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 Fee Amt: \$40.00 Page 1 of 6
 Washington County, AR
 Kyle Sylvester Circuit Clerk

File **2024-00004526**

ORDINANCE NO. 2024-02-1097

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO REZONE APPROXIMATELY 37.53 ACRES OF REAL PROPERTY LOCATED AT 523 S. BARRINGTON ROAD FROM COMMERCIAL (C-2) TO SINGLE FAMILY RESIDENTIAL (R-3) AND APPROXIMATELY 1.87 ACRES OF REAL PROPERTY LOCATED AT 523 S. BARRINGTON ROAD FROM SINGLE-FAMILY RESIDENTIAL (R-3) TO 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 to hear public input to the question of an application to rezone approximately 37.53 acres of real property located at 523 S. Barrington Road from Commercial (C-2) to Single Family Residential (R-3), and approximately 1.87 acres of real property located at 523 S. Barrington Road from Single Family Residential (R-3) to Commercial (C-2) in the City of Tontitown, Arkansas; 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

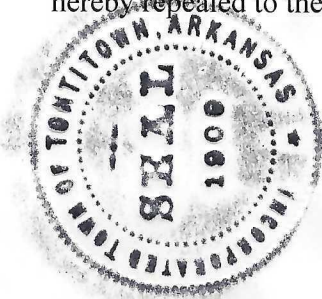
WHEREAS, the Tontitown City Council has determined that the public interest and welfare is best served by approving the requested rezoning.

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 from Commercial (C-2) to Single Family Residential (R-3) for approximately 37.53 acres of real property located at 523 S. Barrington Road, more particularly described in the attached Exhibit "A".

Section 2. The City of Tontitown hereby changes the zone from Single Family Residential (R-3) to Commercial (C-2) for approximately 1.87 acres of real property located at 523 S. Barrington Road, more particularly described in the attached Exhibit "A".

Section 3. Any ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.



Section 4. 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 5. The official zoning map of the City of Tontitown, Arkansas is hereby amended to reflect the zoning change provided in Section 1 and Section 2 hereof.

PASSED and APPROVED this 20 day of February 2024.

APPROVED:

Angela Russell
Angela Russell, Mayor

ATTEST:

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

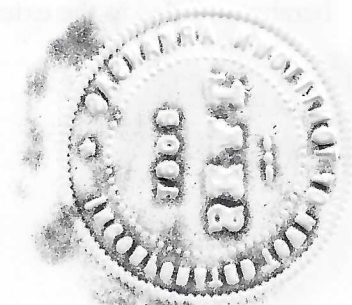


EXHIBIT A

LEGAL DESCRIPTION

Legal Description for Commercial Outparcel

Proposed Zoning: C-2, General Commercial

A Part of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) 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 Northeast Corner of the SE ¼ of the SW ¼ of said Section 1, said point being a found ½ inch rebar; thence along the east line of said SE ¼ of the SW ¼ South 03°16'54" West a distance of 570.61 feet to a found 5/8" rebar; thence leaving said east line North 86°41'24" West a distance of 94.43 feet to a found ½" rebar with PS 1559 cap; thence South 11°01'52" West a distance of 250.88 feet to a found ½" rebar, said point being on the North Right-of-Way line of a Proposed Road; thence along said North line South 74°53'33" East a distance of 130.93 feet to a found Mag Nail with PS 1559 washer, said point being on said east line of the SE ¼ of the SW ¼; thence along said east line South 03°10'45" West a distance of 50.85 feet to the Point of Beginning; thence continuing along said east line South 03°10'45" West a distance of 44.56 feet to a point in South Barrington Road; leaving said East line of the SE ¼ of the SW ¼ and along said South Barrington Road South 20°46'56" West a distance of 173.61 feet; thence leaving said South Barrington Road North 78°59'09" West 237.17 feet to a point on the East Right-of-Way line of a proposed road; thence along said East line an arc length of 27.85 feet along a non-tangent curve to the left, said curve having a radius of 125.00 feet and a chord bearing and distance of North 17°23'50" East 27.79 feet; thence continuing along said East line North 11°00'51" East a distance of 178.99 feet; thence an arc length of 41.04 feet along a curve to the right, said curve having a radius of 25.00 feet and a chord bearing and distance of North 58°02'14" East 36.58 feet to a point on the North Right-of-way line of a propose road; thence along said North line South 74°56'23" East a distance of 231.27 feet to the Point of Beginning, containing 1.29 acres more or less and subject to the Right-of-Way of South Barrington Road on the East side of the Subject Property, and any easement or rights-of-ways of record.

