

ORDINANCE NO. 305

**AN ORDINANCE CALLING FOR THE SIMULTANEOUS DETACHMENT
OF LANDS FROM THE CITY OF FORT SMITH AND ANNEXATION OF THE
SAID LANDS TO THE CITY OF BARLING**

**BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY
OF BARLING, ARKANSAS, THAT:**

Section 1: Pursuant to the procedures authorized by A.C.A. § 14-40-2101 (Supp. 1999), the City of Barling hereby proposes the simultaneous detachment of the hereinafter described real property from the City of Fort Smith, Arkansas, and annexation of the said property into the City of Barling, Arkansas, pursuant to the proposed Ordinance simultaneous presented to the City of Fort Smith with this Ordinance.

Section 2: The real property to be detached and annexed is located in the County of Sebastian and the State of Arkansas and is more particularly described as follows, to wit:

Those portions of the real property described in Fort Smith Ordinances 38-01 and 57-01 that lie within the hereinafter stated legal description for the City of Barling, Arkansas, to wit:

Legal Description – Barling

All of Sections 33, 34, and 35 and part of Sections 25, 26, 27, 28, 32, 36 in Township 8 North, Range 31 West and part of Sections 1, 2, 3, 4, and 5 in Township 7 North, Range 31 West, Sebastian County, Arkansas, more particularly described as follows:

Beginning at the centerline intersection of Arkansas State Highway 255 and the west line of Lot 2, Fractional NE/4 of Section 5, Township 7 North, Range 31 West; thence Northerly along said west line of Lot 2, Fractional NE/4 of Section 5 to the Northwest corner of said Lot 2, Fractional NE/4; thence Easterly along the north line of said Section 5, Township 7 North, Range 31 West to the South quarter corner of Section 32, Township 8 North, Range 31 West; thence Northerly along the west line of the E/2 of said Section 32 to the North quarter of said Section 32; thence Easterly along the north line to the Northeast corner of said Section 32, also being the Northwest corner of Section 33; thence Easterly along the north line of said Section 33 to the North quarter corner of said Section 33; thence Northerly along the west line of the SE/4 of said Section 28 to the center of said Section 28; thence continuing Northerly along the west line of said NE/4, 2800', more or less, to the centerline of the Arkansas River, also being the County line between Sebastian and Crawford Counties; thence Southeasterly along the centerline of the Arkansas River and said county line in a Southeasterly direction 2720', more or less, to the east line of said Section 28, which is also the west line of Ft. Chaffee Military Reservation; thence Southerly along the east line of said Section 28 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 Number 156; thence Easterly along said high water line of the Arkansas River to its intersection with the Range line between Range 30 West and Range 31 West, which is marked by Military Reservation Monument Number 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 South right-of-way line of the Missouri Pacific Railroad to Military Reservation Monument Number 141; thence Southerly to Military Reservation Monument Number 139 on the south right-of-way line of Arkansas State Highway 22; thence Northeasterly along said right-of-way line to Military Reservation Monument Number 138; thence Southerly to Military Reservation Monument Number 137, being the Northwest corner of the NE/4, SW/4 of Section 1, Township 7 North, Range 31 West; thence Easterly along the north line of said NE/4, SW/4 to the center of Section 1; thence Southerly to the South quarter corner of said Section 1; thence Southerly along the east line of the W/2 of

