

ORDINANCE NO. 0-81- 20

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, STATE OF 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 described as follows:

A parcel of land in part of Block Five (5) of Hardy's Subdivision of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Sec. 13, T5, R14, Faulkner County, Arkansas, being described as follows: The north lot which is 200' x 263' of Block Five (5) of Hardy's Subdivision of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Sec. 13, T5, R14, Faulkner County, Arkansas.

to those of MF-3, Multi-Family, 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 by Independent Living Services, Inc. and financed by the Department of Housing and Urban Development 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.

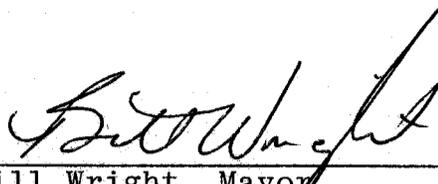
SECTION 2. That the Mayor and City Clerk are hereby authorized to enter into an agreement effectuating the above provisions for a change in the use district above set forth.

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 That all ordinances in conflict herewith are repealed to the extent of the conflict.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

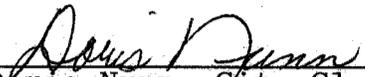
PASSED THIS 29th DAY OF APRIL, 1981.

APPROVED:



Bill Wright, Mayor

ATTEST:



Doris Nunn, City Clerk

AGREEMENT

WHEREAS, the owners and the future owners of the real estate described in the attached "Ordinance No. 0-81-20" have entered into a contract that contains a condition of the above real property being rezoned from R-2 to MF-3;

WHEREAS, the current owners are in the process of having this done to allow the future owners, ILS, Inc., to purchase the real property for the construction of apartments which are to be financed by HUD;

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 the owners, and future owners under this agreement are aware of and agree that the construction of the apartments mentioned above by Independent Living Services, Inc. in accordance with plans and specifications which are incorporated into this agreement by reference as if set out herein word for word a copy of 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 Independent Living Services, Inc. or their successors, or assigns, then said conditional zoning district use granted by Ordinance Number 0-81-20 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

By:

B. W. [Signature]

Mayor

ATTEST:

[Signature]

City Clerk

OWNERS

[Signature]
[Signature]

Future Owners

ILS, Inc.

By:

[Signature]
Title Executive Director