

ORDINANCE NO. 2006-09-272

AN ORDINANCE SUBMITTING TO THE VOTERS OF THE CITY OF TONTITOWN, ARKANSAS, AND OTHER AFFECTED PERSONS, THE QUESTION OF ANNEXATION TO SAID CITY OF TONTITOWN CERTAIN CONTIGUOUS TERRITORY

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

WHEREAS, the lands furnish the abode for a densely settled community or represent the actual growth of the municipality beyond its legal boundary; and

WHEREAS, the lands are platted and held for sale or use as municipal lots, or whether platted or not, the lands are held to be sold as suburban property; 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.

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

SECTION 1. That the question of annexation shall be submitted to the qualified electors of the City of Tontitown and to the qualified electors of the territories described below:

All unincorporated territory in the E $\frac{1}{4}$ of the NE $\frac{1}{4}$ of S7, T17N, R30W; the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of S15, T17N, R31W; the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of S15, R17N, R31W; the E $\frac{1}{4}$ of S10, T17N, R31W; all unincorporated territory in the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of S3, T17N, R31W; all unincorporated territory in the N $\frac{1}{2}$ of the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of S3, T17N, R31W; all unincorporated territory in the N $\frac{1}{2}$ of the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of S4, T17N, R31W; all unincorporated territory in the NW $\frac{1}{4}$ of S4, T17N, R31W; the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of S5, T17N, R31W; the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of S5, T17N, R31W; the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of S32, R18N, R31W; the S $\frac{1}{4}$ and the E $\frac{1}{4}$ of S33, T18N, R31W; the SE $\frac{1}{4}$

of the SE ¼ of S28, T18N, R31W; the S ½ of the SW ¼ of S27, T18N, R31W; the SW ¼ of the SE ¼ and the S ½ of the SE ¼ of the SE ¼ of S27, T18N, R31W; all unincorporated territory in S34, T18N, R31W; all unincorporated territory in S35, T18N, R31W; all unincorporated territory in the SW ¼ of the SW ¼ of S25, T18N, R31W; and all unincorporated territory in the N ¼ of S36, T18N, R31W lying west of S.H. 112. A map depicting this territory is attached hereto and made a part hereof (see Exhibit A).

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 a special election to be held on Tuesday, November 7, 2006. The Recorder-Treasurer 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 Washington County and with the Secretary of State. The annexation shall be included within the corporate limits of the City of Tontitown 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	Immediately
Fire Protection	Immediately
Code Enforcement	Immediately
Animal Control	Immediately
Sanitation Service	Immediately
Zoning Protection	Immediately
Street Maintenance	Immediately

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

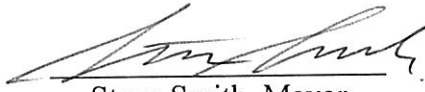
[] FOR annexation of the territory described in Ordinance No. ____.


[] AGAINST annexation of the territory described in Ordinance No. ____.

SECTION 6. Should any of the property described herein no longer be legally available for annexation at the time of the election, this ordinance and the ballot shall be construed to refer only to the remaining legally annexable territory.

SECTION 7. Emergency Clause. The City Council of Tontitown hereby declares an emergency and has found that in the best interest of the City that an emergency in fact does exist and is in the best interest of the City that it takes effect immediately because it is a matter of immediate importance to the health and welfare of the City of Tontitown population in order for it to be taken up at the upcoming election

PASSED AND APPROVED THIS 5th DAY OF September, 2006.


Steve Smith, Mayor

ATTEST

Tracy Goddard, Recorder-Treasurer

CERTIFICATE

I, Tracy Goddard, 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 members the City Council of the City of Tontitown, Arkansas, on the 5th day of September, 2006.

