

ORDINANCE NO. 2006-02-052

**AN ORDINANCE ENTITLED "AN ORDINANCE AMMENDING ORDINANCE NO. 92", THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF TONTITOWN, ARKANSAS, AND THE PLAT PERTAINING THERETO, AND THE CITY CODE OF ORDINANCES; FOR REZONING THE LAND DESCRIBED IN PETITION AND DECLARING AN EMERGENCY**

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 January 10, 2006 for hearing the matter of redistricting the herein described tract of real estate:

The rezoning of the entire parcel to R-3 Residential, of areas of all land contained within the property now zoned A-Agricultural further described as follows:

Legal Description:

A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER IN SECTION 11, TOWNSHIP 17 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND RUNNING THENCE S87°13'50"E 1312.60' TO A FOUND IRON PIN, LOCATED AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, THENCE S02°56'07"W 662.26', THENCE N87°15'32"W 1378.53' TO A FOUND IRON PIN, THENCE N02°56'55"E 662.94', THENCE S87°13'50"E 65.78' TO THE POINT OF BEGINNING. CONTAINING 21.97 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

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 arca described herein should be redistricted and changed from A-Agricultural to R-3 Residential 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.

ORDINANCE NO. 2006-02-252

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 and; The City Code of Ordinances are hereby amended by rezoning the herein after described tract of real estate from A-Agricultural to R-3 Residential:

Legal Description:

A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER IN SECTION 11, TOWNSHIP 17 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND RUNNING THENCE S87°13'50"E 1312.60' TO A FOUND IRON PIN, LOCATED AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, THENCE S02°56'07"W 662.26', THENCE N87°15'32"W 1378.53' TO A FOUND IRON PIN, THENCE N02°56'55"E 662.94', THENCE S87°13'50"E 65.78' TO THE POINT OF BEGINNING. CONTAINING 21.97 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD

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; and 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; shall be in full force and effect from and after its approval, passage, and recording of certified copy thereof with the Recorder of Washington County, Arkansas.

THIS ORDINANCE PASSED AND APPROVED  
on this 7th day of February, 2006

By: [Signature]  
MAYOR

ATTEST:

By: [Signature]  
RECORDER / TREASURER

**ROLL CALL:**

Shall the Ordinance pass:

	<b>YEA</b>	<b>NAY</b>	
<b>Alderman Andrew Penzo</b>	<u>✓</u>	<u>      </u>	<i>(Ward 2, Position 2)</i>
<b>Alderman Arthur Penzo</b>	<u>✓</u>	<u>      </u>	<i>(Ward 2, Position 1)</i>
<b>Alderman Henry Piazza</b>	<u>✓</u>	<u>      </u>	<i>(Ward 1, Position 2)</i>
<b>Alderman Bradley Marveggio</b>	<u>✓</u>	<u>      </u>	<i>(Ward 1, Position 1)</i>
<b>Alderman Ken Robertson</b>	<u>—</u>	<u>      </u>	<i>(Ward 3, Position 2)</i>
<b>Alderman Steve Smith</b>	<u>✓</u>	<u>      </u>	<i>(Ward 3, Position 1)</i>
<b>Mayor Paul Maestri</b>	<u>      </u>	<u>      </u>	

Yeas: 5 Nays: 0 (total)

**ROLL CALL:**

**Shall the Emergency Clause pass:**

	<b>YEA</b>	<b>NAY</b>	
<b>Alderman Andrew Penzo</b>	<u>✓</u>	<u>      </u>	<i>(Ward 2, Position 2)</i>
<b>Alderman Arthur Penzo</b>	<u>✓</u>	<u>      </u>	<i>(Ward 2, Position 1)</i>
<b>Alderman Henry Piazza</b>	<u>✓</u>	<u>      </u>	<i>(Ward 1, Position 2)</i>
<b>Alderman Bradley Marveggio</b>	<u>✓</u>	<u>      </u>	<i>(Ward 1, Position 1)</i>
<b>Alderman Ken Robertson</b>	<u>—</u>	<u>      </u>	<i>(Ward 3, Position 2)</i>
<b>Alderman Steve Smith</b>	<u>✓</u>	<u>      </u>	<i>(Ward 3, Position 1)</i>

Yeas: 5 Nays: 0 (total)