

RESOLUTION NO. 2015-09-__ R

**A RESOLUTION APPROVING ORDINANCE NO. 4941
OF THE CITY OF SPRINGDALE, ARKANSAS.**

WHEREAS, the city of Tontitown, Arkansas, is in receipt of an ordinance from the city of Springdale, Arkansas, proposing the simultaneous detachment and annexation of certain property located in the city of Tontitown into the jurisdiction of the city of Springdale; and

WHEREAS, the public hearing required pursuant to A.C.A. § 14-40-2101 has been held and all comments made therein given due consideration.

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

Section 1: That the City Council of the city of Tontitown, Arkansas, approves the attached Ordinance No. 4941 of the city of Springdale, Arkansas, concerning the detachment of certain property and simultaneous annexation of the same, pursuant to A.C.A. §16-17-2101.

PASSED AND APPROVED this 1st day of September, 2015.

PAUL COLVIN, JR., Mayor

ATTEST:

ALICIA COLLINS, Recorder-Treasurer



Denise Pearce
City Clerk/Treasurer

201 Spring Street
Springdale, Arkansas 72764
(479) 750.8119
(479) 750.8505 fax
www.SpringdaleAR.gov

July 22, 2015

Mayor Paul Colvin
City of Tontitown
P.O. Box 305
Tontitown, AR 72770

Dear Mayor Colvin,

Attached is a certified copy of Ordinance No. 4941, adopted by the Springdale City Council on July 14, 2015, calling for the simultaneous detachment and annexation of land currently located in the City of Tontitown.

Pursuant to Ark. Code Ann. §14-40-2101(b)(2), the City of Tontitown shall conduct a public hearing within 60 days of the date of passage of this ordinance. Once you have set a public hearing date, will you please notify me and I will publish a legal notice of the hearing. I have to publish this notice at least 15 days prior to the public hearing date.

Please call me if you have any questions. Thank you so much for your help in this matter.

Sincerely,

A handwritten signature in blue ink that reads "Denise Pearce".

Denise Pearce
City Clerk/Treasurer
479-750-8117
dpearce@springdalear.gov



Denise Pearce
City Clerk/Treasurer

201 Spring Street
Springdale, Arkansas 72764
(479) 750.8119
(479) 750.8505 fax
www.SpringdaleAR.gov

CERTIFICATE

I, Denise Pearce, City Clerk of the City of Springdale, County of Washington, State of Arkansas, hereby certify that the attached and foregoing is a true copy of Ordinance No. 4941, passed on July 14, 2015, the original which is now on file in the City Clerk's Office of the City of Springdale, Arkansas.

In witness whereof, I have hereunto set my hand and affixed the official Seal of the City of Springdale, Washington County, Arkansas, this the 14th day of July, 2015.



Denise Pearce

City Clerk of the City of Springdale
Washington County, Arkansas

ORDINANCE NO. 4941

**AN ORDINANCE CALLING FOR THE
SIMULTANEOUS DETACHMENT AND
ANNEXATION OF LAND CURRENTLY LOCATED
IN TONTITOWN, WASHINGTON COUNTY,
ARKANSAS, PURSUANT TO ARK. CODE ANN. §14-
40-2101.**

WHEREAS, Ark. Code Ann. §14-40-2101 provides a procedure by which property may be simultaneously detached from one municipality and annexed into an adjoining municipality; and

WHEREAS, the City of Springdale, Arkansas, desires to detach and annex the following described property ("the Property") currently located in the City of Tontitown, Washington County, Arkansas:

A part of the East Half of the Southeast Quarter of the Northeast Quarter of Section Seven (7), Township Seventeen (17) North, Range Thirty (30) West, and being more particularly described as follows: Beginning at the point on the East line of said Section 7 and the centerline of Maestri Road (Ar. State HWY No. 112), said point being NORTH 289 feet, more or less, from the Southeast corner of the Southeast Quarter of the Northeast Quarter of said Section Seven (7), running thence N22°24'34"W 394.2 feet along said centerline; thence leaving said centerline S89°16'33" East 150.3 feet to the EAST line of said Section Seven (7); thence SOUTH 362.5 feet to the point of beginning. Containing 0.63 acres, more or less. Also known as Washington County Parcel 830-38116-500.

