

**FILED**

BK 1  
MAY 12 2010  
DG 103  
TOMMY ESTED. CLERK  
BY J. L. L. D.C.

**ORDINANCE NO. 2010-04**

**AN ORDINANCE ANNEXING CERTAIN LANDS, A 160-ACRE ISLAND, THAT ARE COMPLETELY SURROUNDED BY THE INCORPORATED LIMITS OF THE CITY OF CHEROKEE VILLAGE; AND FOR OTHER PURPOSES.**

**WHEREAS**, Act 314 of 1979 provides that unincorporated "islands" of land that have been completely surrounded by the incorporated limits of a municipality may be annexed by that municipality; and

**WHEREAS**, the City of Cherokee Village desires to annex certain lands more completely described below; and

**WHEREAS**, all existing City services are to be extended to such area after enactment of ordinance; and

**WHEREAS**, the area to be annexed complies with the standards for lands qualifying for annexation which are set forth in A.C.A. Section 14-40-302 et seq. and Act 314; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHEROKEE VILLAGE, ARKANSAS.**

**Section 1.** That the following described unincorporated area which is completely surrounded by the city limits of the City of Cherokee Village is hereby annexed into the City of Cherokee Village.

**Section 19, Township 19 North  
Okmulgee Drive**

**SECTION 19, TOWNSHIP 19 NORTH, RANGE 5 WEST  
SHARP COUNTY, ARKANSAS**

ALL OF THE SOUTH HALF OF THE NORTHEAST QUARTER AND THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 19 NORTH, RANGE 5 WEST OF THE 5<sup>TH</sup> PRINCIPAL MERIDIAN, SHARP COUNTY, ARKANSAS, A 160-ACRE ISLAND, AS SHOWN ON RECORD PLAT FILED IN CABINET B, PAGE 192-A AND DESCRIBED IN DEED BOOK 1998, PAGE 622 AND BOOK 2002, PAGE 11397 IN THE OFFICE OF THE CIRCUIT AND COUNTY CLERK OF SHARP COUNTY, ARKANSAS.

The area to be annexed shall be zoned REC-1-B, and shall remain REC-1-B until such time as the ownership of the property is altered in any manner or the property is subdivided or the use of the property changes from its current use as privately owned, non-commercial hunting property. At the time of such alteration of ownership or use, the property will be reevaluated and subject to that zoning classification that is appropriate at such time. The property shall be located in Ward 2.

**Section 2.** All existing City services shall be extended to such area after the enactment of this ordinance. If a dwelling or other structure is present on the property, the property owner is responsible for constructing a passable access road for emergency vehicles.

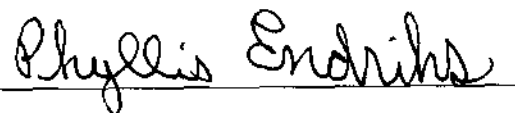
**Section 3.** Should any section, clause, or phrase of this ordinance be declared by the courts to be invalid, that invalidity shall not affect the other provisions of this ordinance which shall be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
CHEROKEE VILLAGE, ARKANSAS

DATE 1-26-10

APPROVED: 

Lloyd Hefley, Mayor

ATTEST: 

Phyllis Endrihs, Clerk/Treasurer