



## Regular Meeting of the Board of Directors

City of Texarkana, Arkansas

216 Walnut Street

**Agenda - Monday, October 03, 2022 - 6:00 PM**

Call to Order

Roll Call

Invocation given by Director Terry Roberts

Pledge of Allegiance led by Texarkana Water Utilities Executive Director Gary Smith

### **CITIZEN COMMUNICATION**

*Please fill out a Citizen Communication Card with your name and contact information for the City Clerk's records.*

*A limit of five (5) minutes per person is allotted for citizens to express their concerns to the Board of Directors, with a maximum of fifty (50) minutes reserved for Citizens Communication. The Board of Directors cannot respond to citizens' concerns during this time.*

*Be respectful of the Board of Directors, city staff, and the public by refraining from abusive conduct, personal charges, or verbal attacks.*

### **PROCLAMATION(S)**

1. Proclamation declaring October 9 – 15, 2022, as Texarkana Black Restaurant Week. (BOD)  
(This proclamation added at the request of Director Harris)

### **PRESENTATION(S)**

2. Presentation of the City of Texarkana, Arkansas Employee Service Awards. (ADMIN) City Manager E. Jay Ellington

### **CONSENT**

3. Approval of the minutes of the regular meeting September 19, 2022. (CCD) City Clerk Heather Soyars

### **REGULAR**

4. Adopt an Ordinance to rezone a tract of land located at 7410 Sanderson Lane from R-1 Rural residential to A-1 Mixed use rural zoning in order to operate a plant nursery. (Ward 6) (PWD-Planning) City Planner Mary Beck

5. Adopt an Ordinance to rezone a tract of land located at 8039 Old Post Road from R-1 Rural residential to R-4 Medium density residential zoning in order to divide the land. (Ward 6) (PWD-Planning) City Planner Mary Beck

**BOARD OF DIRECTORS' COMMENTARY**

**CITY MANAGER REPORT**

**EXECUTIVE SESSION**

**NEXT MEETING DATE: Monday, October 17, 2022**

**ADJOURN**

**City Calendar**

National Night Out - Tuesday, October 4th - 6PM - 9PM

Texarkana Down Syndrome Society Awareness Walk & Fun Day - Front Street - Saturday, October 8th - 8AM - 4PM

Al Fresco Concert – 1894 Gallery – Friday, October 14th – 5:30PM – 6:30PM

Food Festival - Bobby Ferguson Park - Saturday, October 15th - 6AM - 10PM

Dine the Line/Octoberfest - Saturday, October 15th - 10AM - 10PM

Universal Vibes - Crossties & Front Street - Saturday, October 15th - 10AM - 11PM

Veterans Day Parade - Saturday, November 12th - 11AM - 1:30PM

Main Street Christmas Parade - Monday, December 5th - 7PM - 9PM

Partnership for the Pathway - Sunday, February 19th - 7AM - 12:30PM

**Texarkana Rec Center Calendar**

Ageless Grace - Mondays – 2PM – 3PM

Gym Open - Mondays, Wednesdays & Fridays – 8AM - 7PM & Saturdays - 8AM – Noon

Life Skills & Risk Avoidance

**GIRLS**

October 10th – 5PM – 6PM

October 17th – 5PM – 6PM

October 24th – 5PM – 6PM

October 31st – 5PM – 6PM

**BOYS**

October 10th – 6PM – 7PM

October 17th – 6PM – 7PM

October 24th – 6PM – 7PM

October 31st – 6PM – 7PM



# CITY OF TEXARKANA, AR

## BOARD OF DIRECTORS

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**AGENDA TITLE:** Presentation of the City of Texarkana, Arkansas Employee Service Awards. (ADMIN) City Manager E. Jay Ellington

**AGENDA DATE:** October 3, 2022

**ITEM TYPE:** Ordinance  Resolution  Other : Presentation

**DEPARTMENT:** City Clerk Department

**PREPARED BY:** Heather Soyars, City Clerk

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**REQUEST:** Presentation of employee service awards.

**EMERGENCY CLAUSE:** N/A

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**SUMMARY:** Employee Service Awards:

Joe Burns	TAPD	5 Years
William Nicklas	TAPD	5 Years
Lee Wallace Erwin, Jr.	TWU	20 Years

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**EXPENSE REQUIRED:** N/A

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**AMOUNT BUDGETED:** N/A

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**APPROPRIATION  
REQUIRED:** N/A

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**RECOMMENDED  
ACTION:** N/A

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**EXHIBITS:** None



## CITY OF TEXARKANA, AR BOARD OF DIRECTORS

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<b>AGENDA TITLE:</b>	Approval of the minutes of the regular meeting September 19, 2022. (CCD) City Clerk Heather Soyars
<b>AGENDA DATE:</b>	October 3, 2022
<b>ITEM TYPE:</b>	Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Other <input checked="" type="checkbox"/> : Minutes
<b>DEPARTMENT:</b>	City Clerk Department
<b>PREPARED BY:</b>	Heather Soyars, City Clerk
<b>REQUEST:</b>	Approval of meeting minutes.
<b>EMERGENCY CLAUSE:</b>	N/A
<b>SUMMARY:</b>	Approval of meeting minutes
<b>EXPENSE REQUIRED:</b>	N/A
<b>AMOUNT BUDGETED:</b>	N/A
<b>APPROPRIATION REQUIRED:</b>	N/A
<b>RECOMMENDED ACTION:</b>	The City Clerk recommends Board approval.
<b>EXHIBITS:</b>	Meeting minutes.



**Regular Meeting of the Board of Directors**  
City of Texarkana, Arkansas  
216 Walnut Street  
**Minutes - Monday, September 19, 2022 - 6:00 PM**

Mayor Brown called the meeting to order at 6:00 PM.

PRESENT: Mayor Allen Brown, Ward 1 Director Terry Roberts, Ward 2 Director Laney Harris, Assistant Mayor Ward 3 Steven Hollibush, Ward 5 Director Barbara Miner, and Ward 6 Director Jeff Hart.

ALSO, PRESENT: City Manager E. Jay Ellington, City Attorney George Matteson, City Clerk Heather Soyars, and Deputy City Clerk Jenny Narens.

ABSENT: Ward 4 Director Ulysses Brewer.

Invocation given by Director Hart.

Pledge of Allegiance led by Public Works Director Tyler Richards.

**CITIZEN COMMUNICATION**

Henry C. Hollins, 3809 Eastwood Drive, expressed his concern about the public parking lot for Nix Creek Trail behind his residence. He said he was disturbed by the car noise, music, and people talking and would like time restrictions on the parking lot.

Director Harris read a press release regarding \$280 million in American Rescue Act funding approved to address statewide water needs, copy attached.

**PROCLAMATION(S)**

1. Proclamation presented to IT Director Brandon Uselton for IT Professionals Day, September 20, 2022.
2. Proclamation presented to Personnel Administrator Rachel Hopkins for Personnel/Human Resources Day, September 26, 2022.

**PRESENTATION(S)**

3. Presentation given by Public Works Director Tyler Richards. (PWD)
4. Presentation given for the Texarkana Water Utilities FY2022-2023 Budget. (TWU) Executive Director Gary Smith and TWU Finance Director Tricia Briggs

5. Presentation given for the FY2023 Airport Budget. (Airport) Airport Finance Director Shannon Elliott

## **CONSENT**

Director Hart made the motion to adopt the Consent agenda, Seconded by Director Roberts. The motion carried and the following items were approved:

6. Approval of the minutes of the rescheduled regular meeting September 6, 2022. (CCD) City Clerk Heather Soyars

## **REGULAR**

7. Resolution No. 2022-60 authorized and directed the City Manager to submit a grant application for American Rescue Plan Act (ARPA) Funding for Nix Creek Water Quality Improvements to the Arkansas Natural Resources Commission. (PWD) Public Works Director Tyler Richards

After a brief discussion, the motion to adopt the resolution made by Assistant Mayor Hollibush, Seconded by Director Hart.

Mayor Brown asked if anyone would like to speak for or against this resolution.

No one came forward.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Assistant Mayor Hollibush, Director Miner, and Director Hart.