said Section 12 to the centerline intersection of Fort Smith Boulevard; thence along said centerline of said Fort Smith Boulevard the next (9) courses: N 62°08'50"W 306.34'; N 75°08'03"W 468.75'; N 87°53'30"W 1726.06'; N 86°48'55"W 2782.39'; N 86°14'33"W 1170.33'; N 69°48'14"W 1085.57'; N 55°56'30"W 1541.29'; N 67°37'41"W 237.70'; N 77°19'04"W 334.69' to the west line of 1st Avenue thence along the said west line of 1st Avenue the next (4) courses: N 12°13'23"E 557.43'; N 16°03'11"E 408.26'; N 20°42'15"E 397.01'; N 20°34'33"E 766.57'; to the intersection with the centerline of 6th Street; thence N 69°16'26"W along said centerline of 6th Street 1231.51'; thence N 69°22'31"W continuing along said centerline of 6th Street, 1068.48' to the centerline intersection of 4th Avenue; thence N 20°45'32"E along said centerline of 4th Avenue, 821.59' to the centerline intersection of 3rd Street, thence N 69°24'18"W along the centerline of 3rd Street extended, 1438.82'; thence N 21°30'41"E 1260.53' to the Southeasterly line of proposed I-49 right-of-way line; thence along said Southeasterly right-of-way the next (4) courses: S 87°41'18"W 338.97'; N 88°10'45"W 782.65'; S 67°24'22"W 663.54'; S 58°50'08"W 1640.42'; thence N 31°10'19"W 410.10' to the Northwesterly line of proposed I-49 right-of-way; thence along said Northwesterly right-of-way the next (3) courses: S 58°50'10"W 1313.51'; S 66°26'42"W 335.86'; S 58°07'19"W 1220.83' to a point on the north line of the SW/4, SW/4 of Section 4; thence N 87°20'08"W along the north line of said SW/4, SW/4, Section 4, 1284.53' to the Northwest corner of said SW/4, SW/4 Section 4, also being the Northeast corner of the S/2, SE/4, Section 5; thence N 86°05'18"W along the north line of the S/2, SE/4, Section 5, 2043.59' to the centerline intersection of Chad Colley Boulevard; thence along the centerline of Chad Colley Boulevard the next (6) chord bearings and distances: N 50°26'29"E 863.71'; N 50°26'25"E 499.94'; N 46°46'22"E 500.21'; N 32°56'09"E 499.94'; N 18°41'43"E 500.04'; N 14°19'52"E 499.98' to the centerline intersection with Fort Smith Boulevard; thence generally along the centerline of said Fort Smith Boulevard the next (5) courses: N 60°31'02"W 356.71'; N 60°30'31"W 832.46'; N 61°56'38"W 221.23'; N 69°51'47"W 205.48'; N 76°54'34"W 270.43' to the centerline intersection with Arkansas State Highway 255; thence S 87°43'25"W along said centerline of Arkansas State Highway 255, 746.30' to the Point of Beginning on the west line of Lot 2, Fractional NE/4 of said Section 5.

Note of Clarification

It is the intent of this legal description to describe the city limits of the City of Barling, Arkansas after agreement with the City of Fort Smith, Arkansas, concerning the disposition of certain properties in the Fort Chaffee Military Reservation. The common boundary line was surveyed in the field and monumented. A copy of the common boundary line survey is on file at the Sebastian County Courthouse. It is the intent of the common boundary line to follow along the centerline of the right-of-way of Chad Colley Boulevard and the centerline of portions of the existing Fort Smith Boulevard. In describing these centerlines, chord bearings and distances were used along curves in the right-of-way and centerline. These chord bearings and distances will yield to the actual centerline location along the curves.

The east, north, and west lines of this description are intended to coincide and follow the boundary descriptions found in the various annexation ordinances passed by the City of Barling (including Ordinance #54, 92, 131, 134, 140, 202, and 203). Exhibit 1 is attached and made part of this description of clarification.

Other than the survey performed to establish monument and describe the common boundary line between the Cities of Fort Smith and Barling no boundary survey work was performed in developing this legal description. References made to monuments were used as they were presented in the various ordinances described above.

Section 3: Generally, the reasons for the proposed detachment and annexation are the reasons which support the City of Barling and City of Fort Smith Agreement to Adjust Municipal Boundaries, Provide Municipal Services, and Related Issues executed by the cities on August 14, 2002. Those reasons include the desire of the two cities to efficiently develop the property released from

military control and to end litigation concerning municipal jurisdiction over the released property.

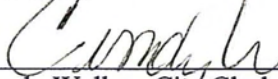
Section 4. The Board of Directors of the City of Fort Smith is hereby respectfully requested to conduct a public hearing and subsequently consider the detachment of the real property described in Section 2 above pursuant to the proposed Ordinance and A.C.A. § 14-40-2101 (Supp. 1999).

Section 5. The City Clerk is authorized and directed to prepare and deliver to the Mayor two (2) certified copies of this Ordinance. The Mayor is authorized and directed to serve one certified copy of this Ordinance on the Mayor of the City of Fort Smith, Arkansas, and to file one certified copy of this Ordinance hereto with the City Clerk of Fort Smith, Arkansas.

Section 6: Emergency Clause. It is hereby found and determined that an emergency exists relative to the completion of the annexation agreement of the City of Barling and the City of Fort Smith as contained in the Agreement to Adjust Municipal Boundaries, Provide Municipal Services, and Related Issues executed by the cities on August 14, 2002. The need to insure a smooth transition of the subject real property from one jurisdiction to the other is necessary to protect the health, safety and welfare of the citizens of Barling. Pursuant to this determination of an emergency, this Ordinance shall be in full force and effect from and after the date of its adoption.

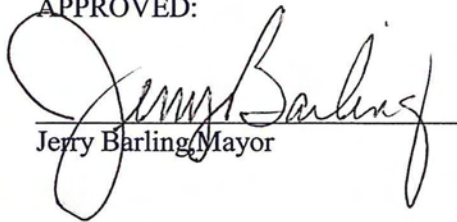
This Ordinance adopted this 8th day of July 2003..

ATTEST:


Cindy Walker, City Clerk



APPROVED:


Jerry Barling Mayor