

**AN ORDINANCE REZONING VARIOUS TRACTS  
OF LAND IN THE CITY OF CLINTON, ARKANSAS, FROM  
RESIDENTIAL TO INDUSTRIAL WITH CONDITIONS FOR  
SPECIFIC USES; SETTING FORTH SAID CONDITIONS AND  
FOR OTHER PURPOSES.**

**WHEREAS**, ConAgra, Inc. has purchased four (4) tracts of land on Kemp Street, next to their plant in Clinton, Arkansas; and

**WHEREAS**, said tracts of land are currently zoned residential; and

**WHEREAS**, ConAgra, Inc. has sought rezoning of the tracts to industrial and has filed the proper application with the City;

**WHEREAS**, the Planning Commission has conducted a public hearing on the rezoning request as required by ordinance 2000-282; and

**WHEREAS**, at said hearing various residents near the proposed rezoned tracts appeared and voiced their concerns and objections; and

**WHEREAS**, as a result of the hearing ConAgra, Inc. and the residents reached an agreement to resolve their differences.

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

**Section 1:**

Subject to the conditions set forth in Section 2, the following four (4) tracts of land located in the City of Clinton, Arkansas, are hereby rezoned from Residential (R-1) to Industrial (I-1) to wit:

A FRACTIONAL PART OF TRACT "A" OF CANNADAY SUBDIVISION KNOWN AS LOT 3, TRACT A, CANNADAY SUBDIVISION MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE SW CORNER OF THE NW¼ NW¼ OF SECTION TWENTY-THREE (23), TOWNSHIP ELEVEN (11) NORTH, RANGE FOURTEEN (14) WEST, CITY OF CLINTON, VAN BUREN COUNTY, ARKANSAS, RUN THENCE NORTH 150 FEET TO THE POINT OF BEGINNING, THENCE CONTINUE NORTH 70 FEET, THENCE EAST 99 FEET, THENCE SOUTH 70 FEET, THENCE WEST 99 FEET TO THE POINT OF BEGINNING, CONTAINING 0.16 ACRE, MORE OR LESS.

A FRACTIONAL PART OF TRACT "A" OF CANNADAY SUBDIVISION KNOWN AS LOT 3, TRACT A, CANNADAY SUBDIVISION MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE SW CORNER OF THE NW¼ NW¼ OF SECTION TWENTY-THREE (23), TOWNSHIP ELEVEN (11) NORTH, RANGE FOURTEEN (14) WEST, CITY OF

CLINTON, VAN BUREN COUNTY, ARKANSAS, RUN NORTH 80 FEET TO A POINT, THENCE EAST 99 FEET TO A POINT, THENCE SOUTH 80 FEET TO A POINT, THENCE WEST 99 FEET TO THE POINT OF BEGINNING, CONTAINING 0.18 ACRE, MORE OR LESS.

A FRACTIONAL PART OF TRACT "A" OF CANNADAY SUBDIVISION KNOWN AS LOT 3, TRACT A, CANNADAY SUBDIVISION MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE SW CORNER OF THE NW¼ NW¼ OF SECTION TWENTY-THREE (23), TOWNSHIP ELEVEN (11) NORTH, RANGE FOURTEEN (14) WEST, CITY OF CLINTON, VAN BUREN COUNTY, ARKANSAS, RUN THENCE NORTH 80 FEET TO THE POINT OF BEGINNING, BEGIN AND CONTINUE NORTH 70 FEET, THENCE EAST 99 FEET, THENCE SOUTH 70 FEET, THENCE WEST 99 FEET TO THE POINT OF BEGINNING, CONTAINING 0.16 ACRE, MORE OR LESS.

PART OF TRACT "A" CANNADAY SUBDIVISION AS RECORDED IN PLAT BOOK 1 AT PAGE 21-A, AND PART OF LOT 6, BLOCK 15, CITY OF CLINTON, ALL BEING PART OF THE NW¼ NW¼, SECTION 23, T-11-N, R-14-W, CITY OF CLINTON, VAN BUREN COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS: STARTING AT THE SW CORNER OF THE NW¼ NW¼ SECTION 23, T-11-N, R-14-W, THENCE N 01°52'50" E, ALONG THE WEST LINE OF THE NW¼ NW¼, A DISTANCE OF 220.00 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED; THENCE CONTINUING N 01°52'50" E A DISTANCE OF 169.96 FEET TO AN IRON PIPE AT THE NE CORNER OF THE CLINTON POULTRY & EGG CO, INC. (CONAGRA), THENCE N 89°11'49" W A DISTANCE OF 99.00 FEET TO A POINT, THENCE S 01°57'40" W A DISTANCE OF 169.96 FEET TO A POINT, THENCE N 89°11'49" W A DISTANCE OF 99.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.39 ACRE, MORE OR LESS.

**Section 2:**

The rezoning stated in Section 1 is conditioned on the following terms which constitute a special use of the property by ConAgra, Inc.:

- a) ConAgra, Inc. will construct a two (2) foot high burm on the north, south and east sides, just inside the present chain link fence with the center of the burm to be six (6) feet back from the property line and then construct a twelve (12) foot high privacy fence on top of the burm;
- b) ConAgra, Inc. will transplant Leland Cypress trees inside the new 12 foot fence on the north, south and east sides of the tracts to be rezoned;
- c) The transplanted trees will be a minimum of ten (10) feet in height at the time of transplanting and will be planted twenty (20) feet apart;
- d) ConAgra, Inc. will not park any loaded trucks on the tracts to be rezoned, nor have any refrigerated trucks parked on said tracts with their refrigerators running, whether loaded or unloaded;
- e) ConAgra, Inc. will not construct any buildings within seventy-five (75) feet of the

(2)

north, south or east property lines of the tracts to be rezoned;

- f) ConAgra, Inc. will extend the concrete curb between the residential property line and the industrial property line to the north property line;
- g) ConAgra, Inc. will begin work on the project no later than 60 days after passage of this Ordinance;
- h) All work will be completed, with the exception of the tree planting, within 120 days after passage of this Ordinance;
- i) The trees will be transplanted no later than 150 days after passage of this Ordinance.

**Section 3:**

Any violation of the conditions of special use by ConAgra, Inc. or its successors will result in the tracts being returned to residential zoning and any non-residential uses of the property will be abated.

**Section 4:**

The Planning Commission shall amend the official zoning map to reflect this change in zoning.


PASSED: August 19, 2002.

  
James Beavers, Mayor

ATTEST:

  
Merl Eoff, City Clerk

APPROVED AS TO LEGAL FORM:

  
Brad A. Cazort, City Attorney

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