

ORDINANCE NO. 175

AN ORDINANCE SUBMITTING TO THE VOTERS OF THE CITY OF TONTITOWN, ARKANSAS, AND OTHER AFFECTED PERSONS, THE QUESTION OF ANNEXATION TO SAID CITY OF 4756.40 ACRES, MORE OR LESS, OF CERTAIN CONTIGUOUS TERRITORY; DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES

WHEREAS, it appears to the Council of the City of Tontitown, Arkansas, that certain hereinafter described territory contiguous to the said City of Tontitown is necessary for the orderly growth of said City; and

WHEREAS, the lands represent the actual growth of the municipality beyond its legal boundary; and

WHEREAS, the lands are needed for proper municipal purposes; and

WHEREAS, the lands are valuable by reason of their adaptability for prospective municipal uses,

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TONTITOWN, ARKANSAS:

Section 1. That there shall be submitted to the qualified electors of the City of Tontitown and of the following described area:

All of S12, T17N, R31W not already within the city limits of Tontitown.

All of the unincorporated parts of Sections 7 and 8 of T17N, R30W lying west of the eastern right-of-way line of S.H. 112, less and except the following described area: A part of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 8, and a part of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 7, all in T17N, R30W more particularly described as follows: From the Southwest corner of said Section 8; thence N 00°24'16" W 476.62 feet to the Point of Beginning; thence N 76°55'00" W 127.6 feet; thence N 41°34'00" W 39.7 feet; thence N 19°57'00" W 559.4 feet; thence N 11°23'00" W 253.3 feet; thence N 89°56'00" E 1090.94 feet; thence S 16°20'00" E 244.36 feet; thence S 09°41'00" E 822.6 feet; thence S 89°31'00" W 79.4 feet; thence N 77°08'00" W 314 feet; thence N 81°18'00" W 168.00 feet; thence N 72°08'00" W 125.4 feet; thence N 67°50'00" W 124.5 feet; thence N 75°26'00" W 124.3 feet to the Point of Beginning containing 22.91 acres, more or less, and subject to any other easements of record or fact; same tract also being known as parcels numbers 001-16172-000, and 001-16151-000.

All of Section 14, T17N, R31W.

All of Section 13, T17N, R31W.

All of Section 18, T17N, R30W.

All of Section 17, T17N, R30W lying west of the eastern right-of-way line of S.H. 112.

The N $\frac{1}{2}$ of Section 23, T17N, R31W;

And a part of the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Section 23, being more particularly described as: Beginning at the Southwest Corner of said Section 23; thence N 02°20'40" W 2266.42 feet; thence N 83°46'27" E 80.38 feet; thence S 87°54'11" E 114.19 feet; thence S 67°36'50" E 357.51 feet; thence S 42°02'55" E 139.55 feet; thence S 70°41'36" E 378.80 feet; thence S 03°11'54" W 558.11 feet; thence S 14°34'19" W 415.49 feet; thence S 30°41'50" W 340.68 feet; thence S 10°58'12" W

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the Point of Beginning, containing 36.88 acres, more or less, and subject to any other easements of records or fact; same tract also being known as parcel number 001-17264-00.

And a part of the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Section 23, being more particularly described as: Beginning at the Northwest Corner of the SW $\frac{1}{4}$ of said Section 23; thence S $89^{\circ}29'20''$ E 1317.25 feet; thence S $89^{\circ}30'13''$ E 1317.85 feet; thence S $00^{\circ}11'31''$ E 1283.28 feet; thence S $89^{\circ}58'43''$ W 258.97 feet; thence N $04^{\circ}26'59''$ W 330.27 feet; thence S $83^{\circ}49'25''$ W 697.66 feet; thence N $29^{\circ}37'52''$ W 310.90 feet; thence S $13^{\circ}57'11''$ W 128.60 feet; thence N $74^{\circ}33'48''$ W 527.24 feet; thence N $68^{\circ}59'00''$ W 378.80 feet; thence N $40^{\circ}20'19''$ W 139.55 feet; thence N $65^{\circ}54'14''$ W 357.51 feet; thence N $86^{\circ}18'14''$ W 114.06 feet; thence S $85^{\circ}39'09''$ W 80.47 feet; thence N $00^{\circ}34'33''$ W 377.13 feet to the Point of Beginning, containing 49.23 acres, more or less, and subject to any other easements of record or fact; same tract also being known as parcel number 001-17264-000;