The motion carried 6-0 and the Mayor declared the resolution adopted.

8. Resolution No. 2022-61 adopted the Texarkana Water Utilities (TWU) FY2022-2023 Budget. (TWU) Executive Director Gary Smith and TWU Finance Director Tricia Briggs

After a brief discussion, the motion to adopt the resolution made by Director Hart, Seconded by Director Roberts.

Mayor Brown asked if anyone would like to speak for or against this resolution.

No one came forward.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Assistant Mayor Hollibush, Director Miner, and Director Hart.

The motion carried 6-0 and the Mayor declared the resolution adopted.

9. Resolution No. 2022-62 adopted the FY2023 Airport Budget. (Airport) Airport Finance Director Shannon Elliott

After a brief discussion, the motion to adopt the resolution made by Director Roberts, Seconded by Assistant Mayor Hollibush.

Mayor Brown asked if anyone would like to speak for or against this resolution.

No one came forward.

Voting Yea: Mayor Brown, Director Roberts, Assistant Mayor Hollibush, and Director Miner.

Voting Nay: Director Harris and Director Hart

The motion carried 4-2 and the Mayor declared the resolution adopted.

10. Ordinance No. 28-2022, amended Ordinance No. 26-2022, for the prerequisite municipal approval of a private club application on behalf of David Peavy for the 1923 Banana Club located at 105 Olive Street. (CCD)

After a brief discussion, the motion to suspend the rules and place the ordinance on its first reading in abbreviated form made by Director Roberts, Seconded by Director Hart.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Assistant Mayor Hollibush, Director Miner, and Director Hart.

The motion carried 6-0 and the ordinance was read the first time in abbreviated form.

Motion to suspend the rules and place the ordinance on its second reading in abbreviated form made by Assistant Mayor Hollibush, Seconded by Director Roberts.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Assistant Mayor Hollibush, Director Miner, and Director Hart.

The motion carried 6-0 and the ordinance was read the second time in abbreviated form.

Motion to suspend the rules and place the ordinance on its third and final reading in abbreviated form made by Assistant Mayor Hollibush, Seconded by Director Roberts.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Assistant Mayor Hollibush, Director Miner, and Director Hart.

The motion carried 6-0 and the ordinance was read the third time in abbreviated form.

Motion to adopt the ordinance made by Director Hart, Seconded by Assistant Mayor Hollibush.

Mayor Brown asked if anyone would like to speak for or against this ordinance.

No one came forward.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Assistant Mayor Hollibush, Director Miner, and Director Hart.

The motion carried 6-0 and the Mayor declared the ordinance adopted.

*An emergency clause requires a separate and distinct vote of the board and is valid only if there is a two-thirds vote of approval by the board. (Hdbk. Const. Amend 7)*

Motion to enact the emergency clause made by Director Hart, Seconded by Director Roberts.

Mayor Brown asked if anyone would like to speak for or against the emergency clause.

No one came forward.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Assistant Mayor Hollibush, Director Miner, and Director Hart.

The motion carried 6-0 and the Mayor declared the emergency clause enacted.

### **BOARD OF DIRECTORS' COMMENTARY**

Director Harris said there would be a Stop the Violence Rally at Bramble Park on Saturday, September 24, 2022.

Director Hart said he was pleased Monjunis restaurant was coming back to Texarkana, Arkansas.

### **CITY MANAGER REPORT**

City Manager E. Jay Ellington gave the following report:

- He said there were thirty-nine applicants for the Texarkana, Arkansas Police Chief position and it was down to the final four.
- The Animal Care and Adoption Center would host their Grand Opening September 30, 2022, at 4:00 PM.

### **EXECUTIVE SESSION**

The Board entered Executive Session at 7:30 PM to discuss the City Manager evaluations

The Mayor reconvened the meeting at 7:51 PM, and said no action would be taken tonight.

**NEXT MEETING DATE: Monday, October 3, 2022**

### **ADJOURN**

Motion to adjourn made by Director Hart, Seconded by Director Roberts.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Assistant Mayor Hollibush, Director Miner, and Director Hart.

The motion carried 6-0 and the meeting adjourned at 7:52 PM.

**APPROVED** this the 3<sup>rd</sup> day of October 2022.

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Allen L. Brown, Mayor

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Jenny Narens, Deputy City Clerk

**FOR IMMEDIATE RELEASE: 9/16/2022**

**\$280 Million in American Rescue Plan Act Funding Approved to Address Statewide Water Needs**

LITTLE ROCK, AR – Funding of \$280 million was approved today to help address statewide water needs. The approved funding includes \$270 million to address water, wastewater, and stormwater infrastructure projects and \$10 million to assist areas in Eastern Arkansas with the transition from groundwater to surface water and help preserve the Sparta and Alluvial aquifers.

Last year, Governor Hutchinson created a Water and Other Infrastructure Working Group to assist the Arkansas American Rescue Plan Act (ARPA) Steering Committee in identifying water infrastructure projects. The working group conducted a needs survey that identified more than \$5 billion in water, wastewater, and stormwater needs across the state. The working group made a subsequent funding proposal which was approved by the Steering Committee in August and by the Arkansas Legislative Council today.

“In January, I laid out my W.I.N.S. in 2022 initiative. One of those initiatives was infrastructure, and I am delighted the Arkansas Legislative Council has approved \$280 million to improve our state’s water infrastructure,” Governor Hutchinson said. “I appreciate the Department of Agriculture, Arkansas Natural Resources Commission, ARPA Steering Committee, and members of the General Assembly who have worked diligently to secure this funding for a critical need in our state.”

The \$270 million in one-time grant funding for water, wastewater, and stormwater infrastructure projects will be administered by the Arkansas Department of Agriculture through the Arkansas Natural Resources Commission. Projects will be determined for eligibility consistent with the Coronavirus State and Local Fiscal Recovery Funds

(SLFRF) Final Rule. Funding will be limited to a maximum of \$5 million per entity for each project type.

Eligible entities must apply for the grant funding by Friday, November 4, 2022. Applications and additional information on the grant program can be found at:

A series of virtual and in-person meetings will be held across the State during the application period to assist entities in completing applications for funding under this program. The date, time, and location of the meetings are as follows:

- September 21, 1:00-3:00 p.m., Harvey Jones Conference Center, Springdale
- September 29, 10:00 a.m.-12:00 p.m., Arkansas Municipal League, North Little Rock
- September 29, 1:00-3:00 p.m., Arkansas Municipal League, North Little Rock
- October 4, 10:00 a.m.-12:00 p.m., Dumas Community Center, Dumas
- October 19, 1:00-3:00 p.m., Forrest L. Wood Crowley's Ridge Nature Center, Jonesboro
- October 26, 10:00 a.m.-12:00 p.m., Hope Community Center, Hope
- November 1, 1:00 p.m.-3:00 p.m., Virtual Meeting

The Arkansas Department of Agriculture is dedicated to the development and implementation of policies and programs for Arkansas agriculture and forestry to keep its farmers and ranchers competitive in national and international markets while ensuring safe food, fiber, and forest products for the citizens of the state and nation. Visit *agriculture,*  
*arkansas.gov.*



## CITY OF TEXARKANA, AR BOARD OF DIRECTORS

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<b>AGENDA TITLE:</b>	Adopt an Ordinance to rezone a tract of land located at 7410 Sanderson Lane from R-1 Rural residential to A-1 Mixed use rural zoning in order to operate a plant nursery. (Ward 6) (PWD-Planning) City Planner Mary Beck
<b>AGENDA DATE:</b>	10/03/2022
<b>ITEM TYPE:</b>	Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Other <input type="checkbox"/> : _____
<b>DEPARTMENT:</b>	Public Works-Planning
<b>PREPARED BY:</b>	Mary Beck, City Planner

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<b>REQUEST:</b>	Adopt an ordinance to rezone a tract of land from R-1 Rural residential to A-1 Mixed use rural zoning in order to operate a plant nursery.
<b>EMERGENCY CLAUSE:</b>	N/A

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<b>SUMMARY:</b>	The Planning Commission recommends rezoning the property to A-1.
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<b>EXPENSE REQUIRED:</b>	0
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<b>AMOUNT BUDGETED:</b>	0
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<b>APPROPRIATION REQUIRED:</b>	0
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<b>RECOMMENDED ACTION:</b>	Adopt an ordinance to rezone property in order to grown and sell plants.
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<b>EXHIBITS:</b>	Ordinance, Memo to City Manager, deed, location map.
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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING ORDINANCE NO. K-286; AND FOR OTHER PURPOSES**

**WHEREAS**, an application to amend the Land Use Plan was filed with the Planning Commission of the City of Texarkana, Arkansas, requesting that the following land located at 7410 Sanderson Lane be rezoned from R-1 Rural residential to A-1 Mixed use rural zoning:

Lot Numbered Two (2), Block One (1) of the BLAIR MAGNESS SUBDIVISION to the City of Texarkana, Miller County, Arkansas.

