

AN ORDINANCE TO AMEND THE LEGAL DESCRIPTION CONTAINED IN ORDINANCE NO. 131 ANNEXING PROPERTY TO THE CITY OF BARLING LYING IN A GENERALLY EASTERLY DIRECTION OF BARLING, ARKANSAS, AND FOR OTHER PURPOSES.

WHEREAS, on the 9th day of September, 1981, pursuant to Ordinance No. 131 a special election was held for the purpose of annexing contiguous lands to the City of Barling whose description encompassed property generally described as being bound on the west by the then easternmost city limits of the City of Barling, Arkansas, on the north by the Arkansas river, on the east by the City of Central city limits and Highway 22 on the south, and;

WHEREAS, the legal description given in the ordinance and on the ballot was incorrect in that the description stated that the sections being annexed were part of range 30 west, when in fact it was the intention and belief of all parties and persons concerned to annex property in range 31 west, and;

WHEREAS, the publicity including radio, newspaper and television described the property pursuant to its proper general description stated hereinabove indicating the same as being contiguous to the City of Barling, Arkansas, and;

WHEREAS, law would only allow under the statutes under which Ordinance No. 131 was enacted to annex contiguous properties and the property described in range 31 is not contiguous to the City of Barling, Arkansas and accordingly could not by law be annexed at this time, and;

WHEREAS, no person has been prejudiced or caused to suffer any loss or damage due to the inaccurate description as of this time, and;

WHEREAS, the actual specific legal description stating the boundries given in the ordinance and ballot is precisely correct with the one exception of the reference to range 30 west as opposed to range 31 west, and;

WHEREAS, a map was filed with both the secretary of state and county clerk's office showing that the property annexed was within range 31 west as more specifically and properly set out hereinbelow, said map being attached and made a part hereof identified as Exhibit "A", and;

WHEREAS, all persons concerned and interested believed the property being voted upon for annexation was the property described upon said map lying within range 31 west, and;

WHEREAS, the inclusion in the legal description of range 30 west as opposed to range 31 is a typographical or scribe's error and should be corrected for future reference, and;

WHEREAS, no persons or other entities objected within thirty (30) days following the filing of the description and map with the county clerk as to the annexation and all interested persons and parties understood that the property being annexed was in fact contiguous to the City of Barling, Arkansas and therefore must lie within range 31 west, but in order to avoid future confusion as to the exact location of the annexed property the Board of Directors should file and pass this amended ordinance setting out on the record the accurate legal description.

IT IS, THEREFORE, HEREBY, ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF BARLING, ARKANSAS, THAT:

SECTION 1; The correct legal description of the property annexed by the City of Barling, Arkansas pursuant to its election on the 9th day of September, 1981 is described as follows:

Part of Sections 1, 2, and 3 of T-7-N, and part of Sections 25, 26, 27, 34, 35, and 36 of T-8-N, all in R-31-W, Sebastian County, Arkansas, and more particularly described as follows:

Beginning at the intersection of the centerline of Arkansas Highway 22 and the West line of Section 3, T-7-N, R-31-W; thence North along the West lines of Section 3, T-7-N, and Sections 27 and 34, T-8-N, to a point on the high water line and the right bank of the Arkansas River, which is marked by Ft. Chaffee Military Reservation Monument No. 156; thence Easterly along the said high water line of the Arkansas River to its intersection with the Range line between R-30-W and R-31-W, which is marked by Military Reservation Monument No. 148; thence South along said Range line to its intersection with the South right of way line of the Missouri Pacific Railroad; thence Southwesterly along said South right of way line of the Missouri Pacific Railroad to Military Reservation Monument No. 141; thence South 00°03' West to the centerline of said Arkansas Highway 22; thence Westerly along said centerline to the point of beginning.

SECTION 2: That attached to and made a part of this amendatory ordinance is a map of the said annexed area identified as Exhibit "B", and the same shall be filed with both the Secretary of State and Sebastian County Clerk.

SECTION 3: That all other parts, sections and provisions of the original Ordinance No. 131 shall remain in full force and effect and this amendatory ordinance shall be published to verify and confirm the proper legal description of the property which has in fact been annexed by the city and alleviate possible future confusion as to the proper boundaries of the said annexed property.

Passed this 16th day of February, 1982.

Jerry Barling
MAYOR

Attest:

Paula Lopez
City Clerk