

FILED  
2005 JAN 31 PM 3:35

ORDINANCE NO. 2005-07

**AN ORDINANCE REZONING VARIOUS TRACTS  
OF LAND IN THE CITY OF CLINTON, ARKANSAS, FROM  
RESIDENTIAL TO HIGHWAY COMMERCIAL AND  
FOR OTHER PURPOSES.**

**WHEREAS**, various individuals own tracts of land alongside parts of Highway 65 within the city limits of the City of Clinton, Arkansas; and

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

**WHEREAS**, said tracts have been and are being used as commercial property and the owners have sought rezoning of the tracts to Highway Commercial and have filed the proper applications with the City; and

**WHEREAS**, the Planning Commission has conducted a public hearing on the rezoning requests as required by ordinance; and

**WHEREAS**, as a result of the hearings the Planning Commission recommends that said tracts be rezoned as Highway Commercial to accurately reflect their true use and the intent of the land use plan.

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

**Section 1:**

The following tract of land located in the City of Clinton, Arkansas, is hereby rezoned to Highway Commercial to wit:

PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER (PT. S1/2 NW1/4 SE1/4), SECTION 35 (35), TOWNSHIP ELEVEN (11) NORTH, RANGE FOURTEEN (14) WEST, CITY OF CLINTON, VAN BUREN COUNTY, ARKANSAS, DESCRIBED AS: BEGINNING 13 YARDS EAST OF THE NORTHWEST CORNER OF SAID S1/2 NW1/4 SE1/4 AND RUN THENCE S 22° E 70 YARDS. THENCE EAST 70 YARDS TO THE WEST SIDE OF RIGHT OF WAY OF U.S. HIGHWAY #65. THENCE N 22° W, ALONG AND WITH WEST SIDE OF SAID HIGHWAY, 70 YARDS TO THE NORTH LINE OF SAID S1/2 NW1/4 SE1/4, AND THENCE WEST 70 YARDS TO THE POINT OF BEGINNING, CONTAINING 1 ACRE, MORE OR LESS.

File for record on this 31 day of Jan, 2005  
at 3:35pm and the same is now duly recorded in  
County court record book Y, on page 36 -  
ESTER BASS, Clerk By: CP D.C.  
Duly Recorded This 3 day of Feb, 2005

Book 10 PG 4

**Section 2:**

The following tract of land located in the City of Clinton, Arkansas, is hereby rezoned to Highway Commercial to wit:

PART OF S1/2 SW1/4, SECTION 14, AND PART OF N1/2 NW1/4 SECTION 23, T-11-N, R-14-W, MORE PARTICULARLY DESCRIBED AS: STARTING AT THE COMMON CORNER TO SECTIONS 14, 15, 22, AND 23, T-11-N, R-14-W: THENCE S 88°35'E 750.62 FEET ALONG THE LINE BETWEEN SECTIONS 14 AND 23 TO A POINT ON AN OLD WIRE FENCE, THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED: THENCE N 02°19' 52"E 451.22 FEET ALONG SAID FENCE TO A POINT: THENCE N88°29'05"W 82.88 FEET ALONG AN OLD WIRE FENCE TO A POINT ON THE EASTERLY LINE OF DAVIS STREET: THENCE N 07°28' W 429.97 FEET ALONG SAID STREET TO A POINT ON THE EASTERLY LINE OF ROGERS STREET: THENCE N27°08'22" E 33.13 FEET ALONG SAID STREET TO THE POINT OF CURVATURE OF A CURVE RIGHT: THENCE CONTINUING ALONG SAID STREET, ON SAID CURVE RIGHT, HAVING A RADIUS OF 230.00 FEET, AN ARC DISTANCE OF 51.40 FEET. THENCE N 06°15'03" E 68.99 FEET TO A POINT: THENCE N 03°00'25" W 88.52 FEET TO A POINT: THENCE N 18°28'35" W 93.20 FEET TO A POINT ON THE AFORESAID EASTERLY LINE OF JENNINGS (NOW FRASER) STREET: THENCE NORTHERLY ALONG SAID STREET, ON A CURVE LEFT, HAVING A RADIUS OF 93.00 FEET AN ARC DISTANCE OF 15.69 FEET TO A POINT WHERE THE EASTERLY LINE OF JENNINGS (FRASER) STREET CROSSES THE SOUTH LINE OF THE NW1/4 SW1/4 SECTION 14, T-11-N, R-14-W: THENCE NORTHERLY ALONG SAID STREET, ON A CURVE LEFT, HAVING A RADIUS OF 93.00 FEET, AN ARC DISTANCE OF 42.61 FEET TO A POINT: THENCE CONTINUING ALONG SAID STREET N 34°39'05" W 96.30 FEET TO A POINT: THENCE CONTINUING ALONG SAID STREET N 50°46'35" W 232.53 FEET TO A POINT: THENCE N 37°21 '25" E 12.27 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 65, AS RELOCATED: THENCE S50°58'53" E359.56 FEET ALONG SAID RIGHT -OF- WAY LINE TO A POINT: THENCE CONTINUING ALONG SAID RIGHT-OF- WAY LINE, ON A CURVE RIGHT, HAVING A RADIUS OF 596.62 FEET, AN ARC DISTANCE OF 63.17 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW1/4 SW1/4) OF SAID SECTION 14: THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE, ON SAID CURVE RIGHT, AN ARC DISTANCE OF 44.58 FEET TO A POINT: THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE S 00°28'55" W A DISTANCE OF 147.22 FEET TO A POINT: THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE S32°04'05" E 71.72 FEET TO A POINT ON THE NORTHERLY LINE OF ROGERS (NOW PATTON) STREET; THENCE S 32°12'45" E 242.83 FEET ALONG SAID RIGHT OF-WAY LINE TO A POINT: THENCE CONTINUING ALONG SAID RIGHT-OF - WAY LINE S 41°18'03" E 171.11 FEET TO A POINT: THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE S 54°54'43" E 211.97 FEET TO A POINT: THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE S 78°27'10" E 74.04 FEET TO A POINT: THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE, S 61°01' E 100.20 FEET TO A

