYING 300.00' SOUTHERLY AND PARALLEL TO THE NORTH LINE OF SECTION 28, N88°51'51"E A DISTANCE OF 3,602.72' TO A POINT ON THE WEST LINE OF THE 2.81 ACRE SUB-STATION PROPERTY OWNED NOW OR FORMERLY BY ARKANSAS POWER AND LIGHT COMPANY; THENCE ALONG SAID PROPERTY LINE THE FOLLOWING (4) CALLS: (1) S00°13'31"W A DISTANCE OF 49.92' TO THE SOUTHWEST CORNER THEREOF; (2) THENCE S88°51'51"E A DISTANCE OF 330.00' TO THE SOUTHEAST CORNER THEREOF, ON THE EAST LINE OF SECTION 28; THENCE ALONG THE EASTERLY PROPERTY LINE, AND SECTION LINE, N00°13'31"E A DISTANCE OF 330.00' TO THE NORTHEAST CORNER OF SECTION 28; (4) THENCE ALONG THE NORTH LINE OF SECTION 28 S88°51'51"W, PASSING THE NORTHWEST CORNER OF THE AFOREMENTIONED SUB-STATION LANDS AT 330.00' CONTINUING FOR A TOTALLY DISTANCE OF 2,634.72' TO THE NORTH QUARTER CORNER OF SECTION 28; THENCE S88°51'51"W A DISTANCE OF 2,634.72' TO THE NORTHEAST CORNER OF SECTION 29; THENCE CONTINUING ALONG THE NORTH LINE OF SECTION 29, S89°00'30"W A DISTANCE OF 326.01' TO THE NORTHEAST CORNER OF THE LANDS OWNED NOW OR FORMERLY

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As-Surveyed Description

BY BILL CARWELL; THENCE CONTINUING WITH THE CARLWELL PROPERTY LINE THE FOLLOWING (3) CALLS: (1) $500^{\circ}28'34''$ W A DISTANCE OF 2,656.53' TO THE SOUTHEAST CORNER THEREOF; (2) THENCE $388^{\circ}45'10''$ W A DISTANCE OF 4,951.50' TO THE SOUTHWEST CORNER THEREOF; (3) THENCE $N01^{\circ}46'19''$ E A DISTANCE OF 2,681.36' TO THE TRUE POINT OF BEGINNING.

