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Washington County, AR
Kyle Sylvester Circuit Clerk

ORDINANCE NO. 2023-09-1076

File **2023-00025268**

TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO REZONE APPROXIMATELY 1.561 ACRES OF REAL PROPERTY LOCATED AT 290 SOUTH BARRINGTON ROAD FROM COMMERCIAL (C-2) TO COMMERCIAL TRADES (C-T) IN THE CITY OF TONTITOWN, ARKANSAS.

WHEREAS, a Public Hearing was held before the Planning Commission for the City of Tontitown, Arkansas to hear public input to the question of an application to rezone approximately 1.561 acres of real property located at 290 South Barrington Road in Tontitown, Arkansas from Commercial (C-2) to Commercial Trades (C-T); 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 Commercial (C-2) to Commercial Trades (C-T) for approximately 1.561 acres of real property located at 290 South Barrington Road, more particularly described 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 Any ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.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 19 day of September 2023.

APPROVED:


Angela Russell, Mayor



ATTEST:

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

WHEREAS, a Public Hearing was held before the Planning Commission for the City of
Tomball, Arkansas to hear public input on the question of an ordinance to amend approximately
1.561 acres of real property located at 120 South Harrison Road in Tomball, Arkansas from
Commercial (C-2) to Commercial Trade (C-1) and

WHEREAS, after due notice as required by law, the Planning Commission met and
at that time and place mentioned in the notice heard all parties duly to be heard on the question
and has determined that the ordinance should be approved and has recommended approval
to the Tomball City Council, and

WHEREAS, the Tomball City Council has determined that the public interest and
welfare is best served by approving the proposed ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Tomball,
Arkansas

Section 1. The City of Tomball hereby changes the zone classification from Commercial
(C-2) to Commercial Trade (C-1) for approximately 1.561 acres of real property located at 120
South Harrison Road, more particularly described in the attached Exhibit "A".

Section 2. Any ordinance or part of ordinance in conflict with the ordinance
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 in effect on the remaining provisions
of this Ordinance, and this Ordinance shall be construed so as to be valid, legal and enforceable
provision or provisions that may be contained herein.

Section 4. The official zoning map of the City of Tomball, Arkansas is hereby amended
to reflect the zoning changes provided in Section 1 herein.

PASSED AND APPROVED this 14 day of September 2023

APPROVED

Angela Russell
Angela Russell, Mayor



LEGAL DESCRIPTION

A PARCEL OF LAND IN THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION ONE (1), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTY-ONE (31) WEST OF THE FIFTH (5TH) PRINCIPLE MERIDIAN IN WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF BLOCK FORTY-FOUR OF THE ORIGINAL TOWN PLAT OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS, AND RUNNING THENCE N 89 DEGREES 56' 48" E 210.00 FEET, THENCE S 00 DEGREES 17' 00" E 324.89 FEET TO THE CENTERLINE OF COLUMBUS AVE., THENCE S 89 DEGREES 59' 58" W ALONG SAID CENTERLINE, 210.00 FEET, THENCE N 00 DEGREES 17' W 324.70 FEET TO THE POINT OF BEGINNING, CONTAINING 1.57 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT-OF-WAYS OF RECORD.

NOW BEING MORE PRECISELY DESCRIBED AS FOLLOWS ACCORDING TO SURVEY BY BLEW & ASSOCIATES, PA, DATED 4/19/21, JOB #21-2156:

PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 17 NORTH, RANGE 31 WEST OF THE FIFTH PRINCIPLE MERIDIAN IN WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF BLOCK FORTY-FOUR OF THE ORIGINAL TOWN PLAT OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS, THENCE S87°18'19"E 210.00' TO A FOUND 3/4" REBAR, THENCE S02°40'54"W 325.32' TO A FOUND 5/8" REBAR; N87°02'27"W 208.78' TO THE EAST RIGHT-OF-WAY LINE OF SOUTH BARRINGTON ROAD; THENCE ALONG SAID RIGHT-OF-WAY LINE N02°27'56"E 324.36' TO THE POINT OF BEGINNING, CONTAINING 1.561 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT-OF-WAYS OF RECORD.





LEGAL DESCRIPTION

A PARCEL OF LAND IN THE NORTHWEST QUARTER 6W 14S OF THE SOUTHEAST
QUARTER 6E 14S OF SECTION ONE (1) TOWNSHIP SEVENTEEN (17) NORTH RANGE
THIRTY-ONE (31) WEST OF THE THIRD PRINCIPAL MERIDIAN IN WASHINGTON
COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF BLOCK FORTY-FOUR OF THE ORIGINAL
TOWN PLAT OF TOWNSHIP SEVENTEEN (17) NORTH RANGE THIRTY-ONE (31) WEST
OF THE THIRD PRINCIPAL MERIDIAN IN WASHINGTON COUNTY, ARKANSAS, AND RUNNING
THENCE N 89 DEGREES 30' 00" E 100.00 FEET, THENCE S 89 DEGREES 17' 00" E 100.00 FEET
TO THE CENTERLINE OF COLONY AVE., THENCE S 89 DEGREES 30' 00" W ALONG SAID
CENTERLINE, 100.00 FEET, THENCE N 89 DEGREES 17' 00" E 100.00 FEET TO THE POINT OF
BEGINNING, CONTAINING 1.00 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS AND
RIGHT-OF-WAYS OF RECORD.

NOW BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS ACCORDING TO SURVEY BY
JAMES A. ASSOCIATES, P.A., DATED 4/11/11, JOB 11-011.

PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 1,
TOWNSHIP 17 NORTH, RANGE 14 WEST OF THE THIRD PRINCIPAL MERIDIAN IN
WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS
FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF BLOCK FORTY-FOUR OF THE
ORIGINAL TOWN PLAT OF TOWNSHIP SEVENTEEN (17) NORTH RANGE THIRTY-ONE (31)
WEST OF THE THIRD PRINCIPAL MERIDIAN IN WASHINGTON COUNTY, ARKANSAS, THENCE
N 89 DEGREES 30' 00" E 100.00 FEET, THENCE S 89 DEGREES 17' 00" E 100.00 FEET
TO THE EAST RIGHT-OF-WAY LINE OF SOUTH WASHINGTON
ROAD, THENCE ALONG SAID RIGHT-OF-WAY LINE N 89 DEGREES 17' 00" E 100.00 FEET TO THE POINT OF
BEGINNING, CONTAINING 1.00 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS AND
RIGHT-OF-WAYS OF RECORD.