Legal Description for Land to be Donated to City

Proposed Zoning: C-2, General Commercial

A Part of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) 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 Northeast Corner of the SE ¼ of the SW ¼ of said Section 1, said point being a found ½ inch rebar; thence along the east line of said SE ¼ of the SW ¼ South 03°16'54" West a distance of 570.61 feet to a found 5/8" rebar; thence leaving said east line North 86°41'24" West a distance of 94.43 feet to a found ½" rebar with PS 1559 cap; thence South 11°01'52" West a distance of 250.88 feet to a found ½" rebar, said point being on the North Right-of-Way line of a Proposed Road; thence along said North line South 74°53'33" East a distance of 130.93 feet to a found Mag Nail with PS 1559 washer, said point being on said east line of the SE ¼ of the SW ¼; thence leaving said North Right-of-Way line and along said East line South 03°10'45" West a distance of 95.41 feet to a point in South Barrington Road; thence leaving said East line of the SE ¼ of the SW ¼ and along said South Barrington Road South 20°46'56" West a distance of 173.61 feet to the Point of Beginning; thence continuing along said South Barrington Road South 20°46'56" West a distance of 71.80 feet; thence leaving said South Barrington Road North 87°42'25" West a distance of 296.12 feet to a found ½" rebar with PS 1559 Cap; thence North 20°17'57" East a distance of 33.89 feet to the East Right-of-Way line of a proposed road; thence along said East line an arc length of 106.29 feet along a non-tangent curve to the left, said curve having a radius of 125.00 feet and a chord bearing and distance of North 48°08'28" East a distance of 103.12 feet; thence leaving said East line South 78°59'09" East a distance of 237.17 feet to the Point of Beginning, containing 0.547 acres more or less and subject to the Right-of-Way of South Barrington Road on the East side of the Subject Property, and any easement or rights-of-ways of record.



Legal Description for Residential Subdivision

Proposed Zoning: R-3, Single Family Residential (9,600 sq ft min. lot size)

A Part of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) 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:

Beginning at the Northeast Corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 1, said point being a found $\frac{1}{2}$ inch rebar; thence along the east line of said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ South $03^{\circ}16'54''$ West a distance of 570.61 feet to a found $\frac{5}{8}$ " rebar; thence leaving said east line North $86^{\circ}41'24''$ West a distance of 94.43 feet to a found $\frac{1}{2}$ " rebar with PS 1559 cap; thence South $11^{\circ}01'52''$ West a distance of 250.88 feet to a found $\frac{1}{2}$ " rebar, said point being on the North Right-of-Way line of a proposed road; thence along said North line South $74^{\circ}53'33''$ East a distance of 130.93 feet to a found Mag Nail with PS 1559 washer, said point being on said East line of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence leaving said North Right-of-Way line and along said East line South $03^{\circ}10'45''$ West a distance of 50.85 feet; thence leaving said East line North $74^{\circ}56'23''$ West a distance of 56.72 feet to a point on the South Right-of-Way line of a proposed road; thence along said South line North $74^{\circ}56'23''$ West a distance of 174.55 feet; thence continuing along said South line an arc length of 41.04 feet along a curve to the left, said curve having a radius of 25.00 feet and a chord bearing and distance of South $58^{\circ}02'14''$ West 36.58 feet to a point on the East Right-of-Way line of a proposed road; thence along said East line South $11^{\circ}00'51''$ West a distance of 178.99 feet; thence continuing along said East line an arc length of 134.14 feet along a curve to the right, said curve having a radius of 125.00 feet and a chord bearing and distance of South $41^{\circ}45'28''$ West 127.80 feet; thence leaving said East line South $20^{\circ}17'57''$ West a distance of 33.89 feet to a found $\frac{1}{2}$ " rebar with PS 1559 cap; thence continuing South $20^{\circ}17'57''$ West a distance of 150.08 feet to a found $\frac{1}{2}$ " rebar on the South line of said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence along said South line North $87^{\circ}23'27''$ West a distance of 932.14 feet to a found $\frac{1}{2}$ " rebar, said point being the Southwest Corner of said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence leaving said South line and along the West line of said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ North $03^{\circ}22'33''$ East a distance of 1327.36 feet to a found $\frac{1}{2}$ " rebar, said point being the Northwest Corner of said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence leaving said West line and along the North line of said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ South $87^{\circ}02'40''$ East a distance of 1343.64 feet to the Point of Beginning, containing 36.84 acres, more or less, subject to the Right-of-Way of South Barrington Road on the East side of the Subject Property, and any easement or rights-of-ways of record.



