

**ORDINANCE NO. 118**

**AN ORDINANCE REZONING CERTAIN LANDS, CONSISTING OF 2.00 ACRES, MORE OR LESS, FROM RURAL RESIDENTIAL DISTRICT (R-R) TO NEIGHBORHOOD COMMERCIAL DISTRICT (B-1) AND THEREBY ADOPTING THE ZONING MAP OF THE CITY OF GOSHEN AS ORIGINALLY APPROVED**



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Kind: ORDINANCE  
Recorded: 12/15/2015 at 12:17:23 PM  
Fee Amt: \$30.00 Page 1 of 4  
Washington County, AR  
Kyle Sylvester Circuit Clerk  
File 2015-00035288

**WHEREAS**, the Planning Commission of the City of Goshen, Washington County, Arkansas, gave notice required by law and set a hearing date of December 15, 2000, for hearing the matter of a petition of Andy Bethell to rezone 2.00 acres from Rural Residential (R-R) to Neighborhood Commercial (B-1); and

**WHEREAS**, after notice required by law, the Goshen Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommended to the City Council that the above-referenced 2.00 acres should be rezoned from Rural Residential (R-R) to Neighborhood Commercial (B-1) in that the purpose of the Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Goshen would suffer irreparable harm and damage and would be substantially deprived of the use of their property; and

**WHEREAS**, the City Council did not take up the matter of rezoning the above-referenced 2.00 acres in a timely manner; and

**WHEREAS**, on June 10, 2003, the City Council, after notice required by law, held a meeting and after hearing arguments for and against, voted to approve and adopt a zoning map prepared by Northwest Arkansas Regional Planning, which zoning map showed the above-referenced 2.00 acres as being zoned Neighborhood Commercial (B-1); and

**WHEREAS**, the property owners of the above-referenced 2.00 acres have expressed concern over the inconsistency between Goshen's ordinances concerning the zoning of their land and Goshen's zoning map; and

**WHEREAS**, the legal description of the property shown as Neighborhood Commercial (B-1) on Goshen's zoning map, which was implicitly rezoned upon the approval and adoption of the said zoning map by the City Council, is as follows:

Tract 1: A part of the NE1/4 of the NE1/4 of Section 36, Township 17 North, Range 29 West, Washington County, Goshen, Arkansas, being more particularly described as follows: Commencing at the NE corner of said Section 36, thence S 2° 16' 26" W 464.81 feet along the East line of said NE1/4 of the NE1/4, thence West 109.04 feet to the Point of Beginning; thence S 49° 25' 44" W 334.54 feet along the northwesterly boundaries of Lots 19 & 20 of Bordeaux Village Subdivision; thence N 39° 28' 41" W 272.98 feet along the northeasterly boundary of Lot 21, Bordeaux Village Subdivision; thence along the right-of-way of Arkansas Hwy. 45 as follows: N 50° 06' 17" E 286.60 feet, S 39° 17' 55" E 50.36 feet, and N 50° 42' 05" E 37.98 feet; thence leaving said right-of-way S 42° 07' 05" E 218.44 feet to the Point of Beginning, containing 2.00 acres, more or less. Also known as Tract A of Pomerol Place, an unrecorded commercial subdivision to the City of Goshen, Arkansas.

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

**SECTION 1:** That Ordinance No. 35, the Amendments thereto, including Ordinance No. 115, and the Zoning Map adopted thereby pertaining thereto of the City of Goshen, Arkansas, should be and the same is hereby affirmed with regard to the rezoning of the above-described property from Rural Residential (R-R) to Neighborhood Commercial District (B-1).

**SECTION 2:** That all ordinances and parts of ordinances in conflict herewith are hereby repealed.


PASSED AND APPROVED this 13th day of October, 2015.

  
\_\_\_\_\_  
Joe Benson, Mayor

ATTEST:

  
\_\_\_\_\_  
Sharon Baggett, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Charles L. Harwell, City Attorney

**ROLL CALL VOTE ADOPTING THE ORDINANCE:**

Names Of Those Voting YEA

Brian Buell  
Max Poye  
Lanny Samuels  
Dick Seddon

Names Of Those Voting NAY

Names of Those Abstaining

Andy Bethell

Absent

Paula Anderson

CERTIFICATION

I, Sharon Baggett, certify that I am the Recorder for the City of Goshen; that I am the person authorized to certify documents from the official records of the City of Goshen; that on October 13, 2015 at the regularly scheduled meeting of the City Council of Goshen, the attached Ordinance No. 118 was presented as required by statute; that the ordinance was adopted on October 13, 2015 by motion made and duly seconded, by a vote of four alderman in favor, with one abstention and one absent, as duly noted at the end of the ordinance; and that subsequently the ordinance was posted in five public places within the City of Goshen, consistent with the ordinances of the City of Goshen and state law; and therefore is, by law, considered effective; and that said ordinance having properly adopted and now effective, is officially part of the records of the City of Goshen.

This certification is executed this 17<sup>th</sup> of November, 2015 in my official capacity as Recorder of the City of Goshen.

WITNESS MY HAND AND SEAL ON THE DATE HEREINABOVE STATED.

  
\_\_\_\_\_  
Sharon Baggett, Recorder



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**WHEREAS**, after notice required by law, the Goshen Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommended to the City Council that the above-referenced 2.00 acres should be rezoned from Rural Residential (R-R) to Neighborhood Commercial (B-1) in that the purpose of the Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Goshen would suffer irreparable harm and damage and would be substantially deprived of the use of their property; and

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