

ORDINANCE NO. 2018-04A

AN ORDINANCE AMENDING ORDINANCE NO 2017-06A
WITH RESPECT TO THE ZONING CLASSIFICATION OF
A SPECIFIC LAND AREA WITHIN THE CITY OF
CHEROKEE VILLAGE, ARKANSAS; DECLARING AN
EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the Planning Commission for the City of Cherokee Village, Arkansas, has, pursuant to Section 6 of the Cherokee Village Zoning Code, conducted a public hearing upon the requested amendment of the Zoning Map heretofore adopted by the City Council for the City of Cherokee Village, Arkansas with respect to the hereinafter described lands; and

WHEREAS, the Planning Commission for the City of Cherokee Village, Arkansas, has, upon conclusion of the said public hearing, made a finding of fact that the amendment of the Zoning with respect to the hereinafter described lands is consistent with the purposes of the Zoning Code and the Plans adopted by the said Planning Commission; and

WHEREAS, upon the aforesaid finding of fact, the Planning Commission has recommended to the City Council that the Zoning Map be amended with respect to the said lands; and

WHEREAS, the City Council has reviewed the requested zoning change.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR
THE CITY OF CHEROKEE VILLAGE, ARKANSAS:

SECTION 1. The Zoning Map for the City of Cherokee Village, Arkansas be and it is hereby amended for purposes of changing the Zoning Classification from CP-1 to CP-2 as to the following land located at 30 Warpath Drive, West Lake Addition, Block 4, Lot 15 more particularly described 1.52 +/- acre parcel of land lying in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 17, Township 19 North, Range 5 West of the 5th P.M., Sharp County, Cherokee Village, Arkansas, as described in more detail in Exhibit A attached herewith:

SECTION 2: SEVERABILITY. If any part of this ordinance shall be held to be invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of the ordinance.

EMERGENCY CLAUSE: The regulation and preservation of property uses and values in accordance with a comprehensive plan and the continued utilization of lands within the City of Cherokee Village in accordance therewith being necessary for the preservation of the public peace, health, safety and welfare, an emergency is hereby declared, and this Ordinance shall be in full force and effect from and after its passage.

PASSED AND APPROVED BY THE CHEROKEE VILLAGE CITY COUNCIL on

the 15th day of November, 2018.

APPROVED: Russell Stokes, Jr.
Russell Stokes, Jr., Mayor

ATTEST: Deborah Weichinger
Deborah Weichinger, City Clerk

REZONING REQUEST

After careful review and unanimous vote, the Planning & Zoning Commission would like to submit this request on this 5th day of November 2018 for approval by the City Council with the following restrictions:

- All Zoning Codes for the City of Cherokee Village shall apply
- Copy of the official notice of this re-zoned addition will be recorded at the appropriate court house within 30 days of this approval

Location of rezoning district:

30 Warpath Drive, West Lake Addition, Block 4, Lot 15 more particularly described 1.52 +/- acre parcel of land lying in the NE ¼ of the NE ¼ of Section 17, Township 19 North, Range 5 West of the 5th P.M., Sharp County, Cherokee Village, Arkansas.

Description of the rezoning:

From:

CP-1

To:

