

ORDINANCE NO. 2021-04-942 File **2021-00014762**

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

**AN ORDINANCE REZONING APPROXIMATELY 0.54 ACRES OF REAL PROPERTY LOCATED AT 215 AND 233 S. MANTEGANI ROAD, LOCATED WITHIN THE CITY LIMITS OF TONTITOWN ARKANSAS FROM R-3, RESIDENTIAL TO C-2, COMMERCIAL.**

**WHEREAS**, a rezoning application was submitted and filed with the City of Tontitown on or around the 2<sup>nd</sup> day of March 2021 on behalf of Legacy Equipment & Property Holdings, LLC by Dillon Bentley in order to request the City of Tontitown to rezone approximately 0.54 acres of real property located at 215 and 233 S. Mantegani Road, Springdale, Arkansas 72762, Parcel Nos. 830-37727-006 and 830-37727-008, within the city limits of Tontitown, Arkansas, described therein and as depicted in the survey and legal description attached as Exhibit "A" from R-3, Residential to C-2, Commercial; and

**WHEREAS**, after due notice as required by law and a public hearing, the City of Tontitown, Arkansas, Planning Commission has heard all persons desiring to be heard on the question and has ascertained that the rezoning requested should be approved and has recommended approval to the Tontitown City Council; and

**WHEREAS**, the City Council of the City of Tontitown, Arkansas, has determined that said rezoning complies with the adopted plans and criteria of the City of Tontitown which are designed to protect the health, safety, and 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 C-2, Commercial.

**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 R-3, Residential to C-2, Commercial, for certain real property located at 215 and 233 S. Mantegani Road, located within the City Limits of the City of Tontitown Arkansas, more particularly described as:


[See Exhibit "A" attached hereto]

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 Any ordinance or parts thereof in conflict with this ordinance is hereby repealed and declared invalid.

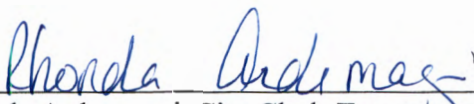
Section 3: That the Clerk-Treasurer shall cause this document, and any other documents needed to accomplish the intent of this ordinance, to be properly filed as required by law.

PASSED AND APPROVED this 10<sup>th</sup> day of April, 2021

APPROVED:

  
\_\_\_\_\_  
PAUL COLVIN, JR., Mayor

ATTEST:

  
\_\_\_\_\_  
Rhonda Ardemagni, City Clerk-Treasurer  
(SEAL)

## Exhibit A

### LEGAL DESCRIPTION (830-37727-006 & 830-37727-008, BOOK 2020, PAGE 23497)

A part of the NE1/4 of the SW1/4 of Section 2, Township 17 North, Range 31 West in Washington County, Arkansas, and being more particularly described as follows: Beginning at a point N0°11'28"W 1757.56 feet from the S1/4 Corner of said Section 2, thence S88°39'28"W 549.74 feet; thence N0°00'48"E 301.98 feet; thence N88°39'13"E 548.67 feet; thence S0°11'28"E 302.00 feet to the point of beginning, containing 3.81 acres, more or less. Subject to a County Road on the East side, and also subject to a 25 Foot Road Easement on the South side.

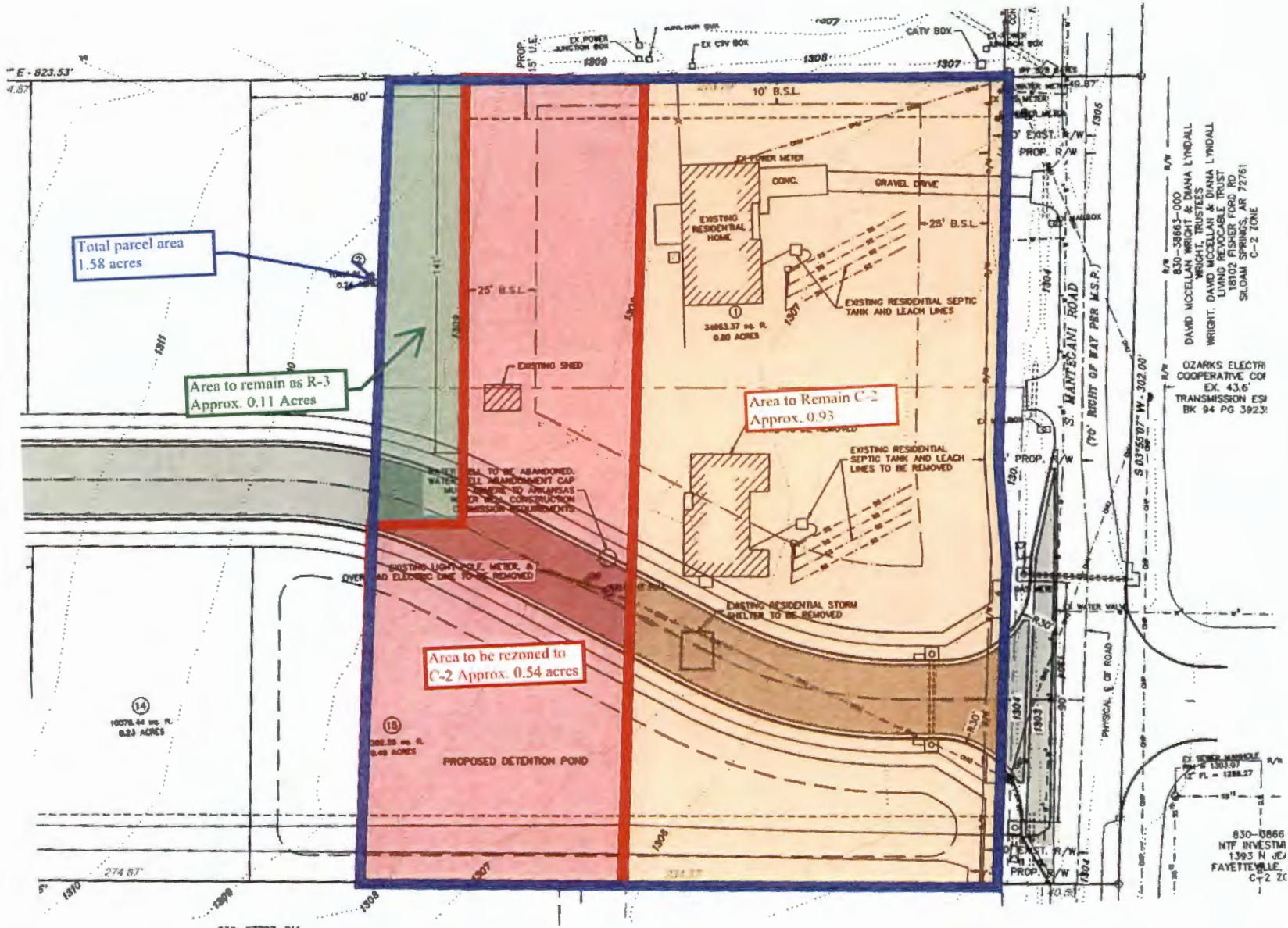
LESS AND EXCEPT: A part of the NE1/4 of the SW1/4 of Section 2, Township 17 North, Range 31 West in Washington County, Arkansas, and being more particularly described as follows: Beginning at a point N0°11'28"W 1757.56 feet and S88°39'28"W 40.50 feet from the S1/4 Corner of said Section 2; thence N0°00'48"E 185.92 feet; thence S88°39'13"W 234.37 feet; thence S0°00'48"W 185.90 feet; thence N88°39'28"E 234.37 feet to the Point of Beginning, and containing 1.00 acres, more or less.

