

ORDINANCE NO. 0-81-21

AN ORDINANCE AMENDING SECTIONS 201.1 AND 201.3 OF THE CONWAY LAND DEVELOPMENT CODE: DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

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

Section 1. That the Zoning District Boundary Map of the Conway Land Development Code be amended by changing all the R-2 general district symbols and indications as shown on the Zoning District Boundary Map in an area bounded as follows:

The East 30 feet of Lots 5, all of Lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22, Block 7, Erbacher Addition to the City of Conway, Faulkner County, Arkansas.

to those of MF-3 multi-family Residential District, and a corresponding use district is hereby established in the area above described.

However, said change in use district is subject to the condition that construction of apartments for the elderly in accordance with presently proposed plans and specifications as set out in a contract of even date herewith shall be commenced within one year and completed within two years of the date of the passage of this ordinance. Should said conditions not be met or reasonably appear likely to fail at any time the above change in use district designation shall be reconsidered by the Conway Planning Commission and the City Council of the City of Conway and the City Council of the City of Conway shall then in its discretion have the option to exercise the powers granted in Section 901.4 of the Conway Land Development Code.

Section 2. That the Mayor and City Clerk are hereby authorized to enter into an agreement effectuating the above provisions for a change in the use district above set forth.

Section 3. That all ordinances in conflict herewith are repealed to the extent of the conflict.

Section 4. That this ordinance is necessary for the protection of the public peace, health, and safety and an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 6 day of May, 1981.

APPROVED: B. W. Wright

Mayor

ATTEST: Ann Danner

City Clerk

## AGREEMENT

WHEREAS, Al Hiegel and Paul Hiegel are Owners of the real estate described in the attached "Ordinance No. 0-81-21" that contains a condition that the within real property be rezoned from R-2 to MF-3;

WHEREAS, the Conway Planning Commission has approved this rezoning request upon the recommendation that the owners enter into an agreement with the City of Conway that construction begin within one (1) year from the date of City Council's approval and be completed within two (2) years thereof;

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. That Al Hiegel and Paul Hiegel, Owners, under this agreement are aware of and agree that the construction of the apartments mentioned above by Al Hiegel and Paul Hiegel, Owners, in accordance with plans and specifications which are incorporated into this agreement by reference as if set out herein word for word, a copy which shall be appended to this agreement, must be commenced within one (1) year of the date of this agreement and must be completed within two (2) years of the date of this agreement. Should these conditions not be met it is understood by the parties hereto that the conditional change in zoning district granted concurrently with the execution of this agreement may in the sole discretion of the City of Conway acting through its planning commission and city council be void and the **area** may revert to its previous designation before amendment.

2. Should said reversion occur, the parties are aware of the use limitations prescribed by the Conway Land Development Code for the zoning district uses mentioned in the preamble to this agreement.

3. Should these conditions be met and complied with by the Owners or their successors, or assigns, then said conditional zoning district use granted by Ordinance No. 0-81-21 shall be final. It is further understood that should it appear obvious that the within named project is not likely to be completed on schedule, that the City of Conway may exercise the powers granted under Section 901.4 of the Conway Land Development Code.

City of Conway

Owners

By:

Mayor

ATTEST:

City Clerk

*Bill Wright*

*Annis Damm*

*Al Hiegel*

*Paul J. Hiegel*