

ORDINANCE NO. 2017-__

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE AMENDING SECTION 152.116 CERTIFICATES OF CHAPTER 152: DEVELOPMENT AND SUBDIVISION REGULATIONS OF THE TONTITOWN MUNICIPAL CODE IN ITS ENTIRETY IN ORDER TO CLARIFY AND AMEND CERTIFICATION REGULATIONS FOR PLAT AND PLAN REQUIREMENTS OF THE CITY OF TONTITOWN AND DELCARING AN EMERGENCY

WHEREAS, on or about September 7, 2016, the City Council of Tontitown adopted Ordinance No. 2016-09-597 to provide for certifications of plat and plan requirements for development and subdivision regulations within the city and said Ordinance No. 2016-09-597, as it has been amended from time to time and as was thereafter codified within in Chapter 152: DEVELOPMENT AND SUBDIVISION REGULATIONS in the Tontitown Municipal Code; and

WHEREAS, the City Council of the City of Tontitown now finds it to be in the best interest of the citizens of the City of Tontitown to amend Ordinance No. 2016-09-597 and the Tontitown Municipal Code Section 152.116 CERTIFICATES in its entirety to better provide for the clarification of terms and uses for certifications of plat and plan requirements for development and subdivision regulations; and

WHEREAS, the Tontitown Planning Commission has reviewed the revisions of Section 152.116 CERTIFICATES and recommends to the City Council that these revisions be approved; and

WHEREAS, having fully reviewed the proposed amendment, the Tontitown City Council has determined that Section 152.116 CERTIFICATES of Chapter 152: DEVELOPMENT AND SUBDIVISION REGULATIONS, of the Tontitown Municipal Code should be revised and restated in its entirety as incorporate herein below.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the City Council of the City of Tontitown, as follows:

Section 1. Section 1152.116 CERTIFICATES of Chapter 152: DEVELOPMENT AND SUBDIVISION REGULATIONS, of the Tontitown Municipal Code is hereby revised, in its entirety, and as attached hereto as Exhibit "A".

Section 2. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 3. Declaration of Emergency. It is hereby found and determined that Section 152.116 CERTIFICATES of Chapter 152: DEVELOPMENT AND SUBDIVISION REGULATIONS, of the Tontitown Municipal Code should be immediately amended in its entirety in order to provide clarification of terms and uses of certifications of plat and plan requirements for development and subdivision regulations within the City of Tontitown. Therefore, an emergency is declared to exist, and this act, being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor. If the Ordinance is neither approved nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto this Ordinance. If the Ordinance is vetoed by the Mayor and the veto is overridden by the City Council, it shall become effective on the date the City Council overrides the veto.

PASSED AND APPROVED this _____ day of _____, 2017.

APPROVED:

Paul Colvin, Jr., Mayor

ATTEST:

Rhonda Ardemagni, City Recorder-Treasurer

§ 152.116 CERTIFICATES.

(A) *Preliminary plats, large scale developments, PUDS.* Each preliminary plat must be submitted in accordance with applicable state statutes and shall include the following certificates.

(1) *Certificate of Preliminary Survey Accuracy.*

I, _____, hereby certify that this plat correctly represents a boundary survey made by me and all monuments shown hereon actually exist and their location, size, type and material are correctly shown.

Date of Execution: _____

Registered Land Surveyor

State of Arkansas Registration No. _____

(2) *Certificate of Preliminary Engineering Accuracy.* Each set of street and drainage plans must be submitted in accordance with applicable state statutes and any plans and specifications required:

I, _____, hereby certify that this plan correctly represents a plan prepared under my direction and engineering requirements of the Tontitown Subdivision Regulations have been complied with.

Date of Execution: _____

Registered Engineer

State of Arkansas Registration No. _____

(3) *Certificate of Preliminary Plat Approval.*

This plat has been given preliminary plat approval only and has not been approved for recording purposes as a public record. This certificate shall expire on _____ (date).

Date of Execution: _____

Chairman, City of Tontitown Planning Commission

(B) *Final plats, lot splits/property line adjustments.*

(1) *Certificate of Ownership.*

We the undersigned, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted, and subdivided and do hereby lay off, plat, subdivide said real estate in accordance with this plat and do hereby dedicate to the use of the public the streets, alleys, drives, and easements as shown on said plat.

Date of Execution: _____

Signed: _____

Name & Address: _____

Source of Title: D.R. _____, Page _____

(2) *Certificate of Recording.*

This document filed for record This day of _____, 2_____,

In Plat Book No. _____, Page _____.

Signed: _____

Washington County Circuit Clerk

(3) *Certificate of Surveying Accuracy.*

I, _____, hereby certify that this plat correctly represents a boundary survey made by me and boundary markers and lot corners shown hereon actually exist and their location, type and material are correctly shown and all minimum requirements of the Arkansas Minimum Standards for Land Surveyors have been met.

Date of Execution: _____

Signed: _____

Registered Land Surveyor

State of Arkansas Registration No. _____

(4) *Certificate of Approval.*

Pursuant to the City of Tontitown Subdivision Regulations and all other conditions and approvals having been completed, this document is hereby accepted. This Certificate is hereby executed under the authority of the said rules and regulations.

This approval does not guarantee any of the following:

1. Delivery of public water or sewer service
2. Delivery of any other utility service.
3. Improvements to any affected City Streets or County Roads.
4. Approval from the Arkansas Department of Health.
5. Access to the property via easements or otherwise either known or unknown.

Date of Execution: _____

Signed: _____

Chairman, Tontitown Planning Commission

Signed: _____

Mayor, City of Tontitown

Signed: _____

Recorder/Treasurer, City of Tontitown

(Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-440, § 152.800.02, passed 9-3-13; Am. Ord. 2016-09-597, passed 9-7-16)