And the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 23;

And a part of the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 23, being more particularly described as: Beginning at the Northwest corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 23; thence S $02^{\circ}14'53''$ W 483.046 feet; thence S $82^{\circ}06'09''$ E 1040.25 feet; thence S $03^{\circ}51'19''$ W 601.902 feet; thence N $87^{\circ}42'56''$ W 157.055 feet; thence S $40^{\circ}06'01''$ W 445.51 feet; thence S $86^{\circ}15'36''$ E 656.43 feet; thence N $32^{\circ}14'02''$ E 154.824 feet; thence N $02^{\circ}16'01''$ E 76.5985 feet; thence N $02^{\circ}14'30''$ E 1328.94 feet; thence N $87^{\circ}02'52''$ W 1321.45 feet to the point of beginning, containing 25.23 acres, more or less, and subject to any other easements of record or fact, same tract also being known as parcel numbers 000-17265-002, 000-17265-000, 000-17265-004, 17265-003, and 17266-001.

All of Section 24, T17N, R31W.

All of Section 19, T17N, R30W.

The NW $\frac{1}{4}$ of Section 20, T17N, R30W, including all of that part of the N $\frac{1}{2}$ of said Section 20 lying west of the east right-of-way line of S.H. 112; the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Section 20, and a part of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 20, being more particularly described as: Beginning at the Northwest Corner of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 20, thence N $90^{\circ}00'00''$ E 405 feet; thence S $00^{\circ}00'00''$ W 580 feet; thence S $15^{\circ}00'00''$ W 217 feet; thence S $50^{\circ}45'00''$ W 161 feet; thence S $66^{\circ}15'00''$ W 76.5 feet; thence S $70^{\circ}30'00''$ W 76.8 feet; thence N $90^{\circ}00'00''$ W 90.3 feet to the point of beginning, containing 8.17, acres more or less, and subject to any other easements of record or fact; same tract also being known as parcel number 001-16612-000;

And also a part of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 20, being more particularly described as: That part of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 20 lying North and West of Clear Creek, containing 0.92 acres, more or less, and subject to any other easements of record or fact; same tract also being known as parcel number 001-16622-000.

the question of the annexation of the above described territory to the City of Tontitown.

Section 2. The question of annexation of the territory described above in Section 1 shall be submitted to the electors qualified to vote on this issue at an election to be held on June 8th, 2004. The City Clerk shall immediately notify the County Election Commission by forwarding a certified copy of this ordinance.

Section 3. If at such election a majority of the qualified electors voting in such election shall vote for such annexation, the municipality shall proceed to file a description and a map of the annexed area with the County Clerk of the county wherein the land lies and with the Secretary of State. The annexation shall be included within the corporate limits of the annexing city thirty (30)

days following the filing of the description and map with the County Clerk, or in the event an action is filed with the Circuit Court, on the date the judgment of said Court becomes final. If a majority of the qualified electors voting on the issue at the election vote against the annexation, the annexation ordinance shall be null and void.

Section 4. If the annexation is approved and becomes final, the following services shall be extended to the area within three (3) years:

SERVICE

DATE

Police Protection

Within three (3) years of annexation

Section 5. The ballots used at said election on the question of annexation shall be marked as follows:

☐ FOR annexation of the territory described in Ordinance No. 175.

☐ AGAINST annexation of the territory described in Ordinance No. 175.

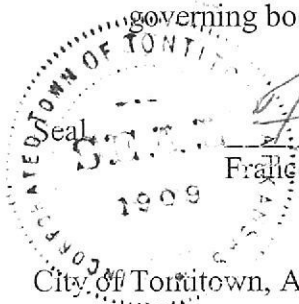
Section 6. Emergency Clause: It is hereby declared that an emergency exists, and this Ordinance shall be effective immediately upon its passage, approval, and publication.

APPROVED: Daniel R. Watson
Daniel Watson, Mayor

ATTEST: Frances Franco
Frances Franco, Recorder/Treasurer

CERTIFICATE

I, Frances Franco, Recorder/Treasurer of the City of Tontitown, hereby certify that this ordinance was duly passed and approved by a two-thirds vote of the total number of the governing body of the City of Tontitown, Arkansas, on March 30, 2004.



Frances Franco
Frances Franco, Recorder/Treasurer

City of Tontitown, Arkansas