



Office of the City Clerk-Treasurer
301 W. Chestnut
Rogers, Arkansas 72756
479-621-1117 · (Fax) 479-936-5401
www.rogersar.gov

COMMITTEE SCHEDULE

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS

FROM: PEGGY DAVID, CITY CLERK-TREASURER

DATE: May 16, 2018

The following committee meetings will be held on Tuesday, May 22, 2018 prior to the City Council meeting:

6:00 p.m. - PUBLIC WORKS COMMITTEE: (Townzen, Wright and Kendall) Committee Room #1

To Discuss: (a) Monthly Report from RWU

6:15 p.m. - Combined Meeting of FINANCE COMMITTEE: (Reithemeyer, Wolf and Kendall) and TRANSPORTATION COMMITTEE: (Kruger, Townzen, and Carmichael) Community Room

- To Discuss: (a) An Ordinance Calling a Special Election in the City of Rogers, Arkansas on the Question of Issuing Bonds Under Amendment No. 62 to the Constitution of the State of Arkansas for the Purpose of Refinancing and Financing the Cost of Capital Improvements; Levying a one Percent (1%) Sales and Use Tax for the Purpose of Retiring Such Bonds and Prescribing Other Matters Pertaining Thereto
(b) A Resolution Authorizing Expenditures for Construction Costs Associated with Infrastructure Improvements at Lake Atalanta and Other Areas Affected by Storm Damage; Amending the 2018 Budget to Appropriate \$1,692,408.00 From FEMA Proceeds and Street Fund Reserves to Acct. #200-16-70980
(c) Street Closing Request from NWA Challenge for Hope on Sunday, September 16, 2018 from 5:00 p.m. to 6:30 p.m. for the NWA Challenge for Hope/Run for Courage



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ROGERS CITY COUNCIL

AGENDA

MAY 22, 2018

6:30 P.M.

PUBLIC FORUM:

INVOCATION & PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES: May 8, 2018

REPORTS OF BOARDS AND STANDING COMMITTEES:

- 1. ORD. Re: Calling a Special Election in the City of Rogers, Arkansas on the Question of Issuing Bonds Under Amendment No. 62 to the Constitution of the State of Arkansas for the Purpose of Refinancing and Financing the Cost of Capital Improvements; Levying a one Percent (1%) Sales and Use Tax for the Purpose of Retiring Such Bonds and Prescribing Other Matters Pertaining Thereto - Finance Committee
- 2. RES. Re: Authorizing Expenditures for Construction Costs Associated with Infrastructure Improvements at Lake Atalanta and Other Areas Affected by Storm Damage; Amending the 2018 Budget to Appropriate \$1,692,408.00 From FEMA Proceeds and Street Fund Reserves to Acct. #200-16-70980 - Finance Committee

OLD BUSINESS:

ROGERS CITY COUNCIL AGENDA

MAY 22, 2018

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NEW BUSINESS:

1. ORD. Re: Accepting the Final Plat of The Estates at Southgate - Geoff Bates
2. ORD. Re: Rezone from A-1 to C-2, 10.28 Acres ± located at 4601 S. - Bill Watkins
 Champions Drive
3. ORD. Re: Rezone from R-O to C-2, 5800 W. Myers Ranch Boulevard, - Tom
 East Side of Dodson, 1200 feet South of Walton Blvd. Oppenheim
4. ORD. Re: Rezone from C-3 to C-2, 5972 W. Myers Ranch Blvd., East - Tom
 Side of Dodson, 1200 feet South of Walton Blvd. Oppenheim

APPOINTMENTS:

ANNOUNCEMENTS:

ORDINANCE NO. _____

AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF ROGERS, ARKANSAS ON THE QUESTIONS OF ISSUING BONDS UNDER AMENDMENT NO. 62 TO THE CONSTITUTION OF THE STATE OF ARKANSAS FOR THE PURPOSE OF REFINANCING AND FINANCING THE COST OF CAPITAL IMPROVEMENTS; LEVYING A ONE PERCENT (1%) SALES AND USE TAX FOR THE PURPOSE OF RETIRING SUCH BONDS; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

WHEREAS, the City Council of the City of Rogers, Arkansas (the "City") has determined that the City is greatly in need of the following capital improvements of a public nature, including new facilities and/or improvements to existing facilities: (a) streets, roads, trails and bridges, including any curb, gutter, drainage, flood control and other related improvements, equipment and land acquisition to accomplish such improvements, and street lighting, utility adjustments, sidewalks and traffic signals related thereto (the "Street Improvements"); (b) new, and improvements to existing, park and recreational facilities and any necessary land acquisition and parking, furnishings, equipment, drainage, flood control, lighting, road, trail, and utility improvements therefor, and maintenance facilities therefor that may be relocated outside of a park (the "Park and Recreational Improvements"); (c) fire department facilities, radio communications and other equipment and apparatus, including particularly, without limitation, a new fire station, and any necessary land acquisition and parking, furnishings, drainage, flood control, lighting, road, and utility improvements therefor (the "Fire Improvements"); and (d) new, and improvements to existing, police department facilities, including particularly, without limitation, radio communications and other equipment and apparatus, and police station and communications improvements and any necessary land acquisition and parking, furnishings, drainage, flood control, lighting, road, and utility improvements therefor (the "Police Improvements"); and