**WHEREAS**, the Planning Commission, after public hearing, approved said application and recommended that the Board of Directors of the City of Texarkana, Arkansas, adopt the ordinance affecting said rezoning request; and

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Directors of the City of Texarkana, Arkansas: Ordinance No. K-286, as amended, is hereby amended to rezone the above-described property in the City of Texarkana, Arkansas, from R-1 Rural residential to A-1 Mixed use rural. This is solely a rezoning and no other action, conveyance, or release of interest.

**PASSED AND APPROVED** this 3<sup>rd</sup> day of October, 2022.

\_\_\_\_\_  
Allen L. Brown, Mayor

**ATTEST:**

\_\_\_\_\_  
Jenny Narens, Deputy City Clerk

**APPROVED:**

\_\_\_\_\_  
George Matteson, City Attorney



## CITY OF TEXARKANA ARKANSAS

### DEPARTMENT OF PUBLIC WORKS

216 WALNUT ST 71854-6024

P O BOX 2711 TEXARKANA ARKANSAS 75504-2711

PHONE (870) 779-4971 – FAX (870) 773-2395

## MEMORANDUM

**TO:** Jay Ellington, City Manager  
**FROM:** Mary L. Beck, City Planner  
**DATE:** September 20, 2022  
**SUBJECT:** Board of Directors Agenda item for October 3, 2022 – Rezoning recommendation. **Request by Kirk & Tami Blair, 7410 Sanderson Lane, Texarkana, AR 71854-0000, to rezone property from R-1 Rural residential to A-1 Mixed use rural.**

**LEGAL DESCRIPTION:** The property is located at 7410 Sanderson Lane and is legally described at Lot No. 2, Block 1, BLAIR MAGNESS SUBDIVISION & contains 28.044 acres more or less.

**REASON FOR REQUEST:** The applicant wishes to operate a plant nursery onsite.

### EXISTING LAND USES:

Site: Single-family dwelling  
North: Single-family subdivision  
East: Single-family subdivisions  
South: Single-family subdivision  
West: Single-family subdivisions

### EXISTING ZONING:

Site: R-1 Rural residential  
North: R-2 Single-family residential  
South: R-2 Single-family residential  
East: R-1 Rural residential  
West: R-1 Rural residential

### COMPATIBILITY WITH EXISTING ZONING:

The long-term comprehensive plan of 1988 although long out-dated is the only available tool when land use was projected for guidance in development. This area



[www.cityoftexarkanaar.com](http://www.cityoftexarkanaar.com)

of the plan complies with development since that time as single-family housing has been the exclusive development in the area. The modern focus of integrating limited commercial activities into residential areas with an eye towards eventual walkability improvements applies at times to the A-1 mixed use rural zoning in such a situation where the abundance of single-family housing would provide a ready market for compatible land use of a plant nursery. Landscaping of residential subdivisions can provide a supportive role in quality of life, property value enhancement and reduction of erosion as a control of storm water runoff. Residential zones in rural areas are already allowed to grow plants and crops for sale. The addition of being able to sell plants on site is very compatible with this location due to the classification of Sanderson Lane as a minor arterial right of way. The availability on the property of a large body of water that can be used for watering the vegetation with chemical free water and little cost enhances the likelihood that this appropriate land use will be successful and beneficial to the owner, the neighborhood and the City in general.

#### **UTILITIES & TRANSPORTATION NETWORK:**

Local :	None
Collector:	None
Arterial:	Sanderson Lane
Water:	6" water line in Sanderson Lane
Sewer:	Forced gravity sewer line in Sanderson Lane 8" sewer main in Sanderson Lane from about 150' or so opposite the south end of the property
Fire hydrant:	One each in Sanderson Lane opposite the north end and south end of the property.

#### **CONFORMANCE WITH APPLICABLE ORDINANCES AND/OR STATE STATUTES:**

The *Arkansas Code of 1987 Annotated (14-56-422B)* requires the following – “All plans, recommended ordinances, and regulations shall be adopted through the following procedure for adoption of plans and regulations:

(A) The Planning Commission shall hold a public hearing on the plans, ordinances, and regulations proposed under this subchapter.

(B) Notice of public hearing shall be published in a newspaper of general circulation in the city, at least (1) time fifteen days prior to the hearing.

(2) Following the public hearing, proposed plans may be adopted, and proposed ordinance and regulations may be recommended as presented, or in modified form, by a majority vote of the entire commission.

(3) Following its adoption of plans and recommendation of ordinances and regulations, the commission shall certify adopted plans of recommended ordinances and regulations to the legislative body of the city for its adoption.

(4) The legislative body of the city may return the plans and recommended ordinances and regulations to the commission for further study or rectification, or, by a majority vote of the entire membership, may, by ordinance or resolution, adopt the plans and recommended ordinances or regulations submitted by the commission. However, nothing in this subchapter shall be construed to limit the city board's authority to recall the ordinances and resolutions by a vote of a majority of the council.

(5) Following adoption by the legislative body, the adopted plans, ordinances, and regulations shall be filed in the office of the City Clerk. The City Clerk shall file, with the county recorder of the counties in which territorial jurisdiction is being exercised such plans, ordinances, and regulations as pertain to the territory beyond the corporate limits.

The required notice was published in the Sunday, August 28, 2022 edition of the Texarkana Gazette. Letters were mailed to fifty-three (53) adjacent property owners within 300' as required by local ordinance.

#### **OPPOSITION:**

Prior to the meeting there was opposition from neighbors concerned about dirt work and the condition of Sanderson Lane. Staff agreed to put up a "No truck" (18 wheeler) sign. There was not other opposition.