WHEREAS, a map showing the location of the Property is attached hereto as Exhibit "A"; and

WHEREAS, the City of Springdale proposes this action at the request of the owner of the Property, and the City of Springdale stands ready to provide all municipal services to the Property; and

WHEREAS, the City of Springdale, Arkansas, wishes to comply with the provisions of Ark. Code Ann. §14-40-2101;

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

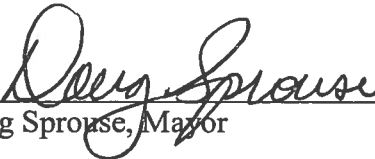
Section 1: That the Property described herein and in the attached Exhibit "A" be simultaneously de-annexed from the City of Tontitown, Arkansas, and annexed into the City of Springdale, Arkansas, pursuant to Ark. Code Ann. §14-40-2101;

Section 2: That the City Clerk is hereby directed to send a copy of this ordinance to the governing body of the City of Tontitown, Arkansas, pursuant to Ark. Code Ann. §14-40-2101(a):

Section 5: If the City Council for the City of Tontitown, Arkansas, approves the proposed detachment and annexation ordinance, the City of Springdale shall proceed to render services to the newly annexed area, pursuant to Ark. Code Ann. §14-40-2101(c)(2);

Section 6: If the City Council for the City of Tontitown, Arkansas, approves the proposed detachment and annexation ordinance, and if no suit is brought within thirty (30) days to review the mutual actions of the City of Springdale and the City of Tontitown, then the detachment and annexation of the land shall be final, pursuant to Ark. Code Ann. §14-40-2101(d), and the City Clerk of the City of Springdale, Arkansas, shall at that time certify a copy of the plat of the annexed property and a copy of the ordinances passed to the County Clerk of Washington County, Arkansas, pursuant to Ark. Code Ann. §14-40-2101(e)(2), who shall forward a copy of each document to the Secretary of State for the State of Arkansas, who shall file and preserve them.

PASSED AND APPROVED this 14th day of July, 2015.



Doug Sprouse, Mayor

ATTEST:



Denise Pearce, City Clerk

APPROVED AS TO FORM:

