

FILED FOR RECORD
2002 OCT 24 AM 11:02
WASHINGTON CO., AR.
B. STAMPS

ORDINANCE NO. 20

**AN ORDINANCE APPROVING A NEW PLANNING AREA MAP: TO
DECLARE AN EMERGENCY AND FOR OTHER PURPOSES**

WHEREAS, Arkansas' municipal planning statutes require planning commissions to prepare a planning area map and description, designating the area within the City's territorial jurisdiction for which they will make studies and prepare plans, ordinances, and regulations; and

WHEREAS, changing corporate and territorial jurisdiction boundaries have necessitated the consideration of a new planning area map and description; and

WHEREAS, the lawsuit, *Andy Bethell, et al. v. Town of Goshen, AR, et al.*, Case No. CV-02-621, in the Circuit Court of Washington County, Arkansas has resulted in an agreed order to be entered by the Circuit Court of Washington County on October 9, 2002, which order invalidates all zoning ordinances, subdivision restrictions, lot size restrictions, building code restrictions and building permit requirements and fees; and that the Court's order creates a need to address the planning issues of the City of Goshen in an expedited manner, thereby creating an emergency; and,

WHEREAS, after due notice, as required by law, and conduct of public hearings on October 1st and October 8th, the Goshen Planning Commission has approved a new planning area map and description; and

WHEREAS, it is the desire of the Mayor and City Council that said new planning area be formally approved by ordinance, thus replacing former such designations.

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

SECTION 1. That the "City of Goshen Planning Area Boundary Map," which is attached hereto and made a part hereof, and the description thereof, which follows, both of which have been approved by the Goshen Planning Commission, be and are hereby approved and adopted: Beginning at the NW corner of the SW SW of S15, T17N, R29W; thence south to the SW corner of S34, T17N, R29W; thence east to the NW corner of S4, T16N, R29W; thence south to the Fayetteville city limit line; thence in a generally southeasterly direction along said city limit line to the western boundary line of S23, T16N, R29W; thence north to the NW corner of said S23; thence east to the Madison County line; thence northerly along the county line to the north boundary line of S13, T17N, R28W; thence west to a point on the western shoreline of the Brush Creek Reach of Beaver Lake; thence northwesterly along said shoreline to a point on the eastern shoreline of the White River Reach of Beaver Lake; thence southerly and westerly along the Beaver Lake shoreline to the NE corner of the SE SW of S15, T17N, R29W; thence west to the P.O.B.

2002160132

SECTION 2. That all ordinances and parts of ordinances in conflict herewith be, and are hereby repealed.

SECTION 3. That a duly certified copy of this ordinance shall be forwarded to the cities of Fayetteville, Springdale, and Elkins, and to the Washington County Planning Office, and shall be filed of record in the Washington County Circuit Clerk's Office.

SECTION 4. EMERGENCY CLAUSE: It is hereby declared that based on the conditions set forth herein, an emergency exists and this Ordinance, being necessary for the immediate protection of the health, safety, and welfare of the citizens of Goshen, Arkansas, shall be in effect immediately upon its passage, approval, and publication.

PASSED AND APPROVED THIS 8th DAY OF OCTOBER, 2002.

Euel E Bowler
Mayor

ATTEST:

Sharon D. Baggett
City Recorder

APPROVED AS TO FORM:

Charles Harwell
Charles Harwell, City Attorney

ROLL CALL

Names Of Those Voting YEA

James Boyd

Jim Northup

Max Poye

Fred Wizer

Names Of Those Voting NAY

Andy Bethell

2002160133

ORDINANCE NO. 20

**AN ORDINANCE APPROVING A NEW PLANNING AREA MAP: TO
DECLARE AN EMERGENCY AND FOR OTHER PURPOSES**

WHEREAS, Arkansas' municipal planning statutes require planning commissions to prepare a planning area map and description, designating the area within the City's territorial jurisdiction for which they will make studies and prepare plans, ordinances, and regulations; and

