

ORDINANCE NO. 2016-01-_____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

**AN ORDINANCE REZONING THE PROPERTY LOCATED AT 871 AND 873
JAVELLO ROAD, TONTITOWN, ARKANSAS FROM RE RESIDENTIAL
ESTATE TO R-1 SINGLE FAMILY RESIDENTIAL**

WHEREAS, a rezoning application was submitted and filed with the City of Tontitown on or around the 15th day of November, 2015, by Harold Kimrey, asking the City of Tontitown to rezone certain property located at 871 and 873 Javello Road, Tontitown, Arkansas described therein and herein from RE Residential Estate to Single Family Residential R-1; and

WHEREAS, after due notice as required by law, the city of Tontitown, Arkansas, Planning Board has heard all those who wish to be heard regarding the rezoning application; and

WHEREAS, the City Council of the city of Tontitown, Arkansas, has determined that said rezoning complies with the adopted plans of the city of Tontitown, and that they are designed to protect the health, safety, or welfare of the citizens; and

WHEREAS, it is the desire of the City Council that the application be approved as submitted and said property be rezoned to R1, Single Family Residential.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the city of Tontitown, Arkansas:

Section 1: The City of Tontitown hereby changes the zone classification from RE Residential Estate to Single Family Residential R-1 for certain real property located at 871 and 873 Javello Road, Tontitown, Arkansas, more particularly described as:

Parent Tract

Part of the Southwest Quarter of the Southwest Quarter of Section 35, Township 18 North, Range 31 West, Washington County, Arkansas being more particularly described as follows:

Commencing at an existing rebar marking the Northwest Corner of the Southwest Quarter of the Southwest Quarter. Thence along the North line of said Forty, South 87 degrees 43 minutes 00 seconds East, 527.37 feet to a set p/k nail and the Point of Beginning. Thence continue along said North line, South 87 degrees 43 minutes 00 seconds East, 204.31 feet to a set p/k nail. Thence leaving said North line, South 02 degrees 54 minutes 04 seconds West, 663.32 feet to an existing rebar. Thence North 87 degrees 43 minutes 00 seconds West, 205.00 feet to a set rebar with cap. Thence North 02 degrees 57 minutes 38 seconds East, 663.33 feet to the Point of Beginning, containing 3.12 acres and

subject to Road Rights of Way and any Easements of Record.

Lot 1

Part of the Southwest Quarter of the Southwest Quarter of Section 35, Township 18 North, Range 31 West, Washington County, Arkansas being more particularly described as follows:

Commencing at an existing rebar marking the Northwest Corner of the Southwest Quarter of the Southwest Quarter. Thence along the North line of said Forty, South 87 degrees 43 minutes 00 seconds East, 527.37 feet to a set p/k nail and the Point of Beginning. Thence continue along said North line, South 87 degrees 43 minutes 00 seconds East, 204.31 feet to a set p/k nail. Thence leaving said North line, South 02 degrees 54 minutes 04 seconds West, 450.71 feet to a set rebar with cap. Thence North 87 degrees 43 minutes 00 seconds West, 204.78 feet to a set rebar with cap.

Thence North 02 degrees 57 minutes 38 seconds East, 450.71 feet to the Point of Beginning, containing 2.12 acres and subject to Road Rights of Way and any Easements of Record.

Also subject to and having rights to the East 20.00 feet for a Road and Public Utility Easement.

Lot 2

Part of the Southwest Quarter of the Southwest Quarter of Section 35, Township 18 North, Range 31 West, Washington County, Arkansas being more particularly described as follows:

Commencing at an existing rebar marking the Northwest Corner of the Southwest Quarter of the Southwest Quarter. Thence along the North line of said Forty, South 87 degrees 43 minutes 00 seconds East, 527.37 feet to a set p/k nail. Thence leaving said North line, South 02 degrees 57 minutes 38 seconds West, 450.71 feet to a set rebar with cap and the Point of Beginning. Thence South 87 degrees 43 minutes 00 seconds East, 204.78 feet to a set rebar with cap. Thence South 02 degrees 54 minutes 04 seconds West, 212.61 feet to an existing rebar. Thence North 87 degrees 43 minutes 00 seconds West, 205.00 feet to a set rebar with cap. Thence North 02 degrees 57 minutes 38 seconds East, 212.62 feet to the Point of Beginning, containing 1.00 acre and subject to any Easements of Record.

Also having rights to a 20.00 foot Road and Public Utility Easement being more particularly described as follows:

Beginning at a set rebar with cap marking the Northeast Corner of the above described tract. Thence North 87 degrees 43 minutes 00 seconds West, 20.00 feet. Thence North 02 degrees 54 minutes 04 seconds East, 450.71 feet to the North line of the Southwest Quarter of the Southwest Quarter. Thence along the North line of said Forty, South 87 degrees 43 minutes 00 seconds East, 20.00 feet to a set p/k nail.

Thence leaving said North line, South 02 degrees 54 minutes 04 seconds West, 450.71 feet to the Point of Beginning.

Section 2: That the official Zoning Map of the city of Tontitown, Arkansas, shall be amended to reflect this change within thirty (30) days of the date of this ordinance. Any ordinance or parts thereof in conflict with this ordinance is hereby repealed and declared invalid.

Section 3: That the Recorder-Treasurer shall cause this document, and any other documents needed to accomplish the intent of this ordinance, to be properly filed as required by law.

PASSED AND APPROVED this 5th day January, 2016.

APPROVED:

PAUL COLVIN, JR., Mayor

ATTEST:

_____, Recorder-Treasurer

(SEAL)