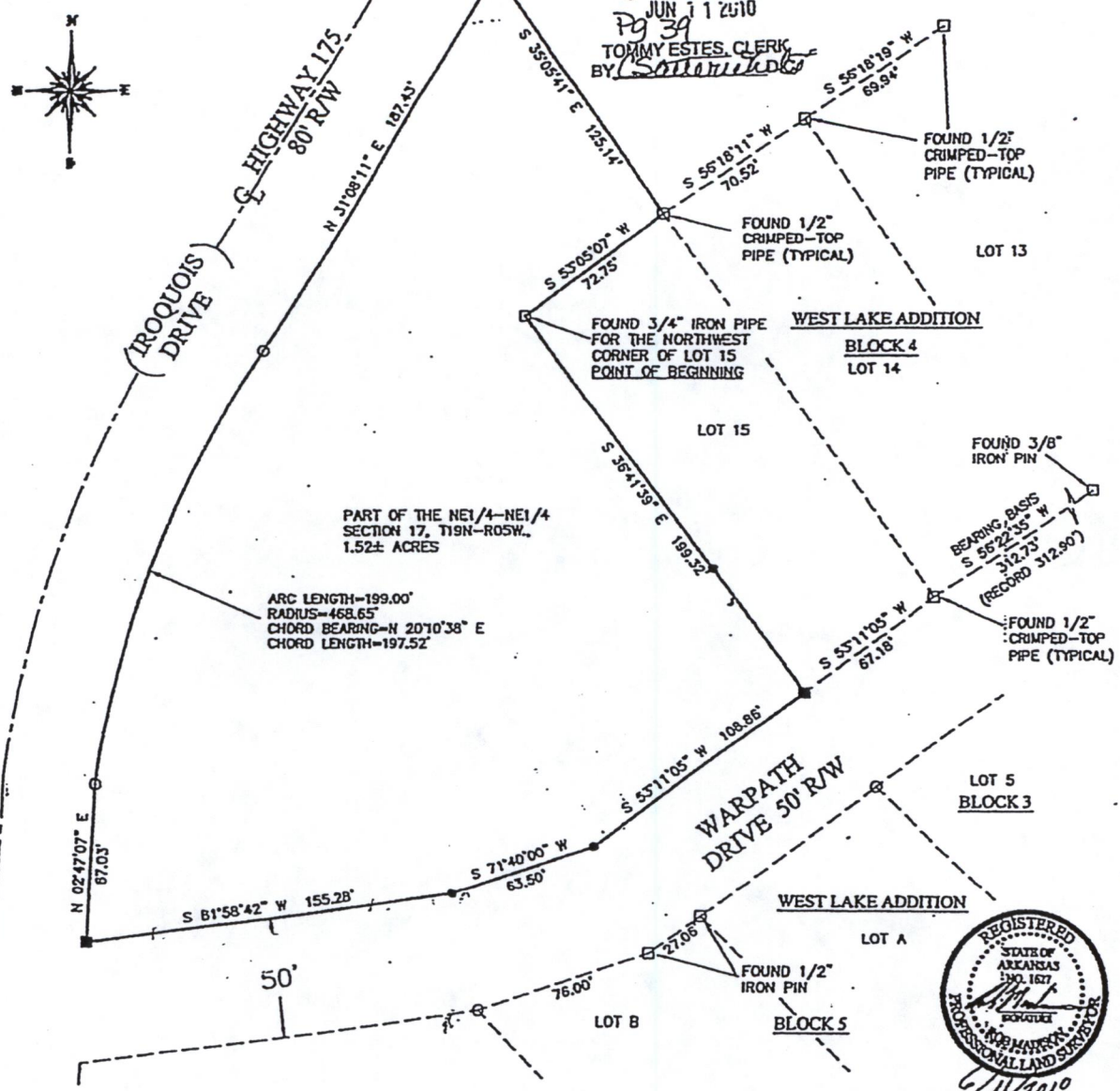
CP-2

Exhibit A

A 1.52 +/- part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 17, Township 19 North, Range 5 West of the 5th P.M., Sharp County, Cherokee Village, Arkansas, more particularly described as follows: Beginning at the NW corner of Lot 15, Block 4 of West Lake Addition to Cherokee Village Subdivision, Sharp County, Cherokee Village, Arkansas (as shown on plat of record in Plat Record Book 3 at page 122 in the office of the Circuit Clerk and Ex-Officio Recorder for Sharp County, Arkansas).

BEARINGS BASED ON RECORD PLAT OF WEST LAKE ADDITION TO CHEROKEE VILLAGE FILED IN BOOK 3, PAGE 122.

FILED
 BK P10
 JUN 11 2010
 Pg 39
 TOMMY ESTES, CLERK
 BY *[Signature]*



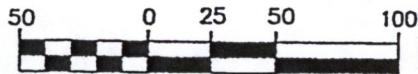
DESCRIPTION

A part of the Northeast Quarter of the Northeast Quarter (NE1/4-NE1/4) of Section 17, Township 19 North, Range 5 West of the 5th Principal Meridian, Sharp County, Arkansas. More particularly described as follows: Beginning at the Northwest corner of Lot 15, Block 4 of West Lake Addition to Cherokee Village, Arkansas as shown on record plat filed in Book 3, Page 122 in the office of the Circuit Court Clerk and Ex-Officio Recorder for Sharp County, Arkansas. Thence along the West line of said Lot 15, South 36 degrees 41 minutes 39 seconds East 199.32 feet to the Northwesterly right of way of Warpath Drive. Thence along said right of way, South 53 degrees 11 minutes 05 seconds West 108.86 feet. Thence South 71 degrees 40 minutes West 63.50 feet. Thence South 81 degrees 58 minutes 42 seconds West 155.28 feet to a point on the East right of way of Arkansas Highway #175, also known as Iroquois Drive. Thence along said right of way, North 02 degrees 47 minutes 07 seconds East 67.03 feet. Thence along a curve to the right 199.00 feet, said curve having a radius of 468.65 feet and a chord bearing North 20 degrees 10 minutes 38 seconds East 197.52 feet. Thence North 31 degrees 08 minutes 11 seconds East 187.43 feet. Thence leaving said Highway South 35 degrees 05 minutes 41 seconds East 125.14 feet to the Northeast corner of said Lot 15, Block 4, West Lake Addition. Thence South 53 degrees 05 minutes 07 seconds West 72.75 feet back to the Point of Beginning. Containing 1.52 acres more or less. Subject to any easements, right of ways, restrictions, and/or covenants which may exist thereon.

