

## **BILL OF ASSURANCE FOR THE CITY OF FAYETTEVILLE, ARKANSAS**

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") Legacy Ventures LLC, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, **substantial irreparable damage justifying injunctive relief** has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will **reasonable rely** upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows IF Petitioner's rezoning is approved by the Fayetteville City Council.

1. This bill of assurance restricts use to either single-family detached housing or single-family detached housing per the cluster housing development ordinance on property currently defined by Washington County Parcel 765-05839-000 totaling approximately 1.50 acres. The use restriction does not apply to the north-westernmost 0.18 acres of Washington County Parcel 765-05839-000, an area otherwise defined as the northwestern panhandle of the parcel measuring roughly 41.26'x188.50', and does not apply to Washington County Parcel 765-09486-000. This bill of assurance restricts building height to two-story or less on both Washington County Parcel 765-05839-000 and Washington County Parcel 765-09486-000. Restricted areas shall be as substantially shown on the attached Exhibit 1.
2. Petitioner specifically agrees that all such restrictions and terms shall **run with the land** and bind all future owners unless and until specifically released by ordinance of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office along with Petitioner's rezoning ordinance and shall be noted on any Plat, Large Scale Development, Large Site or Small Site Improvement Plan, or other development authorization which includes some or all of Petitioner's property that is subject to the rezoning ordinance and this Bill of Assurance.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, Tim BRISIEL (MEMBER), as the owner, developer or buyer (Petitioner) voluntarily offer all such assurances and sign my name below.

4/4/23  
Date

Tim BRISIEL (MEMBER)  
Printed Name

Po Box 8216  
Address  
PRYORVILLE AR  
72703

[Signature]  
Signature

**NOTARY OATH**

STATE OF ARKANSAS }  
COUNTY OF WASHINGTON }

And now on this the 4th day of April, 2023, appeared before me, C. Brett Miller, a Notary Public, and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

C. Brett Miller  
NOTARY PUBLIC

My Commission Expires:  
9/9/26



# EXHIBIT 1