Legal Description for Residential Subdivision

Proposed Subdiv: W-4, Single Family Residential (8,800 sq ft min. lot size)

A Part of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of Section One (1), Township 36 North, Range Thirty-One (31) West of the Fifth Principal Meridian, City of Tullahoma, Washington County, Arkansas, and being more particularly described as follows:

Beginning at the Northwest Corner of the SE 1/4 of the SW 1/4 of said Section 1, said point being a found 1/2 inch copper brace along the east line of said SE 1/4 of the SW 1/4 South 03°18'24" West a distance of 270.51 feet to a found 1/2 inch copper brace leaving said east line North 88°41'21" West a distance of 144.33 feet to a found 1/2 inch copper brace with P&S 1588 cap, thence South 17°01'57" West a distance of 220.58 feet to a found 1/2 inch copper brace, said point being on the North Right-of-Way line of a proposed road, thence along with North line South 74°23'32" East a distance of 150.93 feet to a found 1/2 inch copper brace with P&S 1588 washer, said point being on said East line of the SE 1/4 of the SW 1/4, thence leaving said North Right-of-Way line and along said East line South 03°10'42" West a distance of 80.52 feet, thence leaving said East line North 74°56'23" West a distance of 50.72 feet to a point on the South Right-of-Way line of a proposed road, thence along said East line North 74°56'23" West a distance of 174.85 feet, thence continuing along said South line an arc length of 47.04 feet along a curve to the left, said curve having a radius of 38.50 feet and a chord bearing and distance of South 88°02'14" West 38.58 feet to a point on the East Right-of-Way line of a proposed road, thence along said East line South 17°01'57" West a distance of 178.29 feet, thence continuing along said East line an arc length of 134.14 feet along a curve to the right, said curve having a radius of 155.00 feet and a chord bearing and distance of South 47°45'25" West 137.85 feet, thence leaving said East line South 30°17'57" West a distance of 32.88 feet to a found 1/2 inch copper brace with P&S 1588 cap, thence continuing South 20°17'57" West a distance of 160.88 feet to a found 1/2 inch copper brace on the South line of said SE 1/4 of the SW 1/4, thence along said South line North 67°23'27" West a distance of 833.14 feet to a found 1/2 inch copper brace, said point being the Southwest Corner of said SE 1/4 of the SW 1/4, thence leaving said South line and along the West line of said SE 1/4 of the SW 1/4 North 82°23'27" East a distance of 1327.38 feet to a found 1/2 inch copper brace, said point being the Northwest Corner of said SE 1/4 of the SW 1/4, thence leaving said West line and along the North line of said SE 1/4 of the SW 1/4 South 87°12'50" East a distance of 1343.64 feet to the Point of Beginning, containing 38.54 acres more or less, subject to the Right-of-Way of South Hampton Road on the East side of the Subject Property, and any easement or right-of-way of record.