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POINT ON THE WEST LINE OF SE1/4 SW1/4, SECTION 14; THENCE CONTINUING S 61°01' E ALONG SAID RIGHT OF WAY LINE 147.97 FEET TO A POINT ON THE CENTERLINE OF SOUTH FORK OF LITTLE RED RIVER: THENCE S 14°25' W 465.91 FEET ALONG SAID CENTER OF RIVER TO A POINT ON THE NORTH LINE OF NE1/4 NW1/4, SECTION 23: THENCE CONTINUING S 14°25' W ALONG SAID CENTER OF RIVER, 161.16 FEET TO A POINT: THENCE LEAVING SAID RIVER AND RUN N76°07'17" W 795.26 FEET ALONG AN OLD WIRE FENCE, AND ITS PROJECTION, TO A POINT: THENCE N 21°35'49" E 141.40 FEET ALONG AN OLD WIRE FENCE TO A POINT IN SW1/4 SW1/4, SECTION 14: THENCE S 87°54'14" E 203.34 FEET ALONG AN OLD WIRE FENCE TO A POINT IN AFORESAID NW1/4NW1/4, SECTION 23: THENCE N02°19'52" E 1.82 FEET TO THE POINT OF BEGINNING.

**Section 3:**

The following tract of land located in the City of Clinton, Arkansas, is hereby rezoned to Highway Commercial to wit:

PART OF SE ¼ SW ¼ AND SW ¼ SE ¼ SECTION 10, T-11-N, R-14-W, CITY OF CLINTON, VAN BUREN COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS STARTING AT THE ONE-QUARTER CORNER TO SECTIONS 10 AND 15, T-11-N, R-14-W: THENCE WEST ALONG THE SOUTH LINE OF SECTION 10, A DISTANCE OF 661.53 FEET TO A FENCE, THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED: THENCE N 57°47' E ALONG SAID FENCE, A DISTANCE OF 44.00 FEET TO A POINT: THENCE CONTINUING ALONG SAID FENCE, N 57°29' E A DISTANCE OF 167.70 FEET TO A POINT: THENCE CONTINUING ALONG SAID FENCE, N 59°35' E A DISTANCE OF 92.48 FEET TO A POINT: THENCE CONTINUING ALONG SAID FENCE N 64°18' E A DISTANCE OF 169.12 FEET TO A POINT: THENCE CONTINUING ALONG SAID FENCE, N 66°26' E A DISTANCE OF 28.91 FEET TO A POINT: THENCE LEAVING SAID FENCE AND RUN NORTH TO THE SOUTH RIGHT-OF-WAY LINE OF HWY 16 WEST: THENCE EAST ALONG SAID RIGHT-OF-WAY LINE TO THE JUNCTION OF HWY 65 NORTH: THENCE SOUTH ALONG THE WEST RIGHT -OF-WAY LINE HWY 65 TO THE SOUTH LINE, SECTION 10, T-11-N, R-14-W; THENCE WEST ALONG SAID SECTION LINE TO THE POINT OF BEGINNING.

**Section 4:**

The following tract of land located in the City of Clinton, Arkansas, is hereby rezoned to Highway Commercial to wit:

PART of N1/2 NE1/4 SW1/4 SE1/4 Section 10, T-11-N, R-14-W, City of Clinton, Van Buren County, Arkansas, more particularly described AS: Starting at the NE CORNER SW1/4 SE1/4 SECTION 10, T-11-N, R-14-W: THENCE S 88°45'02" W 314.24 feet along the north line of said SW1/4 SE1/4 to a point on the easterly right of way line of original U.S. Highway 65: thence SOUTHERLY along said right of way line, on a curve left, having a radius of 532.96 feet, an arc distance of 40.23 feet, and a chord bearing and distance of S26°56'13" W 40.22 feet, to the POINT of tangency of SAID curve: THENCE

