

BAKER DONELSON

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N. ANDREW ROTENSTREICH, SHAREHOLDER
Direct Dial: 205.250.8304
E-Mail Address: arotenstreich@bakerdonelson.com

August 2, 2024

**VIA EMAIL (RECORDER@TONTITOWNAR.GOV) (MAYOR@TONTITOWNAR.GOV) AND FEDEX
OVERNIGHT DELIVERY**

Rhonda Ardemagni - City Clerk/Treasurer/Recorder
Angela Russell - Mayor
Administrative Building and City Hall
235 East Henri de Tonti
Tontitown, AR 72762

VIA EMAIL TO CITY COUNCIL MEMBERS

Misty Piazza, City Council – Ward 1 - Position 1 ward1-1@tontitownar.gov
Amber Ibarra, City Council – Ward 1 - Position 2 ward1-2@tontitownar.gov
Daniel Montez, City Council – Ward 2 - Position 1 ward2-1@tontitownar.gov
Larry Ardemagni, City Council – Ward 2 - Position 2 ward2-2@tontitownar.gov
Mike Washkowiak, City Council – Ward 3 - Position 1 ward3-1@tontitownar.gov
Tim Burress, City Council – Ward 3 - Position 2 ward3-2@tontitownar.gov

VIA EMAIL (JEICHMANN@ARKANSASLAW.COM)

Justin Eichmann, Esq.
City Attorney
Harrington, Miller, Kieklak, Eichmann & Brown
4710 South Thompson
Suite 102
Springdale, AR 72764

Re: Appeal of Planning Commission No Action or Denial
Applicant: Vertical Bridge REIT, LLC
Verizon Cell Tower CUP - Parcel #830-37879-200
Verizon Cell Tower LSD - Parcel #830-37879-200
Parcel Address: 1853 W. Henri de Tonti Blvd.

Dear City Clerk, Mayor Russell, City Councilors, and Mr. Eichmann:

Pursuant to §153.122 of the City of Tontitown, AR Code of Ordinances (Code), this letter will serve as the applicant's filing of an appeal of the Planning Commission's inaction or denial

City Clerk of Tontitown
August 2, 2024
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of the above-referenced agenda items from its July 23, 2024 meeting agenda. The Code requires an appeal be filed with the City Clerk, however, there is no mention of a City Clerk position on the City's website. Therefore, I am including Rhonda Ardemagni (Recorder/Treasurer), Mayor Russell, City Councilors, and Justin Eichmann in this communication in order to insure sufficient filing.

The reasons for the appeals are that both applications meet all of the ordinance requirements for such installation, and the Planning Commission's inaction or denial is in direct violation of the Telecommunications Act of 1996.

The documents in support of the appeal were submitted with the applications and include additional documents forwarded to the City in advance of the Planning Commission meeting. The applicant reserves the right to supplement its filings and submittals with additional documents in support of the appeal.

A check payable to the City of Tontitown in the amount of Four Hundred and NO/100 Dollars (\$400.00) is enclosed as required by §§153.122 and 155.01.

Please place this appeal on the next available Committee of the Whole agenda and City Council Regular meeting agenda.

Sincerely,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC



N. Andrew Rotenreich

Enclosure – check

cc: Vertical Bridge REIT, LLC
Luann Jenison - City Administration/HR (via email to cityadmin@tontitownar.gov)
Jamie Malone – Administrative Assistant (via email to adminasst@tontitownar.gov)
Brad Spurlock – Planning Tech (via email to permits@tontitownar.gov)
Mark Latham – Planner (via email to planning@tontitownar.gov)

Check Number 130077

4418829

NO. 130077 4418829

BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ

1400 SHIPT TOWER • 420 20TH STREET NORTH • BIRMINGHAM, ALABAMA 35203

DETACH AND RETAIN THIS STATEMENT

CLIENT / MATTER	DATE	AMOUNT	NC.	
Filing Fee for Appeal/130077 2961145.000059	8/1/2024	\$ 400.00	012520	Cost Code 70

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES MICROPRINTED ENDORSEMENT LINES AND ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

LAW OFFICES
 BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ
 A PROFESSIONAL CORPORATION
 1400 SHIPT TOWER
 420 20TH STREET NORTH
 BIRMINGHAM, ALABAMA 35203
 GENERAL DISBURSEMENT ACCOUNT

87-434
642

NO. 130077

DATE

08/01/2024

AMOUNT

\$400.00

FOUR HUNDRED AND 00/100 DOLLARS

PAY TO THE ORDER OF
 City of Tonitown

FIRST HORIZON BANK

AMOUNT IN EXCESS OF \$2500.00 REQUIRES TWO SIGNATURES

VOID AFTER 90 DAYS

THIS DOCUMENT IS PRINTED ON TONER ADHESION PAPER

HEAT SENSITIVE RED IMAGE DISAPPEARS WITH HEAT



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