

ORDINANCE NO.

52

AN ORDINANCE ACCEPTING CERTAIN TERRITORY ANNEXED
TO THE TOWN OF TONTITOWN, ARKANSAS, BY THE COUNTY
COURT OF WASHINGTON COUNTY, ARKANSAS.

BE IT ORDAINED, by the Town Council of the Town of Tontitown,
Arkansas:

Section 1. That Whereas, on the 4th day of August, 1972,
there was presented to the County Court of Washington County,
Arkansas, a proper petition asking that certain real estate con-
tiguous and adjacent to the Town of Tontitown, Arkansas, be
annexed to the Town of Tontitown, Arkansas. The real estate in
the petition was described as follows:

Part of the South Half (S 1/2) of Section Two (2), and
part of the East Half (E 1/2) of Section Eleven (11),
all in Township Seventeen (17) North of Range Thirty-one
(31) West, more particularly described as follows, to-wit:
Beginning at the Northeast corner of the South Half (S 1/2)
of the Southeast Quarter (SE 1/4) of said Section Two (2),
thence South to the Southeast corner of the North Half
(N 1/2) of the Northeast Quarter (NE 1/4) of the Southeast
Quarter (SE 1/4) of said Section Eleven (11), thence West
to the Southwest corner of the North Half (N 1/2) of the
Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4)
of said Section Eleven (11), thence North to the Northwest
corner of the North Half (N 1/2) of the Northeast Quarter
(NE 1/4) of the Southeast Quarter (SE 1/4) of said Section
Eleven (11), thence West to the Southwest corner of the
Northeast Quarter (NE 1/4) of said Section Eleven (11),
thence North to the Northwest corner of the Northeast
Quarter (NE 1/4) of said Section Eleven (11), thence West
to the Southwest corner of the Southeast Quarter (SE 1/4)
of the Southwest Quarter (SW 1/4) of said Section Two (2),
thence North to the Northwest corner of the Southeast Quarter
(SE 1/4) of the Southwest Quarter (SW 1/4) of said Section
Two (2), thence East to the Point of Beginning, and containing
in all three hundred (300) acres, more or less.

Section 2. That Whereas, on the 4th day of August, 1972, the
County Court of Washington County, Arkansas, found that the statutory
requirements with reference to annexation had been complied with in
full; that the petition and the plat were in proper form and that
the notice as required by law had been properly given and on that day

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entered an order annexing the said real estate to the Town of Tontitown, Arkansas.

Section 3. That Whereas, according to the Statutes of the State of Arkansas, the said order was recorded in the County Record Book P-1, Page 22, and no further action was taken for a period of more than thirty days; that at the end of the thirty days, no notice of protests of any sort by any one has been filed with the authorities of the Town of Tontitown, Arkansas, nor to the agents of the petitioners, nor filed in the County Court of Washington County, Arkansas, against the aforesaid action or protesting the matters in the County Court.

Section 4. That Whereas, on the 12th day of October, 1972, the County Court entered an order approving and confirming all actions taken on the 4th day of August, 1972, which order is recorded in Book P-1, Page 64.

Section 5. And That Whereas, on this 8th day of November, 1972, certified copies of the original order and order confirming the annexation have been filed with the Clerk of the Town of Tontitown, Arkansas;

NOW, THEREFORE, from and after the approval and publication of this Ordinance the following described real estate in Washington County, Arkansas, to-wit:

Part of the South Half (S 1/2) of Section Two (2), and part of the East Half (E 1/2) of Section Eleven (11), all in Township Seventeen (17) North of Range Thirty-one (31) West, more particularly described as follows, to-wit: Beginning at the Northeast corner of the South Half (S 1/2) of the Southeast Quarter (SE 1/4) of said Section Two (2), thence South to the Southeast corner of the North Half (N 1/2) of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of said Section Eleven (11), thence West to the Southwest corner of the North Half (N 1/2) of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of said Section Eleven (11), thence North to the Northwest corner of the North Half (N 1/2) of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of said Section Eleven (11), thence West to the Southwest corner of the Northeast Quarter (NE 1/4) of said Section Eleven (11), thence North to the Northwest corner of the Northeast