continuing along said right of way line, S 24°46'28" W a distance of 77.39 feet to the point of beginning of the lands herein described, said point being the SW corner of Block 35, City of Clinton: thence leaving said original right of way line, and run N 88°45'02" E along the south line of said Block 35, and along a line 105.00 feet south of (perpendicular) and parallel to aforesaid north line of SW1/4 SE1/4, a distance of 217.92 feet to a point on the westerly right of way line of U.S. Highway 65, as relocated: thence S 22°59' 19" W 133.98 feet along said right of way line to a point; thence continuing along said right of Way line, S 62°12'19" W a distance of 158.33 feet to point on the northerly right of way line of Arkansas Highway 16 West, as relocated: thence N 81°44'18" W 108.23 feet along said right of way line to a point on aforesaid easterly right of way line of Highway 65, original: thence N 24°46'28" E 194.80 feet along said right of way line to the point of beginning, containing 37,835 square feet or 0.869 acres according to the Charles Neal survey, subject to utility easements.

**Section 5:**

The following tract of land located in the City of Clinton, Arkansas, is hereby rezoned to Highway Commercial to wit:

**TRACT 1:**

A TRACT OF LAND CONTAINING APPROXIMATELY 0.64 ACRES IN THE SW1/4 SE1/4 AND 0.56 ACRES IN THE NW1/4 SE1/4 SECTION 10, T-11-N, R-14-W, CLINTON, VAN BUREN COUNTY, ARKANSAS, PARTICULARLY DESCRIBED AS: STARTING AT THE CENTER OF THE SE1/4 SECTION 10, T-11-N, R-14-W, THENCE N89°40' 04"W 32.78 FEET ALONG THE SOUTH LINE OF THE NW1/4 SE1/4 TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF AN 80 FOOT ACCESS ROAD, TRUE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED; THENCE S38°51'32" E 26.90 FEET TO A POINT ON THE NORTHWESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 65; THENCE S61°32'28" W 144.90 FEET ALONG SAID RIGHT OF WAY LINE TO A POINT; THENCE S24°33'01" W 15.82 FEET ALONG SAID RIGHT OF WAY LINE TO A POINT; THENCE N89°40'36"W 217.66 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF OLD HIGHWAY 65; THENCE N26°29' 44" E 77.34 FEET ALONG SAID RIGHT OF WAY LINE TO THE POINT OF CURVATURE OF A CURVE RIGHT, HAVING A RADIUS OF 533.00 FEET, AND A CORD BEARING AND DISTANCE OF N40°29'30" E 259.56 FEET, AN ARC DISTANCE OF 262.20 FEET, TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF AFORESAID 80 FOOT ACCESS ROADWAY; THENCE S38°51'32"E 209.90 FEET ALONG SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING; CONTAINING 1.20 ACRES IN AGGREGATE MORE OR LESS, SUBJECT TO UTILITY EASEMENTS WHERE EXISTING.

**TRACT 2:**

A TRACT OF LAND CONTAINING APPROXIMATELY 0.23 ACRES IN THE NW1/4 SE1/4, AND 1.46 ACRES IN THE NE1/4 SE1/4 SECTION 10, T-11-N, R-14-W, CLINTON, VAN BUREN COUNTY, ARKANSAS, PARTICULARLY DESCRIBED AS: STARTING AT THE CENTER OF THE SE1/4 SECTION 10, T-11-N, R-14-W, THENCE N 01°00'00"E 84.69 FEET ALONG THE EAST LINE OF THE NW1/4 SE1/4 TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF AN 80 FOOT ACCESS ROAD, TRUE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED; THENCE N38°51'32"W 181.10 FEET ALONG SAID RIGHT OF WAY LINE AND ITS PROJECTION, TO A POINT ON AN OLD WIRE FENCE; THENCE N59°33'44"E 12.35 FEET ALONG SAID FENCE TO A POINT; THENCE N78°12'17" E 486.69 FEET

ALONG SAID FENCE AND ITS PROJECTION, TO A POINT IN THE CENTER OF ARCHEY'S FORK OF THE LITTLE RED RIVER; THENCE S09°54'07"E 77.29 FEET ALONG THE CENTER OF ARCHEY'S RIVER, TO A POINT ON THE NORTHWESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 65; THENCE S55°12'28"W 349.25 FEET ALONG SAID RIGHT OF WAY LINE TO THE POINT; THENCE S53°53'28"W 59.89 FEET ALONG SAID RIGHT OF WAY LINE TO A POINT ON THE AFORESAID NORTHEASTERLY RIGHT OF WAY LINE OF AN 80 FOOT ACCESS ROAD; THENCE N38°51'32" W 82.12 FEET ALONG SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING; CONTAINING 1.69 ACRES IN AGGREGATE MORE OR LESS, SUBJECT TO UTILITY EASEMENTS WHERE EXISTING.

**Section 6:**

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

PASSED:

January 20, 2005

Chip Ellis  
Chip Ellis, Mayor

ATTEST:

Merl Eoff  
Merl Eoff, City Clerk

APPROVED AS TO LEGAL FORM:

Brad A. Cazort  
Brad A. Cazort, City Attorney