

April 01, 1999

APPEAL TO THE JONESBORO CITY COUNCIL

REQUEST FOR HEARING ON APPEAL FROM
THE METROPOLITAN AREA PLANNING COMMISSION

Comes the appellant, Mr. James Bedwell, by and through himself and his surveyor, Hamman Newell Engineering, and for his appeal from the decision of the Metropolitan Area Planning Commission, states:

1) Appellant is the owner of a tract of land lying in the City of Jonesboro, Arkansas, described as follows:

Lot 1 of the JAMES BEDWELL SUBDIVISION, A MINOR PLAT, being more particularly described as follows:

A part of the Northeast Quarter of the Northeast Quarter of Section 10, Township 14 North, Range 4 East, Craighead County, Arkansas, to wit:

From the Southeast Corner of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter of said Section 10, thence run N 34°14'51" W, a distance of 200.80 feet to the POINT OF BEGINNING, then run S 57°56'00" W, a distance of 175.33 feet to a point; then run N 32°04'34" W, a distance of 215.09 feet to a point on the southerly line of Arkansas Highway #49; then run along said Highway southerly line as follows: N 60°13'10" E, a distance of 9.41 feet to a point; then run N 62°23'43" E, a distance of 99.88 feet to a point; then run N 62°50'19" E, a distance of 83.52 feet to a point; then leaving said highway Right-of-Way, run S 27°15'07" E, a

distance of 200.51 feet to the POINT OF BEGINNING, said tract containing 0.88 acres.

2) The general location of the property is on the south side of Highway #49, situated between Airport Road and Old Paragould Drive.

3) Appellant and his predecessor in title have owned this property for several years.

4) This property is currently zoned Residential (R-1), however, the highest and best use, and existing use of this property is Commercial (C-3). Appellant applied for a Commercial (C-3) Zoning in order to bring the property into the proper zoning for it's highest and best use, and to bring the property into compliance with it's existing use. The Metropolitan Area Planning Commission recommended denial of the appellant's request to rezone said property from Residential (R-1) to Commercial (C-3).

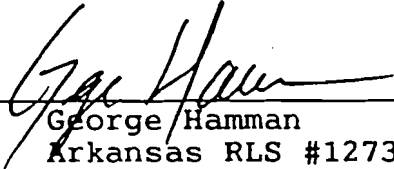
5) The action by the Metropolitan Area Planning Commission in refusing to recommend approval of the rezoning of the property according to it's highest and best use, and it's existing use violates appellant's due process rights and equal protection rights as guaranteed by the United States Constitution, and the Constitution of the State of Arkansas.

6) Appellant states that he has adequate grounds for appeal and the action of the Metropolitan Area Planning Commission in refusing to recommend rezoning of his property as requested is without basis in law or fact. Further, the action of the Metropolitan Area Planning Commission is arbitrary and

capricious as well as in violation of appellant's constitutional rights and the City Council should hear the appeal and override the action of the Metropolitan Area Planning Commission and rezone the property to a Commercial (C-3) classification.

WHEREFORE, appellant prays that his appeal to the City Council of the City of Jonesboro, Arkansas, be perfected pursuant to the Code of Ordinances of the City of Jonesboro; or alternatively, set appellant's appeal hearing for a regular official session; that the City Council override the action of the Metropolitan Area Planning Commission and rezone said property as requested; and for all other relief to which it may be entitled.

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By 
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Arkansas RLS #1273
Surveyor for Appellant

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