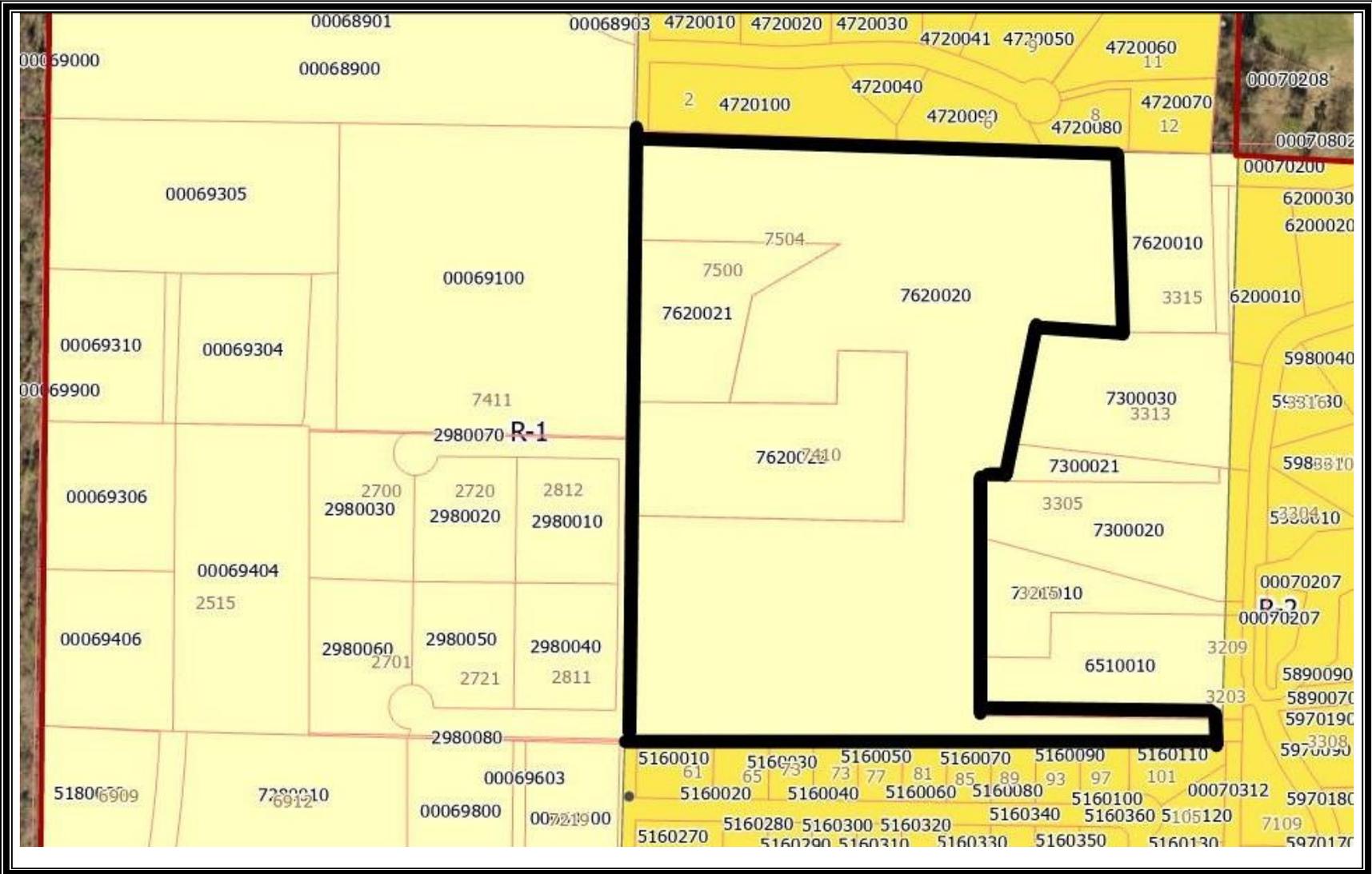
#### **PLANNING COMMISSION CERTIFICATION:**

The Planning Commission met on September 13, 2022 to review this request. Mr. Mike Jones moved to approve, seconded by Mr. Jason Dupree. The motion passed by a roll call vote of 4-0 with three absent.

Adger Smith	Yes
Anderson Neal	Yes
Bertha Dunn	Absent
Jason Dupree	Yes
Randall Hickerson	Absent
Clyde "Boots" Thomas	Absent
Mike Jones	Yes

#### **ACTION REQUESTED BY CITY BOARD OF DIRECTORS:**

To adopt an ordinance to change zoning from R-1 Rural residential to A-1 Mixed use rural residential. The Arkansas Code of 1987 Annotated requires every ordinance to be read three times before adoption. These three readings may all occur at the same meeting or at the second and third subsequent meetings after the first reading of the ordinance.



## Planning Commission review

Prepared by:  
 Planning Division - Public Works Department  
 City of Texarkana, Arkansas



\* 2 0 1 0 R 0 1 0 9 3 8 3 \*

2010R010938

MARY PANKEY

MILLER COUNTY CIRCUIT CLERK

TEXARKANA, AR

RECORDED ON

11/15/2010 11:32:24AM

REC FEE: 25.00

PAGES: 3

Grantor: Doyes Allen Blair  
Grantee: Kirksey M. Blair

**WARRANTY DEED**

**KNOW ALL MEN BY THESE PRESENTS:**

That I, DOYES ALLEN BLAIR, Surviving Widow of Albert Hampton Blair, GRANTOR, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, paid by KIRKSEY M. BLAIR, GRANTEE, the receipt of which is hereby acknowledged, and in further consideration of the love and affection I have for GRANTEE, hereby grants, bargains, sells and conveys unto the GRANTEE and unto his heirs and assigns forever, the following described lands located in the County of Miller, State of Arkansas:

**All that certain tract or parcel of land being a part of the NW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> of Section 33, T. 14 S., R. 28 W., Miller County, Arkansas; COMMENCING at the Northwest corner of the NW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> of Section 33, T. 14 S., R. 28 W., Miller County, Arkansas; THENCE – East, 470.00 ft. with the North boundary line of said NW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> to the POINT OF BEGINNING of the herein described tract of land; same being the Northeast corner of a 2.7 acre tract conveyed to KIRKSEY M. Blair by Warranty Deed recorded in Volume 342, Page 131 of the Deed Records of Miller County, Arkansas; THENCE - South, 601.36 ft. parallel with the West boundary line of the above mentioned NW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> and with the East boundary line of the above mentioned 2.7 acre tract and with a part of the East boundary line of a 5.07 acre tract conveyed to Kirksey M. Blair by Warranty Deed recorded in Volume 342, Page 133 of the Deed Records of Miller County, Arkansas; to the most northerly Northwest corner of a 4.151 acre tract conveyed to KIRKSEY M. Blair by Warranty Deed recorded in Volume 386, Page 395 of the Deed Records of Miller County, Arkansas; THENCE-East, 155.46 ft. to the Northeast corner of the above mentioned 4.151 acre tract;**

**THENCE - South, 378.25 ft. to the Southeast corner of the above mentioned 4.151 acre tract;**  
**THENCE - West, 625.46 ft. to the Southwest corner of the above mentioned 4.151 acre tract, same being in the West boundary line of the above mentioned NW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub>;**  
**THENCE - South, 340.39 ft. with the above mentioned West boundary line of the NW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> to the Southwest corner of said NW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub>;**  
**THENCE - East, 1320.00 ft. with the South boundary line of the above mentioned NW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> to the Southeast corner of said NW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub>;**  
**THENCE - North, 50.00 ft. with the East boundary line of the above mentioned NW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub>;**  
**THENCE - West, 525.00 ft. parallel with the above mentioned South boundary line of the NW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub>;**  
**THENCE - North, 512.00 ft. parallel with the above mentioned East boundary line of the NW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> to the Northwest corner of a 3.00 acre tract conveyed to Sammy N. Burris and wife, Sherry D. Burris by Warranty Deed recorded in Volume 314, Page 668 of the Deed Records of Miller County, Arkansas;**  
**THENCE - East, 45.00 ft. with the North boundary line of the above mentioned 3.00 acre tract;**  
**THENCE - N. 13° 33' 08" E., 341.40 ft.;**  
**THENCE - East, 400.00 ft. parallel with the North boundary line of the above mentioned 3.00 acre tract to the above mentioned East boundary line of the NW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub>;**  
**THENCE - North, 426.11 ft. with the above mentioned East boundary line of the NW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> to the Northeast corner of said NW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub>;**  
**THENCE - West, 850.00 ft. with the above mentioned North boundary line of the NW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> to the POINT OF BEGINNING and containing 18.556 acres of land, more or less; AND SUBJECT to such rights as may be vested in others for right-of-way for Sanderson Lane along the West boundary line of the above described 18.556 acre tract; AND ALSO SUBJECT TO such rights as may be vested in others for a power line on the East side of Sanderson Lane.**

**TO HAVE AND TO HOLD** unto the GRANTEE and unto his heirs and assigns forever, with all tenements, appurtenances and hereditaments thereto belonging.

And GRANTOR hereby covenants with the GRANTEE that she will forever warrant and defend the title to said lands against all lawful claims whatsoever.

12th IN WITNESS WHEREOF, the name of the GRANTOR is hereunto affixed on this day of November, 2010.

Doyes Allen Blair  
DOYES ALLEN BLAIR

**ACKNOWLEDGMENT**

STATE OF ARKANSAS }  
                                  }  
COUNTY OF MILLER }

ON THIS before the undersigned, a Notary Public, duly qualified and acting in and for the county and state aforesaid, personally appeared Doyes Allen Blair, known to me to be the person whose name appears as grantor in the foregoing instrument, and stated that she has executed the same for the consideration, uses and purposes therein stated.

WITNESS my hand and official seal this 12<sup>th</sup> day of November, 2010.



