

**Jim Burton**  
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January 11, 1988

Jonesboro Metropolitan Area Planning Commission  
City Hall  
314 W. Washington  
Jonesboro, AR 72401

RE: Discrepancy in property layout  
Christopher Homes project, Highway 141 North, Jonesboro

Gentlemen:

I have been requested by Mr. Jim McKinnon, Director of the Jonesboro Housing Authority, to provide an opinion with respect to a discrepancy which apparently has arisen in the plat layout of the above-captioned project. The initial layout which was presented and approved by the MAPC described the entire area contemplated for use in this project as Residential (R-3), as was and remains the original intent of those developing the project.

As a result of an apparent erroneous transposition in a subsequent drawing which was presented to the Jonesboro City Council pursuant to the enactment of the ordinance of annexation, approximately 14 feet on the West side of the above described tract of land was shown in the plat appended to the ordinance of annexation as Commercial (C-3).

There is an ordinance which I believe provides for a process of correction by the MAPC which can be utilized to rectify this problem without revision or repeating presentation of the original zoning ordinance. Specifically, Ordinance §24-12(d) states as follows:

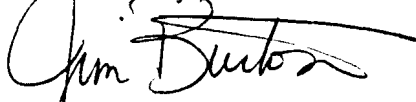
When uncertainty exists with respect to the boundaries of districts as shown on the official zoning map the following rule shall apply: (d) when the street or property layout existing on the ground is at variance with that shown on the official zoning map, the city planning commission shall interpret the district boundaries of this chapter. (Ord. #954, Art. 11, §2, 4/21/58)

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My reading of this ordinance in the context of the facts given in this situation leads me to believe that the Metropolitan Area Planning Commission, despite an erroneous entry on the plat describing the property for purposes of annexation, is empowered by the above ordinance to interpret the zoning boundaries and apply the same in a manner so as to correct the discrepancy, without requiring the proponents of the project to go back to the City Council and go through the zoning process again in order to rectify the second erroneous description.

If any of the members have any questions about the above interpretation I would hope you would feel free to contact me in this regard.

Sincerely,



Jim Burton

JRB/mm

cc: Jim McKinnon