

ORDINANCE NO. 99

PLANNING AREA BOUNDARY DESCRIPTION AND MAP APPROVAL

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, and recommended ordinances, and regulations; and

WHEREAS, Act 1053 of 2013, passed by the Arkansas Legislature, limits the city's territorial jurisdiction to one (1) mile or the equidistant point of overlapping jurisdictional areas of neighboring cities, thus necessitating the consideration of a new planning area map and description; and

WHEREAS, after due consideration, the Avoca Planning Commission has approved a new planning area and map; and

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

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

SECTION 1. That the map entitled "Avoca Planning Area Map," which is attached hereto and made a part hereof, and the description thereof, which follows, both of which have been approved by the Avoca Planning Commission, be and are hereby approved and adopted:

All of the following described territory in T20N, R29W: All of Sections 15, 16, 17, 20, 21, and 22; the S $\frac{3}{4}$ of S9; the SW $\frac{1}{4}$ of S10; the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of S10; the N $\frac{3}{4}$ W $\frac{1}{4}$ of S23; W $\frac{3}{4}$ N $\frac{1}{2}$ of S27; the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of S27; the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of S27; the N $\frac{1}{2}$ of S28; and the N $\frac{1}{2}$ SE $\frac{1}{4}$ of S28, in Benton County, Arkansas.

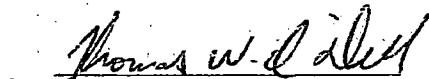
SECTION 2. That to the extent that the Avoca planning area and the planning areas of Rogers and Pea Ridge may extend beyond the equidistant points between the respective territorial jurisdiction limits, and provided the adopted planning areas do not overlap, the territorial jurisdiction line as represented 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, shall be effective until such time as annexations occur in areas between the respective cities. After such annexation, either affected city may initiate consideration of a new boundary. If agreement cannot be reached, the territorial jurisdiction line shall revert to the equidistant line.

SECTION 4. That all 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 cities of Rogers and Pea Ridge, and to the Benton County Planning Office; and shall be filed of record in the Benton County Circuit Clerk's Office.

PASSED AND APPROVED THIS 14th DAY OF OCTOBER, 2014.


Mayor

ATTEST:


Recorder-Treasurer