Mary Jane McCoy  
Notary Public, State of Arkansas  
My commission expires: 11/25/2018

I certify under penalty of false swearing that at least the legally correct amount of documentary stamps have been placed on this instrument.

Kirksey M. Blair  
Kirksey M. Blair  
7410 SANDERSON LANE  
TEXARKANA ARK 71854

Prepared By: Marshall H. Moore  
Attorney at Law  
1206 N. State Line Av.  
Texarkana, AR 71854

Prepared by:  
DOWD, HARRELSON, MOORE & GILES  
1206 State Line, P.O. Box 2631  
Texarkana, AR 75504  
501-774-5191

GIFT BY  
WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT I, Doyes A. Blair, surviving spouse of Albert Hampton Blair, deceased, a single person, Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, paid by Kirksey M. Blair, the receipt of which is hereby acknowledged, and for the further consideration of the love and affection I have for my son, Kirksey M. Blair, do hereby grant, bargain, sell and convey unto the said Kirksey M. Blair, hereinafter called Grantee, and unto his heirs and assigns forever, the following lands lying in the County of Miller, State of Arkansas, to-wit:

Tract 707-5:

The South 470 ft. of the North 720 ft. of the West 470 ft. of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 33, T. 14 S., R. 28 W., Miller County, Arkansas and containing 5.07 acres of land, more or less; and subject to such rights as may be vested in the public for road right-of-way for Sanderson Lane along the West boundary line; and also subject to an access right-of-way 30 ft. in width, the centerline being located along an existing roadway described as follows: Beginning 330 ft. East and 250 ft. South of the NW corner of said NW $\frac{1}{4}$  SW $\frac{1}{4}$ , thence - S. 60 degrees W., 80 ft.; thence - S. 09 degrees W., 250 ft.; thence - West, 220 ft. to the West boundary line of said NW $\frac{1}{4}$  SW $\frac{1}{4}$ .

TO HAVE AND TO HOLD the same unto the said Grantee, and unto his heirs and assigns forever, with all appurtenances thereunto belonging.

And I hereby covenant with said Grantee that I will forever warrant and defend the title to said lands against all claims whatever.

And I, Doyes A. Blair, Grantor, for and in consideration of the said sum of money, do hereby release and relinquish unto the said Grantee all my rights of dower, courtesy and homestead in and to the said lands.

WITNESS my hand and seal this the 26<sup>th</sup> day of August, 1991.

Doyes A. Blair  
Doyes A. Blair

Grantee's Address:

7504 SANDERSON LANE  
TEXARKANA, ARKANSAS

I certify under penalty of false swearing that at least the legally correct amount of documentary stamps has been placed on this instrument.

Kirk M. Blair  
Grantee

STATE OF ARKANSAS §  
COUNTY OF MILLER §

ACKNOWLEDGMENT

On this day, personally appeared before me, the undersigned Notary Public, Doyes A. Blair, known to me to be the person whose name is subscribed to the within instrument and acknowledged that she had executed the same for the purposes therein contained.

WITNESS my hand and seal of office the 26<sup>th</sup> day of August, 1991.

Dore Wanda  
Notary Public

My commission expires:

3/8/92

FILED FOR RECORD  
ON 16 DAY Sept 19 91  
AT 8 O'CLOCK A M.  
JUDY C. LANGLEY  
Deputy Judy C. Langley

2018R001649

MARY PANKEY  
MILLER COUNTY CIRCUIT CLERK  
TEXARKANA, AR  
RECORDED ON  
03/09/2018 01:13:39 PM  
RECORDING FEE 60.00  
PAGES: 4

PREPARED IN THE OFFICE OF:  
LANGDON ★ DAVIS  
Attorneys at Law  
625 Sam Houston  
New Boston, TX 75570

AFTER RECORDING, RETURN TO:  
MILLER COUNTY ABSTRACT  
405 Walnut Street  
Texarkana, AR 71854

181998AR

WARRANTY DEED

THE STATE OF ARKANSAS        }  
  }   KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF MILLER            }

THAT **KIRKSEY M. BLAIR and wife, TAMIRA BLAIR**, GRANTORS, for and in consideration of the sum of Ten Dollars (\$10.00), cash and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto **PAUL DAVID MAGNESS, II and wife, CHASE CRANE MAGNESS**, GRANTEES, and unto their heirs, successors and assigns forever, the following described lands located in the County of Miller, State of Arkansas:

All that certain lot, tract or parcel of land being a part of the Northwest Quarter of the Southwest Quarter (NW ¼ SW ¼) of Section Thirty-three (33), Township Fourteen (14) South, Range Twenty-eight (28) West, in Miller County, Arkansas and being a part of that certain tract of land described as 18.556 acres in the deed from Doyes Allen Blair to Kirksey M. Blair, dated November 12, 2010, recorded in Document No. 2010R010938 of the Deed Records of Miller County, Arkansas and being more particularly described by metes and bounds as follows:

BEGINNING at a ½ inch steel rod, capped MTG AR-125, set for a corner, the Northeast corner of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of Section 33, the Northeast corner of the said 18.556 acre tract, and lying in the West line of that certain tract of land described in the deed from Ribble Investment Company to Ribble Farms, LLC, dated November 21, 2013, recorded in Document No. 2013R001356 of the Deed Records of Miller County, Arkansas;

THENCE South 02 degrees 12 minutes 08 seconds West, at a distance of 82.22 feet passing a ½ inch steel rod found for a corner, capped Hall, RPLS 820, the Northwest corner of Lot 1 of Tall Oaks Sixth Subdivision, according to the plat thereof recorded in Document No. 2010R008599 of the Deed Records of Miller County, Arkansas, continuing in all a distance of 427.87 feet along the East line of the Northwest Quarter (1/4) of the Southwest Quarter (1/4) of Section Thirty-three (33), the East line of the said 18.556 acre tract, and the West line of the said Lot 1 to a ½ inch steel rod, capped MTG AR-125, set for a corner, an outside ell corner of the said 18.556 acre tract, and

Warranty Deed - Page/1



lying in the North line of that certain tract of land described as 2.949 acres in the deed from Sammy N. Burris, et ux to Michael Griffin, et ux, dated July 10, 2017, recorded in Document No. 2017R004371 of the Deed Records of Miller County, Arkansas, said corner bears South 88 degrees 04 minutes 44 seconds East a distance of 8.39 feet to a ½ inch steel rod (control monument), found for a corner, an angle point in the North line of the said 2.949 acre tract;

THENCE North 88 degrees 04 minutes 44 seconds West, (basis of bearings) a distance of 203.45 feet along the South line of the said 18.556 acre tract and the North line of the said 2.949 acre tract to a ½ inch steel rod, capped MTG AR-125, set for a corner, said corner bears North 88 degrees 04 minutes 44 seconds West, a distance of 196.92 feet to a ½ inch steel rod (control monument), found for a corner, the Northwest corner of the said 2.949 acre tract, an inside ell corner of the said 18.556 acre tract;

THENCE North 02 degrees 12 minutes 08 seconds East, a distance of 428.97 feet across and through the 18.556 acre tract to a ½ inch steel rod, capped MTG AR-125, set for corner, lying in the North line of the said 18.556 acre tract, of Lot No. 8 of Riverview Subdivision, according to the plat recorded in Volume 179-2, Page 129 of the Plat Records of Miller County, Arkansas;

THENCE South 87 degrees 46 minutes 08 seconds East, a distance of 203.44 feet along the North line of the said 18.556 acre tract and the South line of the said Riverview Subdivision to the point of beginning and containing 2.000 acres of land, at the time of this survey.

**Reservations from Conveyance:**

None

**Exceptions to Conveyance and Warranty:**

Warranty Deed from Dewberry-Hargett Company to Philip Mentlow and H. M. Mentlow, dated October 23, 1922, recorded in f the Deed Records of Miller County, Arkansas.

Any and all matters, including, but not limited to Encroachment of Fence on the 2 acres and Electric Lines in the Access Easement, all as shown on Survey by MTG Engineers & Surveyors, dated February 12, 2018, Revised February 21, 2018, Project No. 184008.

Validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantors, and other instruments, other than conveyances of the surface fee estate, that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; and taxes for 2017, which Grantee assumes and agrees to pay, but not subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantors assume.

To have and to hold unto the Grantees, and unto their heirs, successors and assigns forever, with all tenements, appurtenances and hereditaments thereunto belonging.

And Grantors hereby covenant with the Grantees that they will forever warrant and defend the title to the lands against all lawful claims whatsoever.

And **KIRKSEY M. BLAIR and wife, TAMIRA BLAIR**, for and in consideration of the said sum of money, do hereby release and relinquish unto the said Grantees, and unto their heirs, successors and assigns forever, all our right and possibility of curtesy, dower and homestead in and to the above-described real property.

WITNESS our hands this 6<sup>th</sup> day of March, 2018.

Kirksey M. Blair  
KIRKSEY M. BLAIR

Tamira Blair  
TAMIRA BLAIR

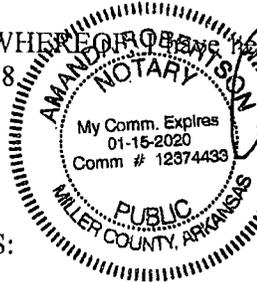
ACKNOWLEDGMENT

STATE OF ARKANSAS }

COUNTY OF MILLER }

On this 6<sup>th</sup> day of March, 2018, before me, Amanda Robertson, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared in person the within named KIRKSEY M. BLAIR and wife, TAMIRA BLAIR, to me personally well known, or to me proven to be the persons therein stated, who stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF I have hereunto set my hand and official seal this 6<sup>th</sup> day of March, 2018.



Amanda Robertson  
Notary Public, State of Arkansas  
Printed Name: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

GRANTEE'S ADDRESS:  
5609 Cedar Ridge Trail  
Texarkana, AR 71854

I/WE CERTIFY UNDER PENALTY OF FALSE SWEARING THAT THE CORRECT AMOUNT OF DOCUMENTARY STAMPS HAVE BEEN PLACED ON THIS INSTRUMENT

[Signature]  
GRANTEE OR GRANTEE'S AGENT

Prepared by:  
DOWD, HARRELSON, MOORE & GILES  
1206 State Line, P.O. Box 2631  
Texarkana, AR 75504  
501-774-5191

GIFT BY  
WARRANTY DEED.

KNOW ALL MEN BY THESE PRESENTS:

THAT I, Doyes A. Blair, surviving spouse of Albert Hampton Blair, deceased, a single person, Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, paid by Kirksey M. Blair, the receipt of which is hereby acknowledged, and for the further consideration of the love and affection I have for my son, Kirksey M. Blair, do hereby grant, bargain, sell and convey unto the said Kirksey M. Blair, hereinafter called Grantee, and unto his heirs and assigns forever, the following lands lying in the County of Miller, State of Arkansas, to-wit:

Tract 707-4:

The North 250 ft. of the West 470 ft. of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Sec. 33, T. 14 S., R. 28 W., Miller County, Arkansas and containing 2.7 acres of land, more or less; and subject to such rights as may be vested in the public for road right-of-way for Sanderson Lane along the West boundary line; and also an access right-of-way 30 ft. in width, the centerline being located along an existing roadway described as follows: Beginning 330 ft. East and 250 ft. South of the NW corner of said NW $\frac{1}{4}$  SW $\frac{1}{4}$ , thence - S. 60 degrees W., 80 Ft.; Thence - S. 09 degrees W., 250 ft.; thence - West 220 ft. to the West boundary line of said NW $\frac{1}{4}$  SW $\frac{1}{4}$ .

TO HAVE AND TO HOLD the same unto the said Grantee, and unto his heirs and assigns forever, with all appurtenances thereunto belonging.

And I hereby covenant with said Grantee that I will forever warrant and defend the title to said lands against all claims whatever.

And I, Doyes A. Blair, Grantor, for and in consideration of the said sum of money, do hereby release and relinquish unto the said Grantee all my rights of dower, courtesy and homestead in and to the said lands.

WITNESS my hand and seal this the 26<sup>th</sup> day of August, 1991.

Doyes A. Blair  
Doyes A. Blair

Grantee's Address:  
7504 SANDERSON LANE  
TEXARKANA ARKANSAS

I certify under penalty of false swearing that at least the legally correct amount of documentary stamps has been placed on this instrument.

Keith M Blair  
Grantee

STATE OF ARKANSAS           §  
  §           ACKNOWLEDGMENT  
COUNTY OF MILLER         §

On this day, personally appeared before me, the undersigned Notary Public, Doyes A. Blair, known to me to be the person whose name is subscribed to the within instrument and acknowledged that she had executed the same for the purposes therein contained.

WITNESS my hand and seal of office the 26<sup>th</sup> day of August, 1991.

My commission expires: 3/8/92  
Dore Hand  
Notary Public

FILED FOR RECORD  
ON 16 DAY Sept 19 91  
AT 8 O'CLOCK A M.  
JUDY C. LANGLEY  
Deputy Judy C Langley



## CITY OF TEXARKANA, AR BOARD OF DIRECTORS

---

<b>AGENDA TITLE:</b>	Adopt an Ordinance to rezone a tract of land located at 8039 Old Post Road from R-1 Rural residential to R-4 Medium density residential zoning in order to divide the land. (Ward 6) (PWD-Planning) City Planner Mary Beck
<b>AGENDA DATE:</b>	10/03/2022
<b>ITEM TYPE:</b>	Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Other <input type="checkbox"/> : _____
<b>DEPARTMENT:</b>	Public Works/Planning
<b>PREPARED BY:</b>	Mary Beck, City Planner

---

<b>REQUEST:</b>	Adopt an ordinance to rezone a tract of land from R-1 Rural residential to R-4 Medium density residential zoning in order to divide the land.
<b>EMERGENCY CLAUSE:</b>	N/A

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<b>SUMMARY:</b>	The Planning Commission recommends rezoning the property to R-4.
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<b>EXPENSE REQUIRED:</b>	0
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<b>AMOUNT BUDGETED:</b>	0
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<b>APPROPRIATION REQUIRED:</b>	0
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<b>RECOMMENDED ACTION:</b>	Adopt an ordinance to rezone property in order to meet the requirements for access for a second lot.
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<b>EXHIBITS:</b>	Ordinance, Memo to City Manager, subdivision plat, location map.
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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING ORDINANCE  
NO. K-286; AND FOR OTHER PURPOSES**

**WHEREAS**, an application to amend the Land Use Plan was filed with the Planning Commission of the City of Texarkana, Arkansas, requesting that the following land located at 8039 Old Post Road be rezoned from R-1 Rural residential to R-4 Medium density residential zoning:

**BEGINNING** at Lot 1, Block 1, of the WILLIAM DEMPSEY SUBDIVISION in Texarkana, Miller County, Arkansas containing 28.717 acres more or less.

**WHEREAS**, the Planning Commission, after public hearing, approved said application and recommended that the Board of Directors of the City of Texarkana, Arkansas, adopt the ordinance affecting said rezoning request; and

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Directors of the City of Texarkana, Arkansas: Ordinance No. K-286, as amended, is hereby amended to rezone the above-described property in the City of Texarkana, Arkansas, from R-1 Rural residential to R-4 Medium density residential. This is solely a rezoning and no other action, conveyance, or release of interest.

**PASSED AND APPROVED** this 3<sup>rd</sup> day of October, 2022.

\_\_\_\_\_  
Allen L. Brown, Mayor

**ATTEST:**

\_\_\_\_\_  
Jenny Narens, Deputy City Clerk

**APPROVED:**

\_\_\_\_\_  
George Matteson, City Attorney



## CITY OF TEXARKANA ARKANSAS

### DEPARTMENT OF PUBLIC WORKS

216 WALNUT ST 71854-6024

P O BOX 2711 TEXARKANA ARKANSAS 75504-2711

PHONE (870) 779-4971 – FAX (870) 773-2395

# MEMORANDUM

**TO:** Jay Ellington, City Manager  
**FROM:** Mary L. Beck, City Planner  
**DATE:** September 20, 2022  
**SUBJECT:** Board of Directors Agenda item for October 3, 2022 – Planning Commission rezoning recommendation. **Request by William & Sherry Dempsey to rezone property from R-1 Rural residential to R-4 Medium density residential.**

## LEGAL DESCRIPTION:

The property is legally described as Lot 1, Block 1, WILLIAM DEMPSEY SUBDIVISION, Texarkana, Miller County, Arkansas and contains 28.717 acres more or less and is located at 8039 Old Post Road.

