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 Washington County, AR
 Kyle Sylvester Circuit Clerk

ORDINANCE NO. 2023-OS-1051

File **2023-00013156**

TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO REZONE APPROXIMATELY 12.48 ACRES LOCATED AT HWY 412 AND POZZA LANE, MORE PARTICULARLY DESCRIBED AS PARCEL #830-37669-000 FROM RESIDENTIAL (R-3) TO GENERAL COMMERCIAL (C-2) IN THE CITY OF TONTITOWN, ARKANSAS.

WHEREAS, a Public Hearing was held before the Planning Commission for the City of Tontitown, Arkansas on April 25th, 2023 at 6:00 p.m. to hear public input to the question of an application to rezone lands located at Highway 412 and Pozza Lane, more particularly described as Parcel #830-37669-000, in Tontitown, Arkansas from Residential (R-3) to General Commercial (C-2); and,

WHEREAS, after due notice as required by law, the Tontitown Planning Commission has, at the time and place mentioned in the notice, 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 Tontitown City Council has determined that the public interest and welfare is best served by approving the requested rezoning.

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 Residential (R-3) to General Commercial (C-2) for certain real property located at Highway 412 and Pozza Lane, more particularly described as Parcel #830-37669-000 and in the attached Exhibit "A".

Section 2. Any ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

Section 3. In the event any one or more of the provisions contained in this Ordinance shall for any reason be held by a Court of Law to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not have an effect on the remaining provisions of this Ordinance, and this Ordinance shall be construed as if such invalid, illegal or unenforceable provision or provisions had never been contained herein.

Section 4. The official zoning map of the City of Tontitown, Arkansas is hereby amended to reflect the zoning change provided in Section 1 hereof.

PASSED and APPROVED this 10 day of May 2023.

1204-20-1001

APPROVED:

Angela Russell
Angela Russell, Mayor

ATTEST:

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



EXHIBIT A

LEGAL DESCRIPTION

PART OF THE WEST HALF (W 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION ONE (1), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTY-ONE (31) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE W 1/2 OF THE SW 1/4 OF SAID SECTION 1; THENCE ALONG THE NORTH LINE OF SAID W 1/2 OF THE SW 1/4, S87°09'33"E A DISTANCE OF 714.89 FEET; THENCE LEAVING SAID NORTH LINE, S03°43'30"W A DISTANCE OF 69.21 FEET TO THE **POINT OF BEGINNING**, SAID POINT BEING A FOUND IRON PIN WITH CAP "ALAN REID" ON THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 412; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY S76°30'55"E A DISTANCE OF 71.92 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE S88°46'08"E A DISTANCE OF 60.00 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N86°59'54"E A DISTANCE OF 135.26 FEET TO A FOUND RIGHT-OF-WAY MARKER; THENCE S03°23'06"E A DISTANCE OF 60.08 FEET TO A SET IRON PIN WITH CAP "PLS1156"; THENCE S87°03'35"E A DISTANCE OF 4.37 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE, S03°11'56"W A DISTANCE OF 1855.44 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N87°03'22"W A DISTANCE OF 294.76 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N03°46'15"E A DISTANCE OF 919.09 FEET TO A FOUND IRON PIN WITH CAP "ALAN REID PLS 1005"; THENCE N03°43'30"E A DISTANCE OF 993.58 FEET TO THE **POINT OF BEGINNING**, CONTAINING 12.48 ACRES, MORE OR LESS.



