

ORDINANCE NO. 102

**AN ORDINANCE TO ESTABLISH AND APPROVE A
PLANNING AREA BOUNDARY DESCRIPTION AND MAP;
TO REPEAL ORDINANCE 20 AND FOR OTHER PURPOSES**

WHEREAS, Arkansas' municipal planning statutes, specifically Ark. Code Ann §14-56-412, require planning commissions to prepare a planning area map and description, designating the area within the City's territorial jurisdiction, a term which is defined in Ark. Code Ann §14-56-413, for which they will make studies and prepare plans, and recommended ordinances, and regulation; and

WHEREAS, Act 1053 of 2013, passed by the Arkansas Legislature amending Ark. Code Ann §14-56-413, limits the City's territorial jurisdiction to one (1) mile, thus necessitating the consideration of a new planning area map and description; and

WHEREAS, after due notice, as required by law, holding a public hearing on September 3, 2013, and after due consideration, the Goshen Planning Commission has approved a new planning area map and description; and

WHEREAS, it is the desire of the City Council that said new planning area be formally approved by ordinance, thus replacing the former such designation contained in Ordinance 20.

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

SECTION 1. That the map entitled "City of Goshen Planning Area Boundary - 2013," 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:

All of Sections 4, 5, and 6 of T16N, R28W; all of Sections 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34 of T17N, R28W; all of Sections 1, 2, and 3 of T16N, R29W; all of Sections 23, 25, 26, 27, 34, 35, and 36 of T17N, R29W; the S ½ E ¾ of S22, T17N, R29W; the S ¾ of S24, T17N, R29W; the SE ¼ SE ¼ of S16, T17N, R28W; the S ½ SW ¼ of S15, T17N, R28W; the N ¾ of S9, T16N, R28W; the N ¾ E ¾ of S8, T16N, R28W and the N ½ W ¼ of said S8; the N ½ of S7, T16N, R28W; the NE ¼ of S12, T16N, R29W, less and except the SW ¼ of said NE ¼; the N ¼ of S11, T16N, R29W; the NW ¼ of S10, T16N, R29W and the N ½ NE ¼ of said S10; the NE ¼ of S9, T16N, R29W; the E ¼ of S4, T16N, R29W lying south of the White River and all of said S4 lying north of said White River; all in Washington County, Arkansas.



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Washington County, AR
Kyle Sylvester Circuit Clerk

File **2013-00039652**

SECTION 2. That to the extent that the Goshen planning area as established by this ordinance and the Fayetteville planning area as established by a comparable ordinance may extend beyond the equidistant points of overlapping jurisdictional limits, and provided the adopted planning areas do not overlap, the territorial jurisdiction line as represented by the planning area boundary line beyond the equidistant points, is agreed to.

SECTION 3. That the agreed-upon territorial jurisdiction line, as represented by the planning area boundary described herein, shall be effective until such time as (i) annexations occur in areas where territorial limits overlap, or (ii) create an overlap that did not exist prior to the annexation. After such annexation, either affected city may initiate consideration of a new territorial limit. If agreement cannot then be reached, the territorial jurisdiction line shall revert to the equidistant line as defined in Ark. Code Ann §14-56-413.

SECTION 4. That Ordinance 20, as well as all other ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That a duly certified copy of this ordinance shall be forwarded to the City of Fayetteville and to the Washington County Planning Office; and shall be filed of record in the Washington County Circuit Clerk's Office.

PASSED AND APPROVED this 8th Day of October, 2013.



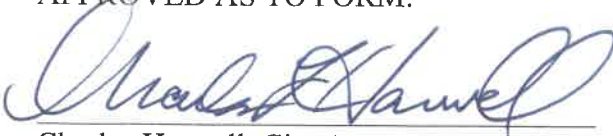
Joe Benson, Mayor

ATTEST:



Sharon Baggett, City Recorder

APPROVED AS TO FORM:



Charles Harwell, City Attorney

ROLL CALL VOTE ADOPTING THE ORDINANCE

Names Of Those Voting YEA

Andy Bethell
Brian Buell
Max Poye
Lanny Samuels
Dick Seddon

Absent

Paula Anderson

Names Of Those Voting NAY

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, 2013, at the regularly scheduled meeting of the City Council of Goshen, Arkansas, the attached Ordinance No. 102 was again presented to the Goshen City Council, having been discussed at its September meeting, the formality of reading the Ordinance three times was, by separate motion, adopted by a vote of five alderman in favor, with no one opposed, waived on October 8, 2013; that the Ordinance was adopted on October 8, 2013 by motion made and duly seconded, by a vote of five alderman in favor, with no one opposed; that on October 9, 2013, the Ordinance was posted in five public places within the City of Goshen as designated by the Goshen City Council and, by statute and ordinance is effective thirty (30) days thereafter; therefore is, by law, now 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 11th day of November, 2013, in my official capacity as Recorder of the City of Goshen.

WITNESS MY HAND AND SEAL ON THE DATE HEREINABOVE STATED.




Sharon Baggett

City of Goshen Planning Area Boundary - 2013

Washington County

- S-T-R
- Goshen City Limits
- Goshen Planning Area
- Roads
- Streams
- Lakes