ArcGIS Web Map



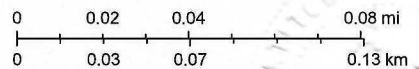
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Tontitown_Master_Street_Plan

- Minor Arterial
- Collector
- - - - - Collector Proposed Location
- Local

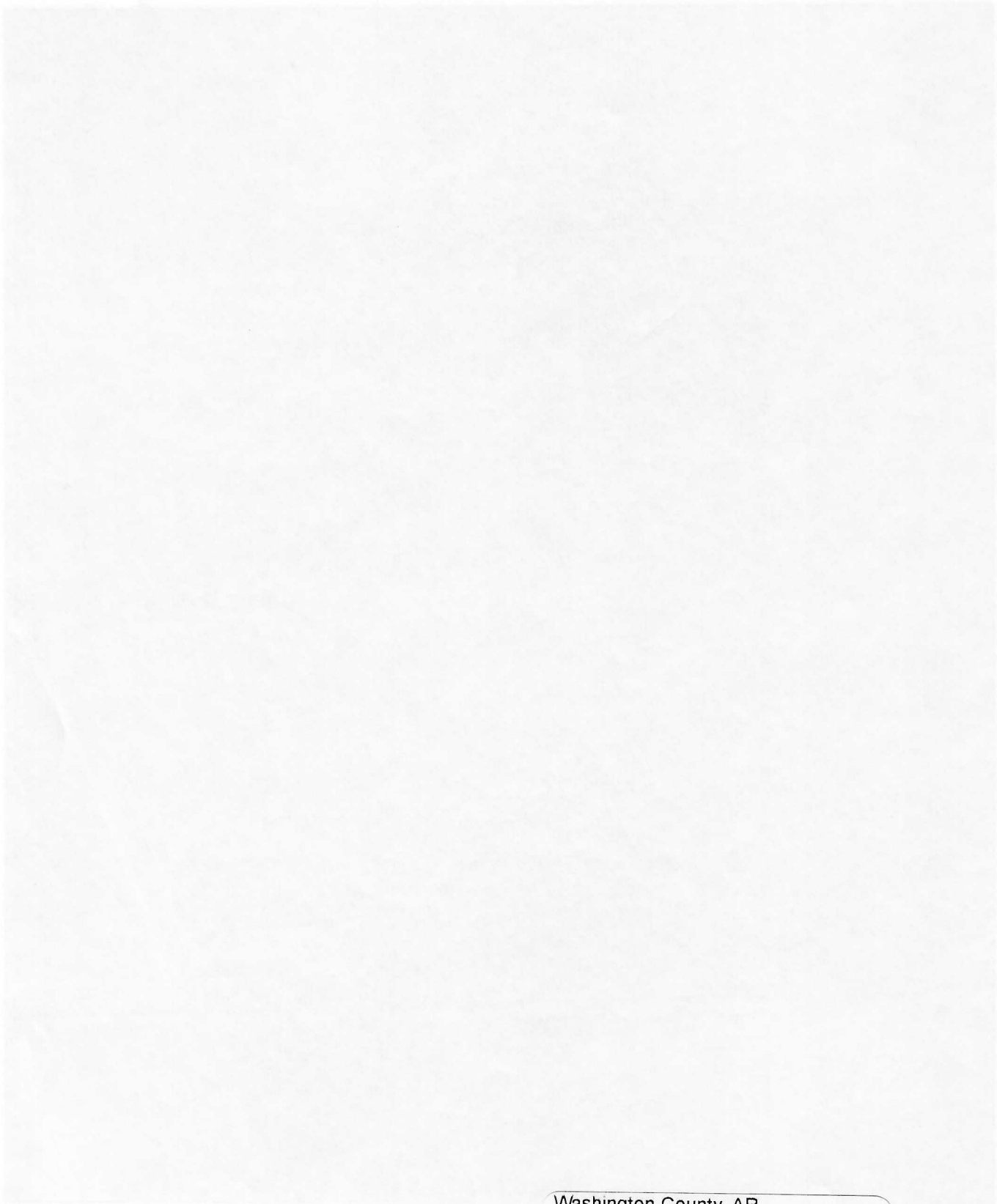
- WashingtonCountyParcelsOwners
- TontitownZoning
- C-2 (General Commerical)
- R-3 (Single Fam Res. 9,600 sq ft min lot size)

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ArcGIS Web AppBuilder



Washington County, AR
I certify this instrument was filed on
02/27/2024 02:11:59 PM
and recorded in Real Estate
File Number 2024-00004526
Kyle Sylvester - Circuit Clerk

by 