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ORDINANCE

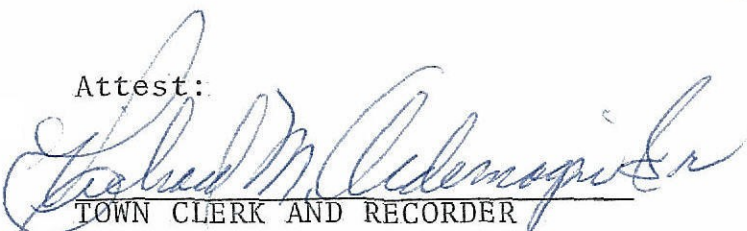
Quarter (NE 1/4) of said Section Eleven (11), thence West to the Southwest corner of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of said Section Two (2), thence North to the Northwest corner of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of said Section Two (2), thence East to the Point of Beginning, and containing in all three hundred (300) acres, more or less.

is hereby declared annexed to and incorporated into the Town of Tontitown, Arkansas; that the streets and alleys as listed therein are declared streets and alleys of the Town of Tontitown, Arkansas, and that the plat of the said territory annexed to the certified copies of the order of annexation is hereby declared the plat of the said annexed territory until such time as an additional Ordinance of the Town re-districts the said Town, and that all the inhabitants of the said annexed territory are hereby declared to be citizens of Tontitown, Arkansas, and are entitled to all the rights, privileges and benefits of the other citizens of the Town of Tontitown, Arkansas.

Passed and approved this the 8th day of November, 1972.


MAYOR

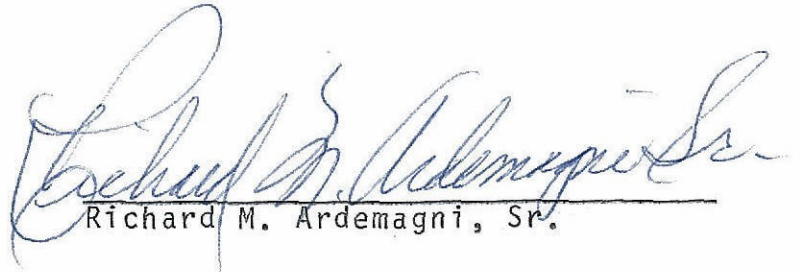
Attest:


TOWN CLERK AND RECORDER

CERTIFICATION

Comes now Richard M. Ardemagni, Sr., and being duly sworn on oath, deposes and states that he is the duly elected and acting Town Recorder for the Town of Tontitown, Arkansas, and that as such official he keeps the minutes and records of the Town of Tontitown, Arkansas, and that the foregoing copy of the above Ordinance is a true and correct copy of said Ordinance as same appears in the Ordinance Book of the Town of Tontitown, Arkansas, and that he is the proper person to make this certification.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand and seal as Town Recorder of the Town of Tontitown, Arkansas, this 8th day of Nov., 1972.


Richard M. Ardemagni, Sr.

Subscribed and sworn to before me, a Notary Public, this 8th day of Nov, 1972.


Notary Public

My commission expires:

4-1-73

WADE, McALLISTER, WADE & BURKE, P.A.
ATTORNEYS AT LAW

CLIFTON WADE
A. D. McALLISTER, JR.
LYNN F. WADE
THOMAS D. BURKE
RUDY MOORE, JR.

SAN JOSE MANOR, SUITE 4
SPRINGDALE, ARKANSAS 72764
(501) 751-0444

FAYETTEVILLE, ARKANSAS OFFICE
20 E. CENTER STREET
(501) 521-1411

November 6, 1972

Mr. Richard Ardemagni
Town Clerk
Tontitown, Arkansas

Re: Annexation
Joseph Roso, et al

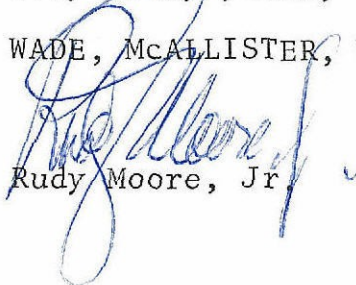
Dear Mr. Ardemagni:

Enclosed please find original and three copies of Ordinance to be considered by the Town Council Wednesday night, November 8. We are also providing you with certified copies of Order dated August 4 as well as Final Order dated October 12. A plat is attached to the Order.

If you will please certify the three copies of the Ordinance and return them to our office it would be appreciated. A self-addressed, stamped envelope is enclosed for your convenience. We will also notify the Washington County Clerk, Secretary of State, Public Service Commission and various utility companies of the annexation.

Very truly yours,

WADE, McALLISTER, WADE & BURKE, P.A.


Rudy Moore, Jr.

RMjr/cjs
Enclosures
cc: Joseph Roso

FILED

'72 AUG -4 4:10:55

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

RUTH E. ROBERTS
CLERK AND PROBATE CLERK
WASHINGTON CO. ARK.