LAND SURVEYOR'S CERTIFICATION
 I HEREBY CERTIFY THAT THE HEREON PLATTED AND DESCRIBED SURVEY WAS COMPLETED UNDER MY SUPERVISION ON THE 9TH DAY OF JUNE 2010, AND WAS EXECUTED IN ACCORDANCE WITH THE CURRENT ARKANSAS MINIMUM STANDARDS FOR PROPERTY SURVEYS.

[Signature]

- REFERENCES**
 PLAT BOOK 2, PAGE 530.
 PLAT BOOK 3, PAGE 122.
 PLAT BOOK 3, PAGE 379.
 DEED BOOK 2006, PAGE 219.



1 inch = 50 ft.

SURVEY PLAT

	SURVEY BY: LINDLEY SURVEYING, LLC 2423-B HWY 62/412 HIGHLAND, AR 72542 (870) 856-4141	SURVEY FOR: E.B.W. FARMS, INC. JUNE 9, 2010 JOB NO. 10061424	LOCATION A PART OF THE NE1/4-NE1/4 OF SEC. 17, T19N-R05W., OF THE 5TH P.M. SHARP COUNTY, ARKANSAS.	LEGEND <input type="checkbox"/> FOUND MONUMENT <input checked="" type="checkbox"/> SET 1/2" DIA. REBAR <input checked="" type="checkbox"/> SET 3/8" DIA. REBAR <input type="checkbox"/> COMPUTED POINT
	500-19N-05W-0-17-110-67-1627			

AREAWIDE MEDIA

HIGHWAY 62 EAST
P.O. BOX 248
SALEM, ARKANSAS 72576
870-895-3207
FAX: 870-895-4277

TO: City of Cherokee Village
DATE : October 17, 2018

I, Janie Flynn, do solemnly swear that I am Business Manager of Villager Journal and that the advertisement charged for in the attached invoice was published in said publication as follows:

1st insertion 17th day of October, 2018
2nd insertion _____ day of _____
3rd insertion _____ day of _____
4th insertion _____ day of _____
5th insertion _____ day of _____

The cost of this publication is computed according to established rates and/or state law, whichever is applicable.

TOTAL PRICE \$32.00

Janie Flynn
Business Manager

Subscribed and sworn before me this
17th day of October, 2018

The Cherokee Village Planning & Zoning Commission will have a public meeting on Monday, November 5, 2018 at 1:00 p.m. at City Hall in the courtroom. The purpose of this meeting is to discuss the rezoning from CP-1 to CP-2 / CP-3 at 30 Warpath Drive, West Lake, Block 4, Lot 15, Sharp County, Cherokee Village, Arkansas.

Debra K. Perryman
Notary Public

Notary Public
State of Arkansas
County of Fulton
Debra K. Perryman
My appointment expires June 15, 2021
#12382703

RESIDENTIAL REMOLDING
BUILDING PERMIT APPLICATION
CITY OF CHEROKEE VILLAGE

Permit# 2018-324 ~~AC~~

30 Waypath Drive
Job Address

4 15 West Lake
Block Lot Addition

David + Debbie Gruger 870-257-2336
Owner Phone #

Contractor

Description of Work: Rezoning CP-1 to CP-2 + CP-3

MUST CALL BUILDING INSPECTOR ON START DATE (Initial Remarks.)

