

ORDINANCE NO. 130-A

FILED FOR RECORD

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WASHINGTON CO AR

K. HARNESS

**AN ORDINANCE ENTITLED "AN ORDINANCE AMENDING  
ORDINANCE NO. 92, THE SAME BEING THE ZONING ORDINANCE  
OF THE CITY OF TONTITOWN, ARKANSAS, AND THE PLAT  
PERTAINING THERETO, FOR REZONING PETITION # 72099A, THE  
PETITIONERS BEING SUE AND PAUL COLVIN, AND FOR OTHER  
PURPOSES."**

WHEREAS, the Tontitown Planning Commission of the City of Tontitown, Washington County, Arkansas, gave notice as required by law and set a hearing date of July 20, 1999, for hearing the matter of redistricting the hereinafter described tract of real estate:

**THE REZONING FROM A-AGRICULTURAL TO C-COMMERCIAL, OF PROPERTY  
LOCATED ON THE SOUTH SIDE OF WEST HENRY DE TONTI BLVD, APPROX. ¼ MILE  
WEST OF THE SOUTHWEST CORNER OF SOUTH PIANALTO ROAD, RUNNING THE  
ENTIRE LENGTH OF THE NORTH BOUNDARY OF SAID TRACT AND EXTENDING  
SOUTH, 330 FEET FROM THE CENTER LINE OF WEST HENRI DETONTI  
( HWY 412 WEST ) .**

**LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A".**

AND WHEREAS, after giving notice as required by law, the Tontitown Planning Commission of the City of Tontitown, Arkansas, held a hearing; and after hearing arguments for and against such rezoning; and the Tontitown Planning Commission feeling that the area described herein should be redistricted and changed from Agricultural (A-1) to Commercial (C) in that the purpose of the Zoning Ordinance would be more properly carried out by such redistricting; and that unless granted, citizens of Tontitown will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL of the City of Tontitown, Arkansas:

SECTION 1: Ordinance No.92, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Tontitown, Arkansas, are hereby amended by rezoning the hereinafter described tract from Agricultural (A-1 ) to Commercial ( C ) as follows:

**PROPERTY LOCATED ON THE SOUTH SIDE OF WEST HENRY DE TONTI BLVD, APPROX. ¼ MILE WEST OF THE SOUTHWEST CORNER OF SOUTH PIANALTO ROAD, RUNNING THE ENTIRE LENGTH OF THE NORTH BOUNDARY OF SAID TRACT AND EXTENDING SOUTH, 330 FEET FROM THE CENTER LINE OF WEST HENRI DETONTI ( HWY 412 WEST).**

**LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A".**

SECTION 2: EMERGENCY CLAUSE: The City council determines that an emergency exists and this Ordinance, being necessary for the preservation of the health, safety, and welfare of the citizens of Tontitown, Arkansas, shall be in effect from and after its approval, passage, publication and the recording of a certified copy thereof with the Recorder of Washington County, Arkansas.

PASSED AND APPROVED BY the City Council of Tontitown, Arkansas on the

3<sup>rd</sup> Day of August, 1999.

Daniel A. Watson  
MAYOR



Francis Franco  
RECORDER/TREASURER

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Part of the West Half ( $W\frac{1}{2}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ) of the Southeast Quarter ( $SE\frac{1}{4}$ ) of Section 3, Township 17 North, Range 31 West, Washington County, Arkansas, that lays South of U. S. Highway 412 West, being also described as follows: Beginning at the Southwest corner of the  $W\frac{1}{2}$  of the  $NE\frac{1}{4}$  of the  $SE\frac{1}{4}$  of said Section 3; thence North 823.20 feet for the point of beginning, thence North 330.00 feet to the South right-of-way of said Highway 412 West; thence along said highway right-of-way South  $83^{\circ} 08' 25''$  East 29.42 feet to a found right-of-way marker, thence North  $86^{\circ} 28' 56''$  East 248.88 feet to a found right-of-way marker; thence North  $83^{\circ} 13' 20''$  East 200.98 feet to a found right-of-way marker; thence South  $89^{\circ} 22' 07''$  East 151.11 feet to a found right-of-way marker; thence South  $69^{\circ} 59' 36''$  East 34.19 feet; thence leaving said highway right-of-way South  $0^{\circ} 08' 35''$  West 330.00 feet more or less to a point which is 657.94 feet more or less East of the point of beginning, thence West 657.94 feet more or less to the point of beginning.



Service

Date

Pay to chip and seal any unpaved streets.

Within three years of annexation.

Reduction of Water Rates

Immediately

Land use protection by virtue of enforcement of the City's zoning ordinances.

Immediately

**SECTION 5.**

The ballots used at said election on the question of annexation shall be marked as follows:

For those electors residing in Tract One (1):

- ☐ FOR annexation of the territory described as Tract One (1) in Ordinance Number 133.
- ☐ AGAINST annexation of the territory described as Tract One (1) in Ordinance Number 133.

For those electors residing in Tract Two (2):

- ☐ FOR annexation of the territory described as Tract Two (2) in Ordinance Number 133.
- ☐ AGAINST annexation of the territory described as Tract Two (2) in Ordinance Number 133.

For those electors residing in Tract Three (3):


- ☐ FOR annexation of the territory described as Tract Three (3) in Ordinance Number 133.
- ☐ AGAINST annexation of the territory described as Tract Three (3) in Ordinance Number 133.

For those electors residing within the corporate limits of the City of Tontitown, Arkansas:

- ☐ FOR annexation of the territory described as Tract One (1) in Ordinance Number 133.
- ☐ AGAINST annexation of the territory described as Tract One (1) in Ordinance Number 133.
- ☐ FOR annexation of the territory described as Tract Two (2) in Ordinance Number 133.
- ☐ AGAINST annexation of the territory described as Tract Two (2) in Ordinance Number 133.
- ☐ FOR annexation of the territory described as Tract Three (3) in Ordinance Number 133.
- ☐ AGAINST annexation of the territory described as Tract Three (3) in Ordinance Number 133.

The foregoing Ordinance was duly and regularly introduced and passed at a special meeting of the City Council of the City of Tontitown, Arkansas, on this 24th day of August, 1999.



  
Daniel Watson, Mayor, City of Tontitown, Arkansas

Attest:

  
Frances Franco, City Clerk

I, Frances Franco, Clerk of the City of Tontitown, Arkansas, hereby certify that this Ordinance was duly passed and approved by a two-thirds ( $\frac{2}{3}$ ) vote of the total number of the governing body of the City of Tontitown, Arkansas, this 23rd day of August, 1999.

Frances Franco

Francis Franco, City Clerk