ALSO LESS AND EXCEPT: A part of the NE1/4 of the SW1/4 of Section 2, Township 17 North, Range 31 West in Washington County, Arkansas, and being more particularly described as follows: Beginning at the SE Corner of the SE1/4 of the SW1/4 of said Section 2; thence N00°11'28"W 1943.47 feet; thence S88°39'13"W 274.21 feet; thence S00°00'48"W 185.0 feet to the Point of Beginning; thence S88°39'28"W 274.87 feet; thence N00°00'48"E 301.98 feet; thence N88°39'13"E 274.84 feet; thence S00°00'48"W 301.99 feet, more or less, to the Point of Beginning, and containing 1.90 acres, more or less. Subject to a 25 Foot Road Easement along the south side thereof.

ALSO, the right of ingress and egress across 25 Foot Road Easement across a Part of the NE1/4 of the SW1/4 of said Section 2, Township 17 North, Range 31 West, Washington County, Arkansas, and being more particularly described as follows: Beginning at a point N0°11'28"W 1757.56 feet from the S1/4 Corner of said Section 2; thence S88°39'28"W 79 feet, more or less, to the Southeast corner of the above described 1.90 acre tract; thence along the East line of said tract N00°00'48"E 24 feet; thence N88°39'28"E 274.79 feet; thence S00°11'28"E 25 feet to the Point of Beginning.

And

A part of the Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4) of Section 2, Township 17 North, Range 31 West in Washington County, Arkansas, and being more particularly described as follows: Beginning at a point N0°11'28"W 1757.56 feet and S88°39'28"W 40.50 feet from the S1/4 Corner of said Section 2; thence N0°00'48"E 185.92 feet; thence S88°39'13"W 234.37 feet; thence S0°00'48"W 185.90 feet; thence N88°39'28"E 234.37 feet to the Point of Beginning, and containing 1.00 acres, more or less, and subject to Roadways and Easements, if any. Subject to easements, right-of-ways, and protective covenants of record, if any. Subject to all prior mineral reservations and oil and gas leases, if any.



Total parcel area  
1.58 acres

Area to remain as R-3  
Approx. 0.11 Acres

Area to Remain C-2  
Approx. 0.93

Area to be rezoned to  
C-2 Approx. 0.54 acres

15  
282.35 sq. ft.  
0.65 ACRES

PROPOSED DETENTION POND

14  
10076.44 sq. ft.  
0.23 ACRES

R/W  
830-38863-000  
DAVID MCELLEAN, WRIGHT & DIANNA LYNDALL  
WRIGHT, DAVID MCELLEAN & DIANNA LYNDALL  
LIVING REVOCABLE TRUST  
18102 FISHER FORD RD  
SILVAM SPRINGS, AR 72761  
C-2 ZONE

R/W  
OZARKS ELECTRIC  
COOPERATIVE COOP  
EX. 43.6'  
TRANSMISSION ESI  
BK 94 PG 3923

R/W  
830-0866  
MIF INVESTM  
1393 N JE/  
FAYETTEVILLE,  
C-2 ZC

830-37727-011

Washington County, AR

I certify this instrument was filed on

04/20/2021 03:28:52 PM

and recorded in Real Estate

File Number 2021-00014762

Kyle Sylvester - Circuit Clerk

by