Special Conditions: FLOODPLAIN YES NO

NOTICE: All Work Must Be In Accordance with Ordinance 99-3 Valuation of Work \$ N/A Permit Fee \$ 250.00

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE PERMIT ISSUED GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

COUNTY: Sharp or Fulton
Dei 10/3/18
Permit Issued By date

NOTE: EXTENSIONS FOR AN ADDITIONAL ONE HUNDRED EIGHTY (180) DAYS MAY BE GRANTED. SUBSEQUENTLY, IF THE CONSTRUCTION IS NOT COMPLETED YOU WILL BE REQUIRED TO PURCHASE A NEW PERMIT FOR ONE HUNDRED EIGHTY (180) DAYS, ACCOMPANIED BY AN IRREVOCABLE STANDBY LETTER OF CREDIT ISSUED IN FAVOR OF THE CITY OF CHEROKEE VILLAGE FOR 10% OF THE VALUATION OF WORK.
____ (Initial remarks)

NOTICE TO CONTRACTOR/BUILDER: Cherokee Village City Ordinance 2015-01 regulates the dumping of rubbish, including building materials, on public and private property. Contractor/Builder will dispose of all waste material from construction site at a State licensed and Environmental Protection Agency (EPA) approved landfill. Contractor will furnish receipt from landfill to Cherokee Village Building Inspector as evidence of compliance. Failure to comply with this disposal requirement may result in revocation of City Business Permit, Building Permit; and/or fines as per Ordinance 2015-01.

X SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT DATE
Deborah Gruger 10-3-18
SIGNATURE OF OWNER (IF OWNER IS BUILDER) DATE

SIGNATURE OF INSPECTOR INSPECTION DATE

From: David Gruger and Jack

RE: request for rezoning from CP 1 to CP 2 & 3 of 30 Warpath, Cherokee Village Arkansas.

Sir / Madam;

We would like to request for consideration of rezoning the property from its currently zoning of CP-1 to CP-2 and should CP-3 encompass the lower Commercial Property zoning of 1 & 2, then it is requested that the change be to CP-3.

The Property description is as follows;

A part of the Northeast Quarter of the Northeast Quarter (NE1/4-NE1/4) of section 17, township 19 North, Range 5 West of the 5th Principal Meridian, Sharp County, Arkansas. More particularly described as Follows: Beginning at the Northwest corner of Lot15, Block 4 of West lake Addition to Cherokee Village, Arkansas as shown on record plat filed in Book 3, Page 122 in the office of the Circuit Court Clerk and Ex-Officio Recorder for Sharp County, Arkansas. (further in-depth property information can be found on the attached Survey Plat filed June 11, 2010 with the County Clerk.

See copy of property deed.

Also see Corporation Quitclaim Deed filed 6/3/2011 from E.B.W. Farms, Incorporated (C.E Daggett)

This property is 1.52 +/- Acres and as stated is currently zoned as CP-1. We request the change in zoning as to accommodate a Service (gas) and Convenience store to serve the community. When we first purchased this property and built, it was always the intent to put in gas pumps once the business was stable and profitable. As some of you may have heard over the past many months, I have been researching the possibly of many different avenues to make this happen now and I/we are confident that we can make this happen for the community now.

We have provided a copy of the property Deed and Quitclaim Deed releasing any and all restrictions it once had with regards to what would be allowed or not.

Since the existing building will serve and remain, we only wish to complete interior remodeling and updates to support a service / convenience store the only exterior modifications would intel placing of fuel tanks, pumps and associated items. A new entrance would be made on the end of the building facing Lake Thunderbird and of course paving/surface preparation. The fuel stations (pumps) are to be located in the area between the West end of the building (facing lake Thunderbird) and the highway which exact locations will be provided during permitting process as well as interior remodeling.

From the rough pump locations, (as shown on the 'Survey Plat' provided, the pumps are figured to be more than 200' from any homes and only close association would be the highway and Warpath Dr.

As to address the 'Proposed location of buildings, parking, drives, walks, public streets and easements, I would again refer to the 'Survey Plat' provided as it includes this information and rough locations of existing structures and concrete.

Should you have questions, please feel free to contact us and Thank You for your time in this matter.