IN THE MATTER OF THE ANNEXATION OF
CERTAIN TERRITORY TO THE TOWN OF
TONTITOWN, ARKANSAS, AN UNINCOR-
PORATED TOWN

ORDER

Now on this 4th day of August, 1972, the above entitled cause comes on to be heard the petition of Joseph Roso, Margaret Roso, Peter John Pianalto, Lucy B. Pianalto, Jack Taldo, Jr., Phillip J. Pianalto, Concetta L. Pianalto, Henry Bariola, Katherine C. Bariola, Katherine C. Bariola, in her own right, Doyle Burditt, Jeanette Burditt, David P. Piazza and Minnie E. Piazza, to annex certain territory to the Town of Tontitown, Arkansas, and the petitioners appearing by their duly authorized agents, Wade, McAllister, Wade & Burke, P.A., attorneys at law, Springdale, Arkansas, and it appearing to the Court that no exceptions or objections have been filed herein to the annexation of the territory described in said petition and from the statements of counsel, data, maps, plats, and other evidence, both oral and documentary, introduced in open court in support of said petition, the Court after due and careful deliberation, finds:

1. That petitioners are a majority of the total number of land owners having a freehold interest in the hereinafter described territory sought to be annexed; that petitioners own more than one half of the hereinafter described territory sought to be annexed; and that petitioners are legal residents of the county in which said territory and the Town of Tontitown are located.

2. That said territory is contiguous to and adjoins the Town of Tontitown, Washington County, Arkansas, and that the limits of said territory are more particularly described as follows, to-wit:

Part of the South Half (S 1/2) of Section Two (2), and part of the East Half (E 1/2) of Section Eleven (11), all in Township Seventeen (17) North of Range Thirty-one (31) West, more particularly described as follows, to-wit: Beginning at the Northeast corner of the South Half (S 1/2) of the Southeast Quarter (SE 1/4) of said Section Two (2),

WADE, McALLISTER, WADE & BURKE, P.A.

ATTORNEYS AT LAW

P. O. BOX 1000
FAYETTEVILLE, ARKANSAS 72701

P. O. BOX 148
SPRINGDALE, ARKANSAS 72764

thence South to the Southeast corner of the North Half (N 1/2) of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of said Section Eleven (11), thence West to the Southwest corner of the North Half (N 1/2) of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of said Section Eleven (11), thence North to the Northwest corner of the North Half (N 1/2) of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of said Section Eleven (11), thence West to the Southwest corner of the Northeast Quarter (NE 1/4) of said Section Eleven (11), thence North to the Northwest corner of the Northeast Quarter (NE 1/4) of said Section Eleven (11), thence West to the Southwest corner of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of said Section Two (2), thence North to the Northwest corner of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of said Section Two (2), thence East to the Point of Beginning, and containing in all three hundred (300) acres, more or less.

3. That a true and correct plat of said above described territory has been filed with the Clerk of this Court.

4. That on the 30th day of June, 1972 this Court entered an Order fixing the 4th day of August, 1972, at 10:00 a.m., in the Circuit Courtroom of the Washington County Court House, in Fayetteville, Arkansas, as the time, place, and date fixed for hearing on said petition.

5. That due notice of the time, place and date fixed for hearing upon said petition was duly published in the Springdale News, a newspaper having a county wide circulation, in the form and manner and for the time required by law.

6. That petitioners desire that the above described territory be annexed to and made a part of the Town of Tontitown, Arkansas; that said territory is not unusually large, is contiguous to and adjoins the present corporate limits of the Town of Tontitown, Washington County, Arkansas, and is particularly adapted for urban purposes; and that it is right and proper that it should be annexed to the Town of Tontitown, Washington County, Arkansas.

7. That petitioners nominated and designated Wade, McAllister, Wade & Burke, P.A., attorneys at law, Springdale, Arkansas, as their agents to act for and in their behalf in connection with the annexation of said territory.

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ORDER

IT IS, THEREFORE, CONSIDERED, ORDERED AND ADJUDGED that the real estate hereinabove described, and situated in Washington County, Arkansas, and not presently inside the corporate limits of the Town of Tontitown, Arkansas, be and the same is hereby annexed to and made a part of the Town of Tontitown, Arkansas.

IT IS SO ORDERED.


Vol B. Lester, County Judge

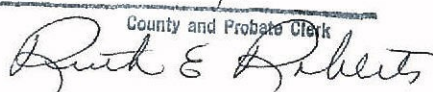
CERTIFICATE OF COUNTY AND PROBATE COURT

THE STATE OF ARKANSAS, }
COUNTY OF WASHINGTON. } ss.

