

ORDINANCE NO. 2006-06-263

**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, AND THE CITY CODE OF ORDINANCES; FOR REZONING THE LAND DESCRIBED IN PETITION NO. 680, THE PETITIONER BEING FANTINEL ONE, L.L.C."**

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 May 23, 2006 for hearing the matter of redistricting the hereinafter described tract of real estate:

The rezoning of the entire parcel to C-2 – Commercial, of areas of all land contained within the property now zoned R-3 – Residential further described as follows:

Legal Description attached to this ordinance as Ordinance No. 2006-06-263 Exhibit A, of the City of Tontitown, Arkansas.

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 R-3 – Residential to C-2 – Commercial 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 # 2006-06-263 <sup>June 15</sup> May 30, 2006. Page 2

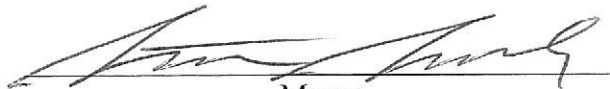
NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL of the City of Tontitown, Arkansas:

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 hereinafter described tract of real estate from R-3 – Residential to C-2 – Commercial:

Legal Description attached to this Ordinance as Ordinance No. 2006-06-263 Exhibit A, of the City of Tontitown, Arkansas.

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 the recording of a certified copy thereof with the Recorder of Washington County, Arkansas.

PASSED AND APPROVED on this <sup>15<sup>th</sup></sup> ~~30<sup>th</sup>~~ Day of <sup>June</sup> ~~May~~, 2006.

  
Mayor

ATTEST:

  
RECORDER/TREASURER

Fantinel One, L.L.C. – Owner

Parcel #830-37583-004

LEGAL DESCRIPTION

A part of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section Six (6), Township Seventeen (17) North, Range Thirty (30) West, being more particularly described as follows to-wit:

Beginning at a point which is South 1°44'58" West - 560.15 feet from the Northeast corner of said forty acre tract and running thence South 1°44'58" West along the East line of said forty acre tract - 797.23 feet to the Southeast corner of said forty acre tract, thence North 86°44'09" West along the South line of said forty acre tract - 799.96 feet to the centerline of Arkansas Highway 112, thence along said centerline the following two (2) courses and distances, (1) North 32°34'51" West - 734.47 feet, (2) thence along a curve to the right with a radius of 622.92 feet, a central angle of 12°21'57" and an arc length of 134.44 feet, thence South 86°59'10" East - 563.44 feet; thence North 3°00'50" East - 79.96'; thence South 86°56'33" East - 712.31 feet to the Point of Beginning, containing 18.49 acres, more or less.

ORDINANCE # 2006-06-263 EXHIBIT A. <sup>June 15</sup>~~May 30~~, 2006.

# ROLL CALL:

Shall the Ordinance pass:

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

Yeas: 5 Nays: 0 (total)

ROLL CALL:

Shall the Emergency Clause pass:

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

Yeas: 5 Nays: 0 (total)