**REASON FOR REQUEST:** The access to dedicated right of way (Old Post Road) is approximately 100' wide, the required width for R-1 Rural residential zoning. The Dempsey's would like to divide their 28.717 acres in such a way to provide five (5) acres for their daughter to construct a home on her own land. The R-4 Medium density residential zone only requires 50' for right of way access and would allow the development they desire for their property.

## EXISTING LAND USES:

Site: Single-family dwelling  
North: Single-family dwelling  
East: Single-family dwelling  
South: Single-family dwelling  
West: Single-family dwelling

## EXISTING ZONING:

Site: R-1 Rural residential  
North: R-1 Rural residential  
South: R-1 Rural residential  
East: R-1 Rural residential  
West: R-1 Rural residential



[www.cityoftexarkanaar.com](http://www.cityoftexarkanaar.com)

## **COMPATIBILITY WITH EXISTING ZONING:**

This property that comprises over 20 acres of land with a single-family dwelling is far outside the long-term comprehensive plan of 1988. Generally, land annexed into the City is zoned R-1 Rural residential until it develops into more dense or commercial land uses. The property was platted into two lots and Lot 2, being considered for rezoning has 100' of frontage onto the right-of-way, Old Post Road, aka, Stagecoach Road. The property owners wish to grant or sell five acres of land for a second dwelling for their daughter that would have its own real estate. An A-1 zone would allow for a second home but not a split in ownership of the property as they wish to do. An R-3 Low-density residential zone or an R-4 Medium-density zone would allow the development they are seeking to split lot No. 2, of WILLIAM DEMPSEY SUBDIVISION however and R-3 zone would not allow this particular property any options for the future without another rezoning. Looking ahead at what might develop in this area long term, perhaps a few decades out, various residential development may be desirable including but not limited to townhouses, multi-family units, etc.

## **UTILITIES & TRANSPORTATION NETWORK:**

Local :	None
Collector:	Old Post Road
Arterial:	None
Water:	6" water line in Old Post Road
Sewer:	A septic system – must be approved by Miller County Health Department
Fire hydrant:	Approximately 150' north on Old post road.

## **CONFORMANCE WITH APPLICABLE ORDINANCES AND/OR STATE STATUTES:**

The *Arkansas Code of 1987 Annotated (14-56-422B)* requires the following – “All plans, recommended ordinances, and regulations shall be adopted through the following procedure for adoption of plans and regulations:

(A) The Planning Commission shall hold a public hearing on the plans, ordinances, and regulations proposed under this subchapter.

(B) Notice of public hearing shall be published in a newspaper of general circulation in the city, at least (1) time fifteen days prior to the hearing.

(2) Following the public hearing, proposed plans may be adopted, and proposed ordinance and regulations may be recommended as presented, or in modified form, by a majority vote of the entire commission.

(3) Following its adoption of plans and recommendation of ordinances and regulations, the commission shall certify adopted plans of recommended ordinances and regulations to the legislative body of the city for its adoption.

(4) The legislative body of the city may return the plans and recommended ordinances and regulations to the commission for further study or rectification, or, by a majority vote of the entire membership, may, by ordinance or resolution, adopt the plans and recommended ordinances or regulations submitted by the commission. However, noting in this subchapter shall be construed to limit the city board's authority to recall the ordinances and resolutions by a vote of a majority of the council.

(5) Following adoption by the legislative body, the adopted plans, ordinances, and regulations shall be filed in the office of the City Clerk. The City Clerk shall file, with the county recorder of the counties in which territorial jurisdiction is being exercised such plans, ordinances, and regulations as pertain to the territory beyond the corporate limits.

The required notice was published in the Sunday, August 28, 2022 edition of the Texarkana Gazette. Letters were mailed to twelve (12) adjacent property owners within 300' as required by local ordinance.

**OPPOSITION:**

There was no opposition.

**PLANNING COMMISSION CERTIFICATION:**

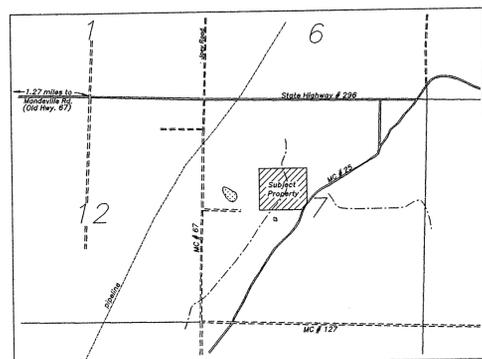
The Planning Commission met on September 13, 2022 to review this request. Mr. Mike Jones moved to approve, seconded by Mr. Adger Smith. The motion passed by a roll call vote of 4-0 with three absent.

Adger Smith	Yes
Anderson Neal	Yes
Bertha Dunn	Absent
Jason Dupree	Yes
Randall Hickerson	Absent
Clyde "Boots" Thomas	Absent
Mike Jones	Yes

**ACTION REQUESTED BY CITY BOARD OF DIRECTORS:**

To adopt an ordinance to change zoning from R-1 Rural residential to R-4 Medium density residential. The Arkansas Code of 1987 Annotated requires every ordinance to be read three times before adoption. These three readings may all occur at the same meeting or at the second and third subsequent meetings after the first reading of the ordinance.





Vicinity Map  
(not to scale)

**Access Easement for existing driveway**

This easement shall be 15.0 feet right and left of the following described driveway centerline;