I, RUTH E. ROBERTS, County and Probate Clerk within and for the County and State aforesaid, do hereby certify that the annexed and foregoing is a true and correct copy of the Order

therein set forth, and the same is as it appears of Record in County Record, Volume 92, at page thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on this 4 day Aug, 1972

County and Probate Clerk


FILED

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

IN THE MATTER OF THE ANNEXATION OF
CERTAIN TERRITORY TO THE TOWN OF
TONTITOWN, ARKANSAS, AN
INCORPORATED TOWN

72 OCT 12 4 11:21
RUTH E. ROBERTS
CO. AND PROBATE CLERK
WASHINGTON CO. ARK.

FINAL ORDER

WHEREAS, on the 4th day of August, 1972, there was entered in this cause an Order annexing the following described real estate to the Town of Tontitown, Arkansas, which real estate is described as follows:

Part of the South Half (S 1/2) of Section Two (2), and part of the East Half (E 1/2) of Section Eleven (11), all in Township Seventeen (17) North of Range Thirty-one (31) West, more particularly described as follows, to-wit: Beginning at the Northeast corner of the South Half (S 1/2) of the Southeast Quarter (SE 1/4) of said Section Two (2), thence South to the Southeast corner of the North Half (N 1/2) of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of said Section Eleven (11), thence West to the Southwest corner of the North Half (N 1/2) of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of said Section Eleven (11), thence North to the Northwest corner of the North Half (N 1/2) of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of said Section Eleven (11), thence West to the Southwest corner of the Northeast Quarter (NE 1/4) of said Section Eleven (11), thence North to the Northwest corner of the Northeast Quarter (NE 1/4) of said Section Eleven (11), thence West to the Southwest corner of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of said Section Two (2), thence North to the Northwest corner of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of said Section Two (2), thence East to the Point of Beginning, and containing in all three hundred (300) acres, more or less.

AND WHEREAS, the said order was duly entered on the County Records of Washington County, Arkansas, in Book P-1, Page 22, on that same day; and

WHEREAS, no notice has been given to the authorities of the Town of Tontitown, Arkansas, nor to the agents of the petitioners, nor have any exceptions to the said order been filed with the County Clerk of Washington County, Arkansas; and

NOW, THEREFORE, it appearing that no exceptions to the said action have been filed by any interested person and that the Town of Tontitown,

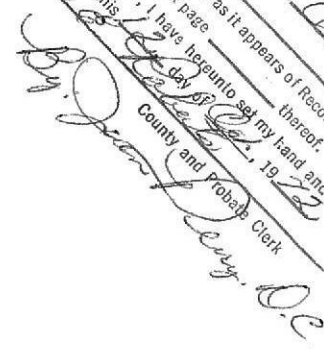
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FINAL ORDER

Arkansas, has by proper resolution entered its appearance in the within cause and asked that the annexation be completed, this Court herein finds that the petition and all proceedings thereunder are in compliance with the Statutes and that the action of the County Court in its order of August 4, 1972, should be in all things approved and confirmed.

IT IS, THEREFORE, THE JUDGMENT AND ORDER OF THIS COURT that the order of this Court entered on the 4th day of August, 1972, annexing the above and foregoing mentioned territory to the Town of Tontitown, Arkansas, is in all things approved and confirmed and the Clerk is directed to certify a copy of this order along with a copy of the original order and transmit the same to the Clerk of the Town of Tontitown, Arkansas, and copies of the same to the Secretary of State.

This 12 day of October, 1972.


COUNTY JUDGE

CERTIFICATE OF COUNTY AND PROBATE COURT
THE STATE OF ARKANSAS, } ss.
COUNTY OF WASHINGTON.
I, RUTH E. ROBERTS, County and Probate Clerk within and for the County and State aforesaid, do hereby certify that the annexed and foregoing is a true and correct copy of the Order therein set forth and the same is as it appears of Record in County Court Record, Volume 20, at page 122, thereof.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on this 12 day of October, 19 72.

County and Probate Clerk



2

NE CORNER
S $\frac{1}{2}$ SE $\frac{1}{4}$ 2-17-31

Katherine Geola Barola	Doyle Burditt	Peter Pinalto	Peter Pinalto	Phillip Pinalto	Jack Taldo, Jr.
					Peter Pinalto
					Henry Barola
					Joe Goso
					David Piazza

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