WHEREAS, changing corporate and territorial jurisdiction boundaries have necessitated the consideration of a new planning area map and description; and

WHEREAS, the lawsuit, *Andy Bethell, et al. v. Town of Goshen, AR, et al.*, Case No. CV-02-621, in the Circuit Court of Washington County, Arkansas has resulted in an agreed order to be entered by the Circuit Court of Washington County on October 9, 2002, which order invalidates all zoning ordinances, subdivision restrictions, lot size restrictions, building code restrictions and building permit requirements and fees; and that the Court's order creates a need to address the planning issues of the City of Goshen in an expedited manner, thereby creating an emergency; and,

WHEREAS, after due notice, as required by law, and conduct of public hearings on October 1st and October 8th, the Goshen Planning Commission has approved a new planning area map and description; and

WHEREAS, it is the desire of the Mayor and City Council that said new planning area be formally approved by ordinance, thus replacing former such designations.

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

SECTION 1. That the "City of Goshen Planning Area Boundary Map," which is attached hereto and made a part hereof, and the description thereof, which follows, both of which have been approved by the Goshen Planning Commission, be and are hereby approved and adopted: Beginning at the NW corner of the SW SW of S15, T17N, R29W; thence south to the SW corner of S34, T17N, R29W; thence east to the NW corner of S4, T16N, R29W; thence south to the Fayetteville city limit line; thence in a generally southeasterly direction along said city limit line to the western boundary line of S23, T16N, R29W; thence north to the NW corner of said S23; thence east to the Madison County line; thence northerly along the county line to the north boundary line of S13, T17N, R28W; thence west to a point on the western shoreline of the Brush Creek Reach of Beaver Lake; thence northwesterly along said shoreline to a point on the eastern shoreline of the White River Reach of Beaver Lake; thence southerly and westerly along the Beaver Lake shoreline to the NE corner of the SE SW of S15, T17N, R29W; thence west to the P.O.B.

SECTION 2. That all ordinances and parts of ordinances in conflict herewith be, and are hereby repealed.

SECTION 3. That a duly certified copy of this ordinance shall be forwarded to the cities of Fayetteville, Springdale, and Elkins, and to the Washington County Planning Office, and shall be filed of record in the Washington County Circuit Clerk's Office.

SECTION 4. EMERGENCY CLAUSE: It is hereby declared that based on the conditions set forth herein, an emergency exists and this Ordinance, being necessary for the immediate protection of the health, safety, and welfare of the citizens of Goshen, Arkansas, shall be in effect immediately upon its passage, approval, and publication.

PASSED AND APPROVED THIS 8th DAY OF OCTOBER, 2002.

Evel E Bowser

Mayor

ATTEST:

Sharon D. Baggett
City Recorder

APPROVED AS TO FORM:

Charles Harwell
Charles Harwell, City Attorney

ROLL CALL

Names Of Those Voting YEA

James Boyd

Jim Northup

Max Poye

Fred Wizer

Names Of Those Voting NAY

Andy Bethell

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 8, 2002, at the regularly scheduled meeting of the City Council of Goshen, the attached Ordinance No. 20 was first read as required by statute; that the second and third reading was, by separate motion, adopted by a vote of four alderman in favor, with one opposed, waived on October 8, 2002; that the ordinance was adopted on October 8, 2002 by motion made and duly seconded, by a vote of four alderman in favor, with one opposed; and that upon separate motion made, seconded and passed by vote of four alderman in favor and one opposed, on October 8, 2002, the emergency clause was adopted; that subsequently, the ordinance was posted in five public places within the City of Goshen 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 20th day of October, 2002, in my official capacity as Recorder of the City of Goshen.