Debbie Gruger

Amy Torosyan

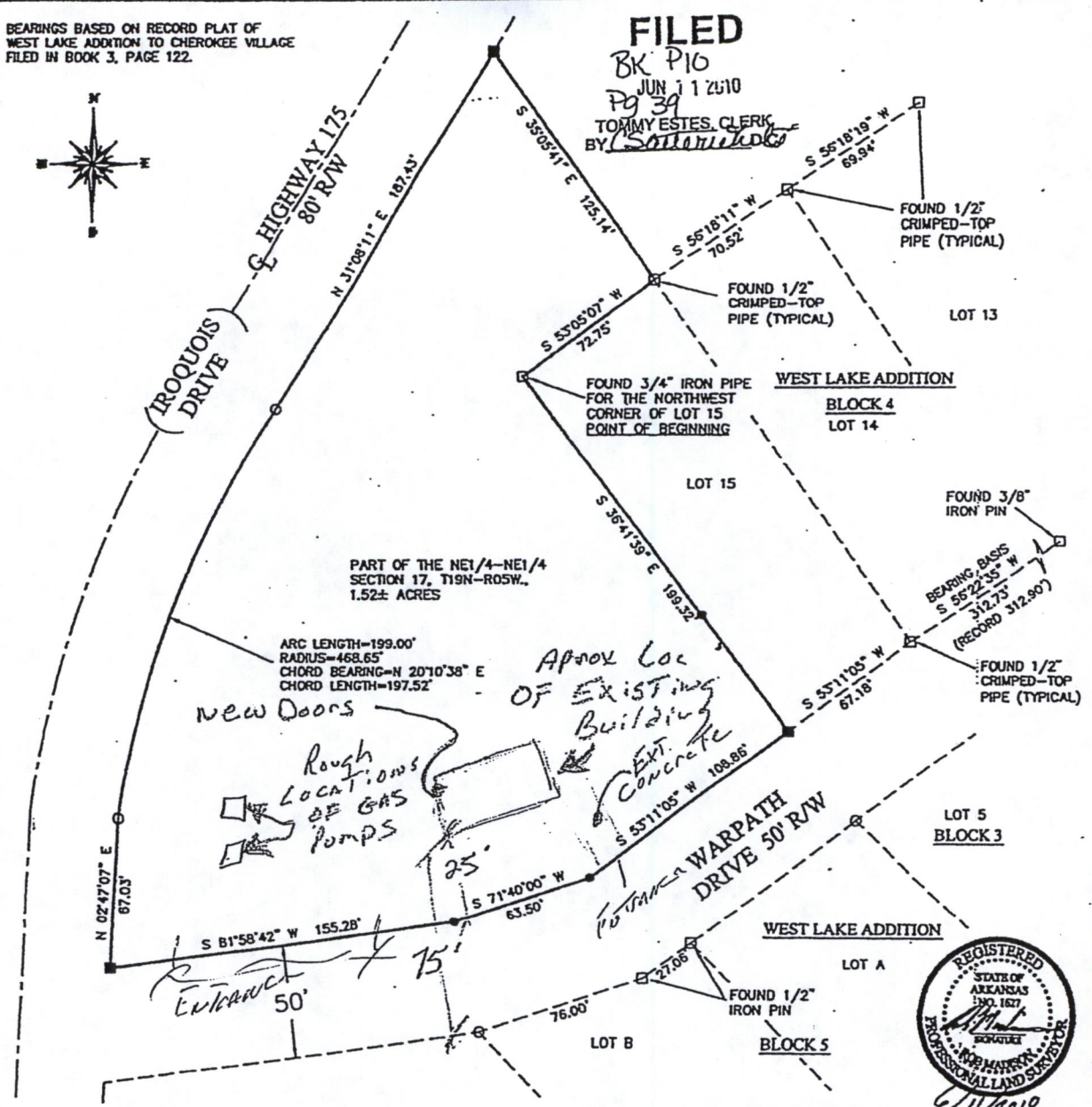
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BK P10
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 Pg 39
 TOMMY ESTES, CLERK
 BY *[Signature]*



Site - Rough - pre permit information



DESCRIPTION

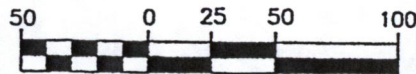
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	500-19N-05W-0-17-110-67-1627			

FOR RECORDING PURPOSES:

Type of Document: Corporation Quitclaim Deed
Grantor: E.B.W. Farms, Incorporated
Grantee: The Eagles Catch, Inc.
Documentary Stamps: (if necessary) \$ _____

PREPARED BY:

Homestead Abstract & Title, Inc.
#6 FM 101 Road / P.O. Box 491
Hardy, Arkansas 72542
Under the supervision of:
Don R. Brown, Attorney at Law

CERTIFICATE OF RECORD
Filed: 6/3/2011 12:25:59 PM
Pages: 2 (07780-07781)
Official Records of
State of Arkansas
Sharp County
Tommy Estes
Circuit Clerk & Recorder

By:  D. C.

