

**ORDINANCE NO. 2019 – 4 - \_\_\_\_\_**

**CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS**

**AN ORDINANCE REZONING THE PROPERTY LOCATED ON 495-569 N. MAESTRI ROAD - PARCEL NOS. 830-37584-000, 830-37625-000, 830-37583-000, 830-37632-000 AND 830-37585-001, IN THE CITY OF TONTITOWN ARKANSAS FROM R3 AND C1-RESIDENTIAL AND LIGHT COMMERCIAL TO R-MF-RESIDENTIAL MULTI FAMILY.**

**WHEREAS**, a rezoning application was submitted and filed with the City of Tontitown on or around the 2nd day of February, 2019, by Engineering Services as agent for 112 West Forty, LLC and 112 Streetside, LLC, requesting the City of Tontitown to rezone certain property located on 495-569 N. Maestri Road, Parcel Nos. 830-37584-000, 830-37625-000, 830-37583-000, 830-37632-000, and 830-37585-001 described therein and herein from R3-Residential and C1-Light Commercial to R-MF-Residential Multi Family; 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 which 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 R-MF-Residential Multi Family.

**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 R3-Residential and C1-Light Commercial to R-MF-Residential Multi Family, for certain real property located at 495-569 N. Maestri Road, Parcel Nos. 830-37584-000, 830-37625-000, 830-37583-000, 830-37632-000, and 830-37585-001, located inside the City Limits of the City of Tontitown Arkansas, more particularly described as:

Legal Description for parcel nos. 830-37584-000, 830-37625-000, 830-37583-000, 830-37632-000, and 830-37585-001

**SURVEY DESCRIPTION PARENT TRACT:**

**Exhibit "A"**

**Parcel: 830-37584-000 & 830-37625-000 – 112 West Forty, LLC**

A PART OF THE WEST HALF OF THE FRACTIONAL NW 1/4 OF SECTION 6, TOWNSHIP 17 NORTH, RANGE 30 WEST, AND ALSO PART OF THE EAST HALF OF THE NE 1/4 OF FRACTIONAL SECTION 1, TOWNSHIP 17 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A SET IRON PIN FOR THE NW CORNER OF THE WEST FRACTIONAL HALF OF THE NW 1/4 OF SECTION 6, TOWNSHIP 17 NORTH, RANGE 30 WEST, THENCE S 88°13'57" E 1054.39 FEET TO A SET IRON PIN FOR THE NORTHEAST CORNER OF THE WEST FRACTIONAL HALF OF THE NW 1/4; THENCE S 00°48'38" W ALONG THE EAST LINE OF THE SAID WEST FRACTIONAL HALF OF THE NW 1/4, 581.10 FEET TO A SET IRON PIN ON THE WEST RIGHT OF WAY STATE HIGHWAY 112; THENCE S 00°48'38" W A DISTANCE OF 809.65 FEET TO A SET IRON PIN; THENCE N 88°47'37" W A DISTANCE OF 1735.27 FEET TO A FOUND IRON PIN ON THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF THE NE 1/4; THENCE ALONG SAID WEST LINE N 01°49'16" E A DISTANCE OF 1407.46 FEET TO A SET IRON PIN FOR THE NORTHWEST CORNER OF THE EAST HALF OF THE NE 1/4 OF SECTION 1, TOWNSHIP 17 NORTH, RANGE 31 WEST; THENCE S 88°14'26" E A DISTANCE OF 656.25 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT:

PART OF THE NW 1/4 OF THE NW 1/4 OF FRACTIONAL SECTION 6, TOWNSHIP 17, RANGE 30 WEST AND ALSO PART OF THE EAST HALF OF THE NE 1/4 OF THE NE 1/4 OF FRACTIONAL SECTION 1, TOWNSHIP 17 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF THE NW 1/4 OF THE NW 1/4 OF SECTION 6, TOWNSHIP 17 NORTH, RANGE 30 WEST; THENCE S 88°13'57" E 1054.56 FEET TO THE EAST LINE OF SAID NW 1/4 OF THE NW 1/4; THENCE ALONG SAID EAST LINE S 00°48'48" W 530.00 FEET; THENCE N 88°14'11" W 1120.70 FEET; THENCE N 35°28'24" W 78.10 FEET; THENCE N 17°35'07" W 273.34 FEET; THENCE N 03°08'29" W 210.70 FEET; THENCE S 88°14'25" E 213.19 FEET TO THE POINT OF BEGINNING, CONTAINING 647,762.32 SQUARE FEET OR 14.871 ACRES, MORE OR LESS, SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD OR FACT.

