ORDINANCE NO. 2024-03

AN ORDINANCE TO APPROVE A VARIANCE TO THE ZONING MAP OF ZONING ORDINANCE NO. 142

Whereas, The Mulberry Planning Commission held a public hearing May 14, 2024 to Study the request for a variance to zoning by TRW, LLC – Russ Workman and

Whereas, The Mulberry Planning Commission has recommended to the Mulberry City Council to approve and adopt a variance to Zoning Ordinance No. 142.

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

SECTION 1: That a variance to Ordinance No. 142 be granted allowing the real property described below to be rezoned from Single Family Residential – R1 to General Commercial– C-2.

Part of the South Half of the Northeast Quarter, part of the Northwest Quarter of the Southeast Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 23, township 10 North, Range 29 West, Crawford County, Arkansas being more particularly described as follows:

Beginning at an existing rebar marking the Southwest Corner of the Southeast Quarter of the Northwest Quarter. Thence along the West line of said Forty, North 02 degrees 48 minutes 54 seconds East, 559.20 feet to an existing nail. Thence leaving said West line, South 87 degrees 44 minutes 18 seconds East, 329.92 feet to an existing fence post. Thence North 02 degrees 47 minutes 36 seconds East, 595.01 feet to an existing rebar on the South right of way line of interstate 40. Thence along said right of way line the following bearings and distances: South 59 degrees 49 minutes 57 seconds East, 32.64 feet. South 89 degrees 37 minutes 14 seconds East, 101.61 feet to a set rebar with cap. North 66 degrees 52 minutes 41 seconds East, 220.92 feet to an existing right of way marker. South 86 degrees 00 minutes 20 seconds East, 352.38 feet to an existing right of way marker. South 86 degrees 37 minutes 20 seconds East, 347.43 feet to an existing right of way marker. South 76 degrees 23 minutes 36 seconds East, 196.52 feet to an existing right of way marker. South 62 degrees 13 minutes 23 seconds East, 212.32 feet to an existing right of way marker. South 55 degrees 04 minutes 29 seconds East, 471.36 feet to an existing right of way marker. South 52 degrees 09 minutes 17 seconds East, 68.25

feet to an existing right of way marker. South 65 degrees 48 minutes 57 seconds East, 168.92 feet to an existing right of way marker. South 67 degrees 27 minutes 15 seconds East, 106.76 feet to an existing right of way marker. South 55 degrees 01 minutes 51 seconds East, 153.46 feet to an existing right of way marker. South 08 degrees 12 minutes 43 seconds East, 113.86 feet to an existing right of way marker. Thence leaving said right of way line, South 73 degrees 42 minutes 39 seconds East, 39.56 feet to an existing p/k nail on the center line of Arkansas Highway 215. Thence along said centerline, South 20 degrees 41 minutes 04 seconds West, 48.96 feet to the East line of the Southwest Quarter of the Northeast Quarter. Thence leaving said centerline and along the East line of said Forty, South 03 degrees 13 minutes 59 seconds West, 453.04 feet to tan existing stone marking the Southeast Corner of the Southeast Quarter of the Northwest Quarter. Thence along the South line of said Forty, North 87 degrees 57 minutes 25 seconds West, 380.66 feet to an existing p/k nail on the centerline of Arkansas Highway 215. Thence leaving said South line and along said centerline the following bearings and distances: Around a curve to the right having a radius of 808.07 feet, and subtended by a chord bearing and distance of South 60 degrees 18 minutes 42 seconds West, 136.31 feet. South 65 degrees 09 minutes and 00 seconds West, 141.57 feet. Around a curve to the right having a radius of 1,383.83 feet, and subtended by a chord bearing and distance of South 71 degrees 23 minutes 33 seconds West, 300.95 feet. South 77 degrees 38 minutes 07 seconds West, 185.70 feet. Around a curve to the left having a radius of 300.18 feet, and subtended by a chord bearing and distance of South 72 degrees 33 minutes 36 seconds West, 53.11 feet. South 67 degrees 29 minutes 04 seconds West, 25.39 feet. Around a curve to the left having a radius of 263.90 feet, and subtended by a chord bearing and distance of South 52 degrees 30 minutes 30 seconds West, 136.39 feet to a set p/k nail. Thence leaving said centerline, North 02 degrees 45 minutes 04 seconds East, 403.19 feet to the South line of the Southwest Quarter of the Northeast Quarter. Thence along the South line of said Forty, North 87 degrees 57 minutes 25 seconds West, 52.50 feet to an existing post marking the Southeast Corner of the Southeast Quarter of the Northwest Quarter. Thence along the South line of said Forty, North 87 degrees 40 minutes 39 seconds West, 1,318.89 feet to the Point of Beginning, containing 64.47 acres and subject to Road and Highway Rights of Way and any Easements of Record.

SECTION 2: That all Ordinances or parts of ordinances in conflict herewith are hereby repealed.

PASSED AND APPROVED THIS 14 **Day of** May, 2024.

Approved: _____

Gary D. Baxter, Mayor

ATTEST: Carla Dickerson

Carla Dickerson, Recorder-Treasurer