CORPORATION QUITCLAIM DEED
TO LANDS IN ARKANSAS

KNOW ALL PERSONS BY THESE PRESENTS:

THAT, E.B.W. , INCORPORATED, a corporation organized under the laws of the State of Arkansas, GRANTOR, by its President, duly authorized by proper resolution of its Board of Directors for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration in hand paid THE EAGLE'S CATCH, INC., GRANTEE, the receipt of which is hereby acknowledged, do hereby convey, sell and quitclaim unto the said THE EAGLE'S CATCH, INC., a corporation organized under the laws of the State of Arkansas, and unto its successors and assigns forever, the following described lands lying and being situated in SHARP County, Arkansas, to-wit:

A part of the Northeast Quarter of the Northeast Quarter (NE¹/₄-NE¹/₄) of Section 17, Township 19 North, Range 5 West of the 5th P.M., Sharp County, Arkansas, more particularly described as follows: Beginning at the NW corner of Lot 15, Block 4 of West Lake Addition to Cherokee Village Subdivision, Sharp County, Arkansas (as shown on plat of record in Plat Record Book 3 at page 122 in the office of the Circuit Clerk and Ex-Officio Recorder for Sharp County, Arkansas);

thence along the West line of said Lot 15, South 36 degrees 41 minutes 39 seconds East 199.32 feet to the Northwesterly right-of-way of Warpath Drive; thence along said right-of-way South 53 degrees 11 minutes 05 seconds West 108.86 feet; thence South 71 degrees 40 minutes West 63.50 feet; thence South 81 degrees 58 minutes 42 seconds West 155.28 feet to a point on the East right-of-way of Arkansas State Highway #175 (also known as Iroquois Drive); thence along said right-of-way North 02 degrees 47 minutes 07 seconds East 67.03 feet; thence along a curve to the right 199.00 feet (said curve having a radius of 468.65 feet and a chord bearing North 20 degrees 10 minutes 38 seconds East 197.52 feet); thence North 31 degrees 08 minutes 11 seconds East 187.43 feet; thence leaving said highway South 35 degrees 05 minutes 41 seconds East 125.14 feet to the NE corner of said Lot 15, Block 4 of West Lake Addition; thence South 53 degrees 05 minutes 07 seconds West 72.75 feet, back to the point of beginning. Being subject to any easements, rights of way, restrictions and/or covenants which may exist thereon. According to a plat in the records of Sharp County, Arkansas, recorded as Plat Record P10-39.

This Space Reserved For
Documentary Stamps

**This Deed is given with the intent of removing and releasing the deed restrictions described in a deed dated June 16, 2010 filed for record in Record Book 2010 at page 8698 with said restrictions forever being held for naught.*

TO HAVE AND TO HOLD the same unto the said THE EAGLE'S CATCH, INC., a corporation organized under the laws of the State of Arkansas, and unto its successors and assigns forever, with all appurtenances and hereditaments thereunto belonging.

And the GRANTOR, for and in consideration of the said sum of money, do hereby release, relinquish and quitclaim unto the said GRANTEE, all right in and to the said lands.

WITNESS our hand and seal on this 2nd day of June, 2011.

E.B.W. FARMS, INCORPORATED

C.E. Daggett
By: C.E. DAGGETT, President and Chairman
of the Board

ACKNOWLEDGMENT

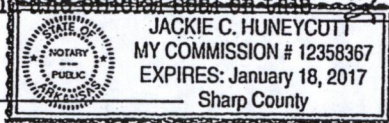
STATE OF ARKANSAS

COUNTY OF SHARP

On this day personally appeared before the undersigned, a Notary Public within and for the County and State aforesaid, duly qualified, commissioned and acting, C.E. DAGGETT, to me well known as (or proven to be) the President and Chairman of E.B.W. FARMS, INCORPORATED in the foregoing document and stated that he had executed the same for the consideration and purposes therein mentioned and set forth.

WITNESS my hand and official seal on this 2 day of June, 2011.

My Commission Expires:



Jackie C. Huneycutt
NOTARY PUBLIC

(SEAL)

*This deed has been prepared without the benefit of title research, no determination as to the merchantability of title has been made and no closing services were provided.

I hereby certify under penalty of false swearing that at least the legally correct amount of Documentary Stamps have been placed on the face of this document.

C.E. Daggett
Grantee or Grantee's Agent

The Eagle's Catch, Inc.
115 East Lakeshore Drive
Cherokee Village, Arkansas 72529

Address of Grantee