**Parcel: 830-37632-000 – 112 West Forty, LLC**

PT SE NE 4.34 AC FURTHER DESCRIBED PER 2018-34969 AS: PART OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION ONE (1), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTY-ONE (31) WEST AND PART OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION SIX (6), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 4 OF "TONTITOWN BUSINESS PARK SUBDIVISION" AS SHOWN IN PLAT RECORD 13-4 OF THE WASHINGTON COUNTY, ARKANSAS RECORDS, SAID POINT BEING A FOUND 1/2 INCH REBAR; THENCE ALONG THE NORTH LINE OF

SAID "TONTITOWN BUSINESS PARK SUBDIVISION", N87°30'01"W A DISTANCE OF 655.84 FEET TO THE NORTHWEST CORNER OF SAID "TONTITOWN BUSINESS PARK SUBDIVISION" AND A FOUND 3/8 INCH REBAR; THENCE LEAVING SAID NORTH LINE, N03°01'45"E A DISTANCE OF 287.84 FEET TO A FOUND IRON PIN WITH CAP "BLEW PLS 56"; THENCE S87°29'01"E A DISTANCE OF 1059.58 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE S02°56'4T"W A DISTANCE OF 287.76 FEET TO THE NORTH LINE OF SAID "TONTITOWN BUSINESS PARK SUBDIVISION" AND A SET IRON PIN WITH CAP "PLS 1156"; THENCE ALONG THE NORTH LINE OF SAID "TONTITOWN BUSINESS PARK SUBDIVISION", N87°28'07"W A DISTANCE OF 403.74 FEET TO THE POINT OF BEGINNING CONTAINING 7.00 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT. LESS & EXCEPT ALL THAT PART FOUND IN SECTION 6, TOWNSHIP 17 NORTH, RANGE 30 WEST

**Parcel: 830-37585-001 – 112 West Forty, LLC**

PT SW NW 2.66 AC FURTHER DESCRIBED PER 2018-34969 AS: PART OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION ONE (1), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTY-ONE (31) WEST AND PART OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION SIX (6), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 4 OF "TONTITOWN BUSINESS PARK SUBDIVISION" AS SHOWN IN PLAT RECORD 13-4 OF THE WASHINGTON COUNTY, ARKANSAS RECORDS, SAID POINT BEING A FOUND 1/2 INCH REBAR; THENCE ALONG THE NORTH LINE OF SAID "TONTITOWN BUSINESS PARK SUBDIVISION", N87°30'01"W A DISTANCE OF 655.84 FEET TO THE NORTHWEST CORNER OF SAID "TONTITOWN BUSINESS PARK SUBDIVISION" AND A FOUND 3/8 INCH REBAR; THENCE LEAVING SAID NORTH LINE, N03°01'45"E A DISTANCE OF 287.84 FEET TO A FOUND IRON PIN WITH CAP "BLEW PLS 56"; THENCE S87°29'01"E A DISTANCE OF 1059.58 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE S02°56'4T"W A DISTANCE OF 287.76 FEET TO THE NORTH LINE OF SAID "TONTITOWN BUSINESS PARK SUBDIVISION" AND A SET IRON PIN WITH CAP "PLS 1156"; THENCE ALONG THE NORTH LINE OF SAID "TONTITOWN BUSINESS PARK SUBDIVISION", N87°28'07"W A DISTANCE OF 403.74 FEET TO THE POINT OF BEGINNING CONTAINING 7.00 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT. LESS & EXCEPT ALL THAT PART FOUND IN SECTION 1, TOWNSHIP 17 NORTH, RANGE 31 WEST

**Parcel: 830-37583-000 – 112 Streetside, LLC**

PT FRL NE NW 4.47 A. FURTHER DESCRIBED FROM 2013-10367 AS: PART OF THE NE 1/4 OF THE NW 1/4 AND PART OF THESE 1/4 OF THE NW 1/4 OF FRACTIONAL SECTION 6, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SET IRON PIN FOR THE NW CORNER OF THE NE 1/4 OF THE NW 1/4, THENCE S 00 DEGREES 48' 38" WEST A DISTANCE OF 581.10 FEET TO A SET IRON PIN ON THE WEST RIGHT OF WAY OF STATE HIGHWAY 112 FOR THE POINT OF BEGINNING; THENCE ALONG SAID RIGHT OF WAY ON

A CURVE TO THE LEFT WITH A RADIUS OF 691.77 AND A CHORD BEARING AND A CHORD DISTANCE OF S 16 DEGREES 58' 32" EAST 33.17 FEET TO A FOUND IRON PIN; THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 691.77 AND A CHORD BEARING AND A CHORD DISTANCE OF S 25 DEGREES 18' 32" EAST 167.64 FEET TO A FOUND IRON PIN; THENCE S 33 DEGREES 25' 20" EAST A DISTANCE OF 764.33 FEET TO A FOUND IRON PIN; THENCE LEAVING SAID RIGHT OF WAY N 88 DEGREES 42' 08" WEST A DISTANCE OF 513.93 FEET TO A SET IRON PIN; THENCE N 00 DEGREES 48' 38" EAST A DISTANCE OF 809.65 FEET TO THE POINT OF BEGINNING, CONTAINING 4.47 ACRES, MORE OR LESS.

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 2<sup>nd</sup> day April, 2019

APPROVED:

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PAUL COLVIN, JR., Mayor

ATTEST:

\_\_\_\_\_, Recorder-Treasurer  
(SEAL)