Seal


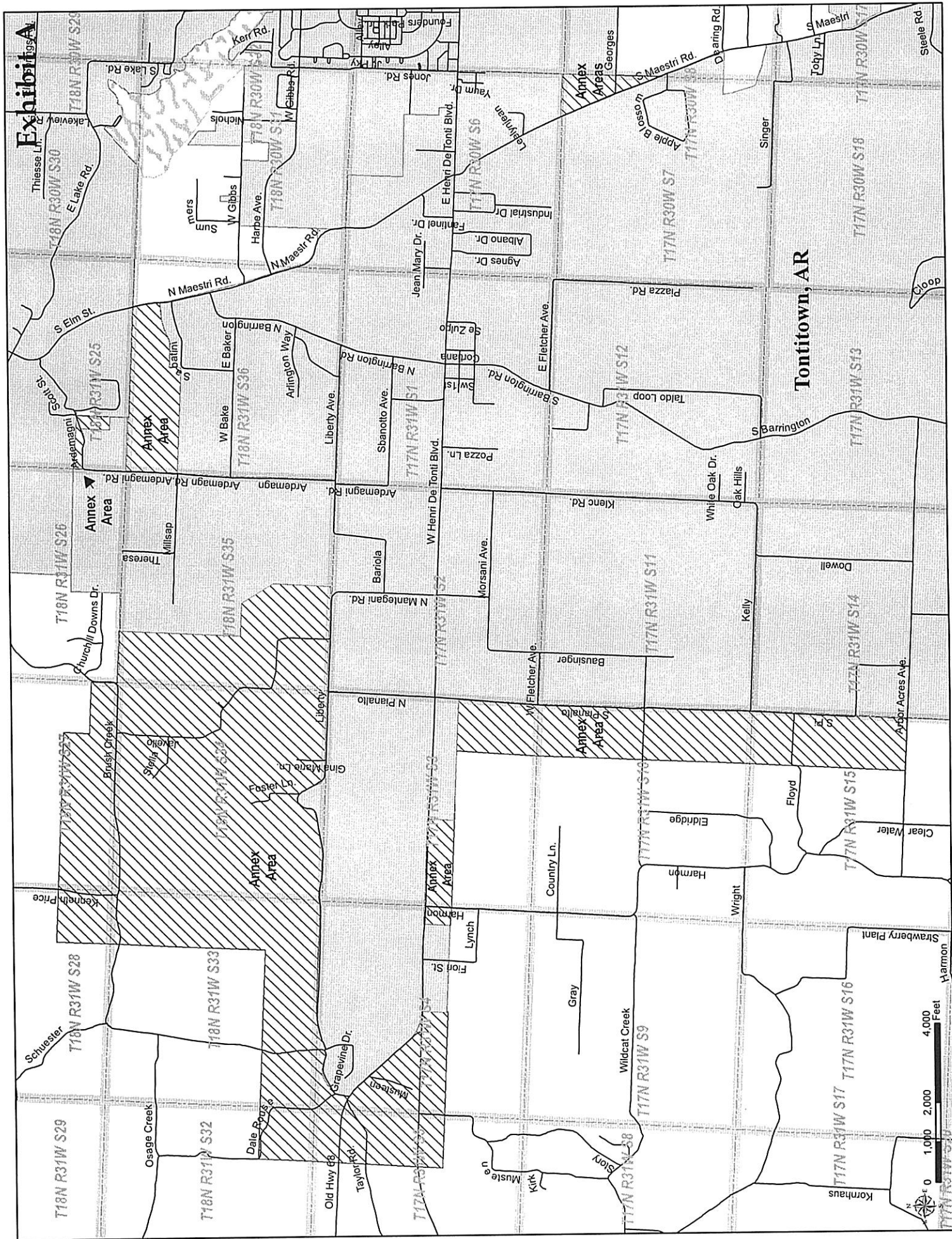

Recorder-Treasurer
City of Tontitown

Exhibit A



ROLL CALL

SHALL THE ORDINANCE PASS:

	Yea	Nay	
Alderman Andrew Penzo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	(Ward 2, Position 2)
Alderman Arthur Penzo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	(Ward 2, Position 1)
Alderman Henry Piazza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	(Ward 1, Position 2)
Alderman Bradley Marveggio	<input type="checkbox"/>	<input type="checkbox"/>	(Ward 1, Position 1)
Ken Robertson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	(Ward 3, Position 2)
_____	<input type="checkbox"/>	<input type="checkbox"/>	(Ward 3, Position 1)
Mayor	<input type="checkbox"/>	<input type="checkbox"/>	

TOTALS: YEAHS 4 NAYS 0

ROLL CALL

SHALL THE ORDINANCE BECOME EFFECTIVE IMMEDIATELY:

	Yea	Nay	
Alderman Andrew Penzo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	(Ward 2, Position 2)
Alderman Arthur Penzo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	(Ward 2, Position 1)
Alderman Henry Piazza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	(Ward 1, Position 2)
Alderman Bradley Marveggio	<input type="checkbox"/>	<input type="checkbox"/>	(Ward 1, Position 1)
Ken Robertson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	(Ward 3, Position 2)
_____	<input type="checkbox"/>	<input type="checkbox"/>	(Ward 3, Position 1)
Mayor	<input type="checkbox"/>	<input type="checkbox"/>	

TOTALS: YEAHS 4 NAYS 0