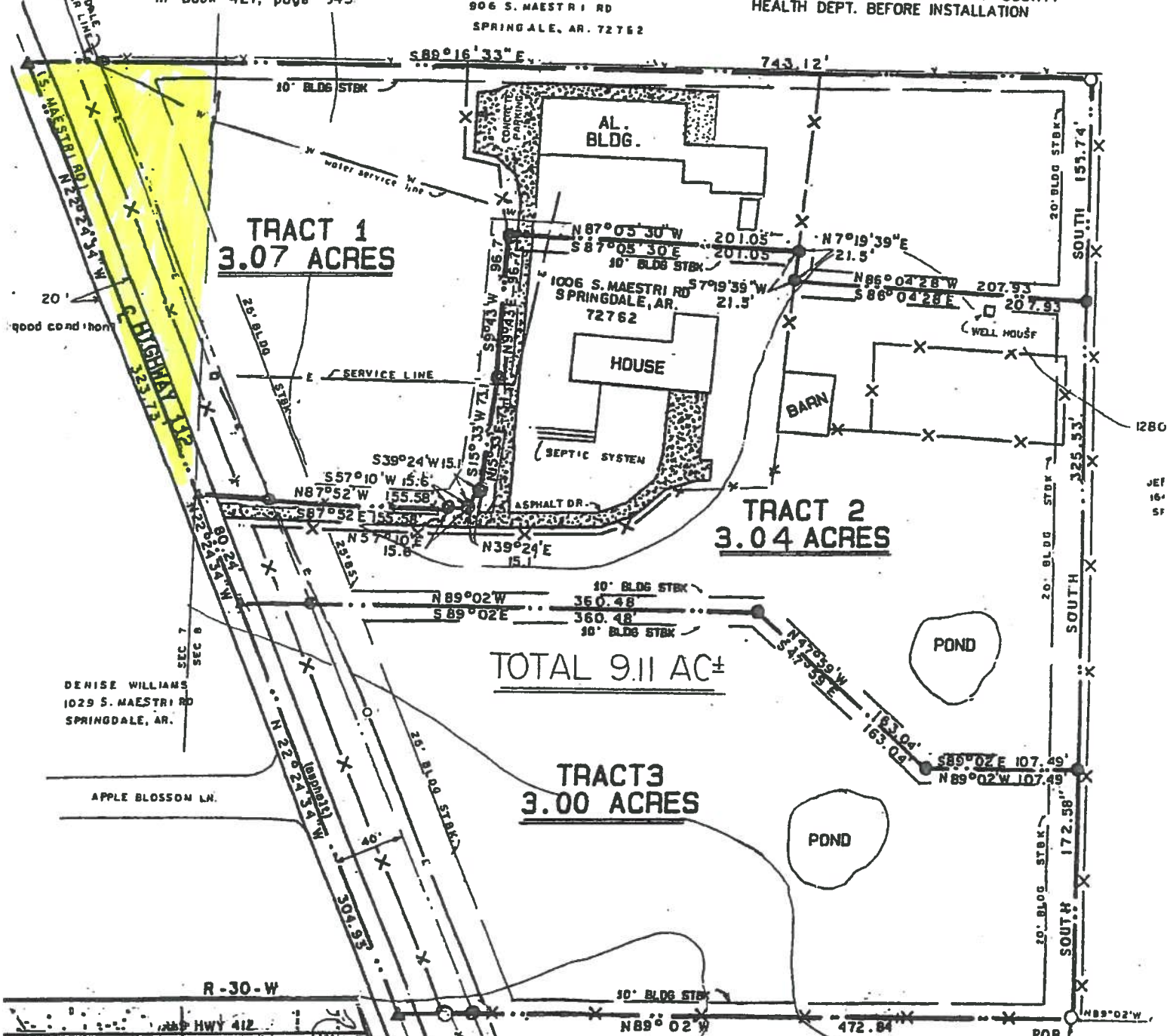


Ernest Cate, City Attorney

NOTE: There is a blanket easement to Arkansas Western Gas Company on all that part of the land in Section 7. Easement is recorded in Book 421, page 343.

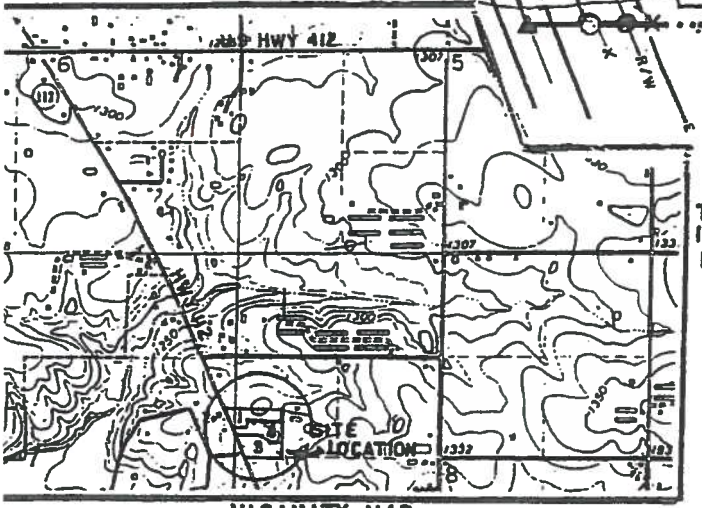
GLEN MEYER
906 S. MAESTRI RD
SPRINGDALE, AR. 72762

NOTE: SEPTIC SYSTEMS
IT IS EACH LOT OWNERS RESPONSIBILITY TO OBTAIN APPROVAL FOR THEIR SEPTIC SYSTEM FROM THE WASHINGTON COUNTY HEALTH DEPT. BEFORE INSTALLATION



DENISE WILLIAMS
1029 S. MAESTRI RD
SPRINGDALE, AR.

BARRY WATKINS
S. MAESTRI RD
SPRINGDALE, AR.



Basis for Bearings: 9.122 acre survey for Jimmy Don Maddox dated 7-27-92 by Milholland Engineering and Surveying.

FLOOD CERTIFICATION: The herein described tract is in a non-flooded area and not within the 100 year flood plain. Per FIRM Map 05143C 0018C, effective date Sept. 18, 1991.

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PUBLIC HEARING NOTICE

A public hearing will be held Tuesday, September 1, 2015, in the Tontitown City Hall located at 235 East Henri De Tonti, Tontitown, AR 72770, at 6:30 p.m. for Springdale Ordinance No. 4941, an ordinance calling for the simultaneous detachment and annexation of land located in Tontitown, Washington County, Arkansas, pursuant to Ark. Code Ann. §114-40-2101 and annexing said parcel into the City of Springdale, Arkansas.

Legal description:

A part of the East Half of the Southeast Quarter of the Northeast Quarter of Section Seven (7), Township Seventeen (17) North, Range Thirty (30) West, and being more particularly described as follows: Beginning at the point on the East line of said Section 7 and the centerline of Maestri Road (Ar. State HWY No. 112), said point being NORTH 289 feet, more or less, from the Southeast corner of the Southeast Quarter of the Northeast Quarter of said Section Seven (7), running thence N22°24'34"W 394.2 feet along said centerline; thence leaving said centerline S89°16'33" East 150.3 feet to the EAST line of said Section Seven (7); thence SOUTH 362.5 feet to the point of beginning. Containing 0.63 acres, more or less. Also known as Washington County Parcel 830-38116-500.

Layman's description:

Adjacent to 1006 South Maestri Road, Tontitown