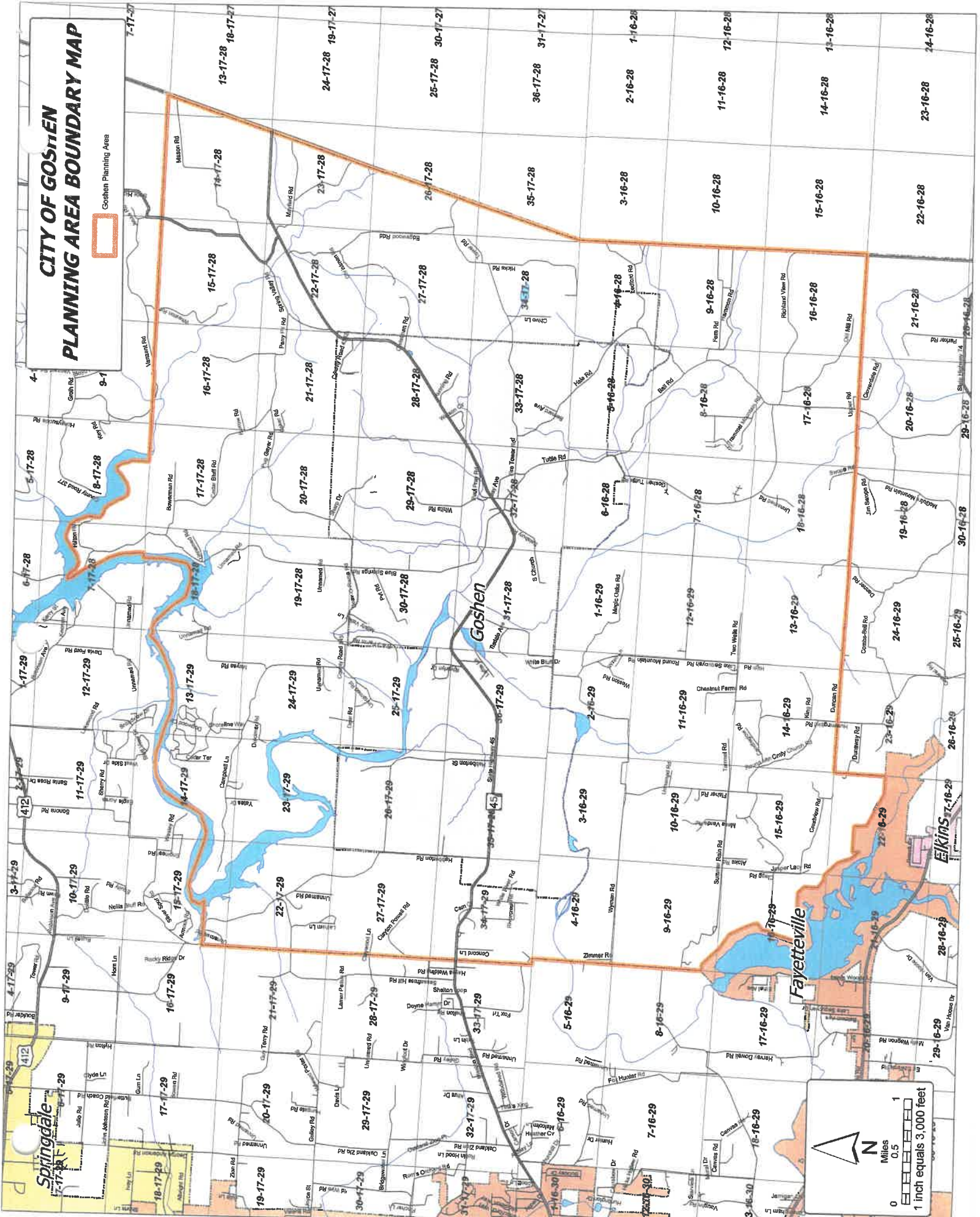
WITNESS MY HAND ON THE DATE HEREINABOVE STATED.


Sharon Baggett

2002160134

CITY OF GOSHEN PLANNING AREA BOUNDARY MAP

Goshen Planning Area



Oct. 2002 Ord# 20 Filed (2002160135)