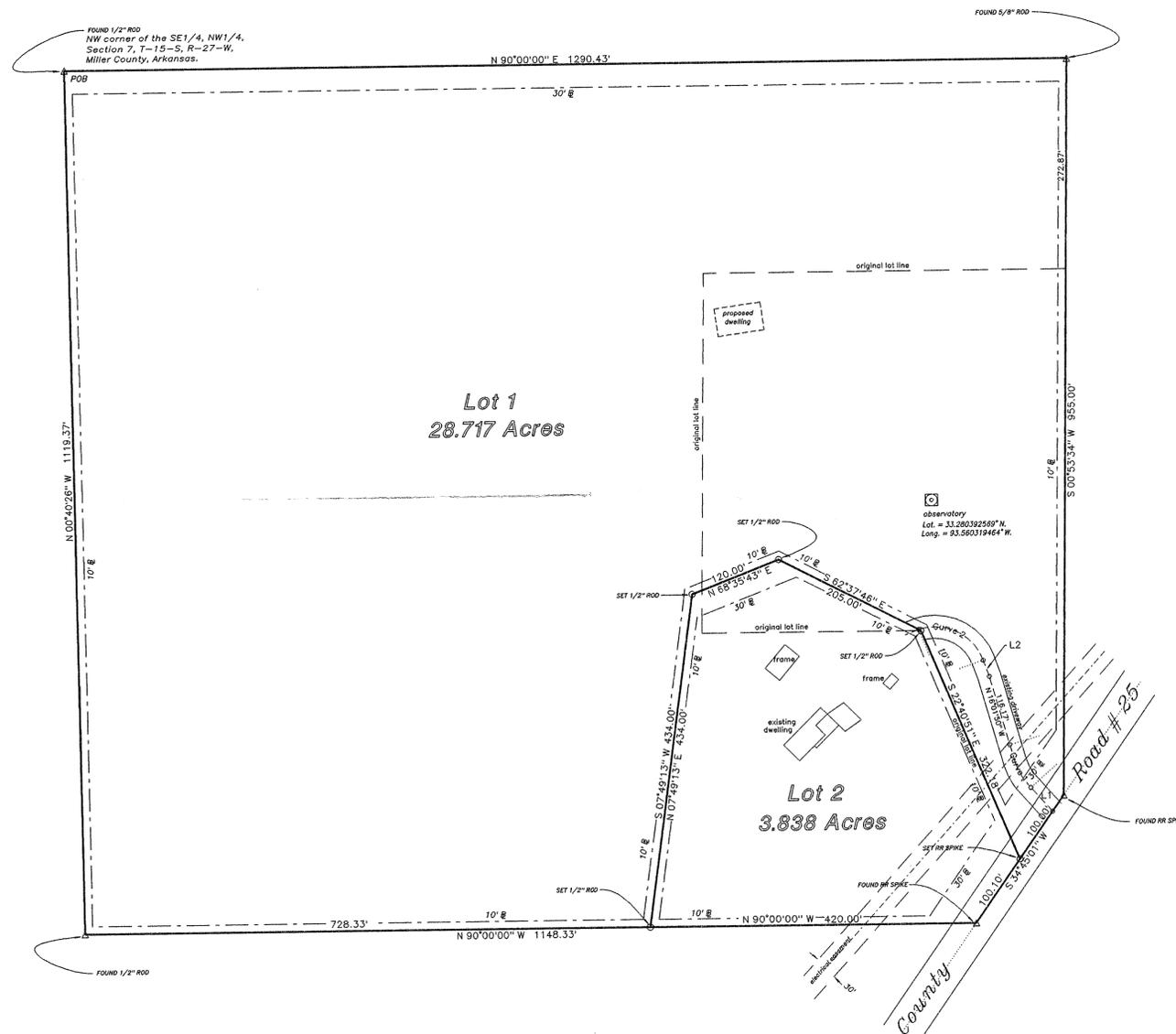
BEGINNING at a point in the centerline of County Road no. 25, said point being located S 0°53'34"W 955.00 feet and S 34°45'01"W 25.12 feet from the NE corner of Lot 1 of the William Dempsey Replat of Dempsey Hunt Subdivision in Texarkana, Miller County, Arkansas, and run thence N 41°37'45"W 48.43 feet to a point, run thence along a curve to the right with a delta angle of 25°35'54" having a radius of 70.47 feet and an arc length of 31.49 feet, with a chord bearing and distance of N 28°49'47"W 31.23 feet to a point, run thence N 16°01'50"W 116.17 feet to a point, run thence N 19°48'53"W 22.39 feet to a point, run thence along a curve to the left with a delta angle of 87°46'59" having a radius of 66.62 feet and an arc length of 102.07 feet, with a chord bearing and distance of N 63°42'23"W 92.37 feet to the ENDING POINT of this easement.

**Surveyor's Certificate**

THIS IS TO CERTIFY: that the plat hereon is a true representation of the above described property as determined by survey and that I, the undersigned, Charles D. Webb have surveyed and marked, or will mark on the ground the boundaries and corners shown on the said plat of the Two (2) lots of WILLIAM DEMPSEY REPLAT of DEMPSEY HUNT SUBDIVISION of the City of Texarkana, Miller County, Arkansas.

*Charles D. Webb* 6/11/14  
Charles D. Webb, PLS 1077

According to Flood Insurance Rate Map (FIRM) Community Panel no. 05091C0150D, effective date December 18, 2009, this property is in Zone X.



**Line Table**

L1	N 41°37'45" W	48.43'
L2	N 19°48'53" W	22.39'

**Curve Data**

Curve 1	R = 70.47'	Δ = 25°35'54"	L = 31.49'
Curve 2	R = 66.62'	Δ = 87°46'59"	L = 102.07'

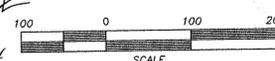


Bearings taken from Plat of Dempsey Hunt Subdivision, surveyed in September, 2003 by Wallace Roy, PLS 900.



THIS DOCUMENT IS BEING RE-RECORDED TO CORRECT AN ERROR IN THE LEGAL DESCRIPTION - Reference to the SW 1/4 of NW 1/4 should have been SW 1/4 of NE 1/4

MARY PANKEY  
MILLER COUNTY CIRCUIT CLERK  
TEXARKANA, AR  
RECORDED  
ON 18 DAY OF June 2014  
AT 12:14 O'CLOCK P.M. REC FEE \$15.00  
PAGES 1 DOC # 2014 R005 233  
DEPUTY CT



MARY PANKEY  
MILLER COUNTY CIRCUIT CLERK  
TEXARKANA, AR  
RECORDED  
ON 28 DAY OF July 2014  
AT 10 O'CLOCK P.M. REC FEE \$15.00  
PAGES 1 DOC # 2014 R006 393  
DEPUTY CT

**DAVID WEBB SURVEYING, INC.**

SCALE: 1" = 100' DRAWING NAME: DEMPSEY.DW2 DRAWN BY: CDW  
DATE: 06/11/14 REVISED:

**WILLIAM DEMPSEY REPLAT  
of DEMPSEY HUNT SUBDIVISION**

A replat of Lots 1 & 2 of the Dempsey Hunt Subdivision, being part of the SE 1/4 of the NW 1/4 and part of the SW 1/4 of the NE 1/4 of Section 7, Township 15 South, Range 27 West, Miller County, Ar. DRAWING NUMBER: 1405201 DEMPSEY.DAT

OFFER OF IRREVOCABLE DEDICATION:  
KNOWN ALL PERSONS BE THESE PRESENT:

*CDW*  
*SPD*  
*WEE*  
*NE 1/4*

That we, William A. Dempsey and Sherry J. Dempsey being the owners of the above legally described tract of land, do hereby plat and layout the same into a subdivision of the City of Texarkana, Miller County, Arkansas, said subdivision to be known, designated and hereafter referred to by its subdivision name, WILLIAM DEMPSEY REPLAT of DEMPSEY HUNT SUBDIVISION, legally described as being part of the SE 1/4 of the NW 1/4, and part of the SW 1/4 of the NE 1/4 of Section 7, Township 15 South, Range 27 West, Miller County, Arkansas, the same being composed of Two (2) lots, as more particularly set out in detail on the survey and plat of which this dedication is a part.

This plat designates certain improvements constituted of street rights-of-way as shown upon said plat. We further dedicate for the use of the present and future owners of said several lots for obtaining utilities (including without being limited to utilities and utility companies providing said premises with water, sewage service, telephone service, electricity and gas) serving said premises, the easements located on said plat and designated as utility and/or guy easements, to be dedicated to the City of Texarkana, Arkansas, free clear of all encumbrances and liens, pursuant to the regulations and requirements of the City of Texarkana, Arkansas.

This offer of dedication is irrevocable and can be formally accepted by the City of Texarkana, Arkansas at any time. The offer shall run with the land and shall be binding on all assignees, grantees, successors or heirs of the developer.

By: *William A. Dempsey* By: *Sherry J. Dempsey*  
William A. Dempsey Sherry J. Dempsey

NOTARY ACKNOWLEDGMENT  
State of Arkansas  
County of Miller

BE IT REMEMBERED, that on this day, before me, the undersigned a Notary Public duly commissioned, qualified and acting, within and for said County and State, appeared in person the within named William A. Dempsey and Sherry J. Dempsey, to me well known as the grantors in the foregoing Dedication, and acknowledged that they had executed the same for the consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as Notary Public, on this 12<sup>th</sup> of June 2014  
*Mary L. Beck*  
Notary Public

My Commission Expires: *January 25, 2022*  
MARY L. BECK  
NOTARY PUBLIC-STATE OF ARKANSAS  
MILLER COUNTY  
My Commission Expires 1-25-2022  
Commission # 12388723

CERTIFICATE OF APPROVAL BY PLANNING ADMINISTRATOR  
We, the undersigned, do hereby certify that the plat of WILLIAM DEMPSEY REPLAT of DEMPSEY HUNT SUBDIVISION, together with the Owner's Certificate and Surveyor's Certificate of same were presented to the Planning Administrator of the City of Texarkana, Arkansas, for its approval; that said plat, Owners Certificate, and Surveyors Certificate, being found to conform to the requirements in all aspects are in all approved this 13<sup>th</sup> day of June, 2014.

*Mary Pankey*  
Chairman Planning Administrator

The above approval shall expire 121 days after approval unless the approved plat is legally recorded prior to that time.