WHEREAS, pursuant to a special election held September 13, 2011, the City has outstanding its Sales and Use Tax Refunding and Improvement Bonds, Series 2011 and Sales and Tax Bonds, Series 2015 (collectively, the "Series 2011 Voter Approved Bonds"); and

WHEREAS, the 2011 Voter Approved Bonds financed and refinanced various capital improvements and are secured by and payable from collections of a 1% City-wide sales and use tax levied pursuant to Ordinance No. 11-65 of the City adopted July 12, 2011 (the "2011 Tax"); and

WHEREAS, the City Council has determined that the Street Improvements, the Park and Recreational Improvements, the Fire Improvements and the Police Improvements (collectively, "Capital Improvements") can be immediately financed without a tax increase if the 2011 Voter Approved Bonds are refunded; and

WHEREAS, the City Council proposes to finance all or a portion of the costs of the refunding of the 2011 Voter Approved Bonds (the “Refunding”) and the Capital Improvements by the issuance of capital improvement bonds (the “Bonds”) under the authority of Amendment No. 62 to the Constitution of the State of Arkansas (“Amendment 62”) and Title 14, Chapter 164, Subchapter 3 of the Arkansas Code of 1987 Annotated (the “Authorizing Legislation”), allocated as follows: \$178,000,000 in maximum principal amount for the Street Improvements; \$41,000,000 in maximum principal amount for the Park and Recreational Improvements; \$9,500,000 in maximum principal amount for the Fire Improvements; \$11,500,000 in maximum principal amount for the Police Improvements; and \$59,500,000 in maximum principal amount for the Refunding; and

WHEREAS, the City can pay the principal of and interest on the Bonds from the proceeds of a City-wide 1% sales and use tax to be levied under the authority of the Authorizing Legislation that will replace the 2011 Tax; and

WHEREAS, the purpose of this Ordinance is to submit to the electors of the City the questions of issuing the Bonds for the Capital Improvements and for the Refunding under Amendment 62 and the Authorizing Legislation at a special election to be called for that purpose and to levy a sales and use tax at the rate of one percent (1%) on the receipts from the sales at retail within the City of all items which are subject to taxation under the Arkansas Gross Receipts Act of 1941, as amended (A.C.A. §§26-52-101, et seq.), and the receipts from storing, using, distributing or consuming within the City tangible personal property under the Arkansas Compensating Tax Act of 1949, as amended (A.C.A. §§26-53-101, et seq.) (collectively, the “2018 Tax” or the “Sales and Use Tax”);

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

Section 1. There be, and there is hereby called, a special election to be held on August 14, 2018, at which election there shall be submitted to the electors of the City the questions of issuing the Bonds under Amendment 62 and the Authorizing Legislation to pay all or a portion of the costs of accomplishing the Refunding and the Capital Improvements in the maximum principal amounts described above, to be payable from collections of the Sales and Use Tax remaining after the State of Arkansas deducts its administrative charges and required rebates.

Section 2. In order to provide for the payment of the principal of and interest on the Bonds and all obligations of the City in connection therewith, there is hereby levied the Sales and Use Tax. The levy of the Sales and Use Tax shall not become effective until the special election called in Section 1 above has been held and the issuance of the Bonds for one or more of the purposes is approved by the voters; provided, however, that no Bonds will be issued unless the issuance of the Bonds for the refunding of the 2011 Voter Approved Bonds is approved. The effective date of the 2018 Tax will be the day following the date the 2011 Tax expires. The Sales and Use Tax shall be levied and collected on the gross receipts, gross proceeds or sales price in the maximum amount allowed from time to time by Arkansas law, subject to rebates and limitations as from time to time required by Arkansas statutes for certain single transactions.

Section 3. The questions of issuing the Bonds shall be placed on the ballot for the election in substantially the following form:

The bonds described below that are approved may be combined into a single issue or may be issued in series from time to time. If the bonds for one or more of the purposes are approved, there will be levied a new 1% sales and use tax, the net collections of which remaining after the State of Arkansas deducts its administrative charges and required rebates, will be used solely to retire the bonds and obligations of the City with respect thereto. The tax will replace the City's existing 1% sales and use tax levied in 2011 for the sole purpose of retiring bonds. The effective date of the new tax will be the day following the date the existing tax expires. The rate of taxation will be 1% even if bonds for more than one purpose are approved. No bonds will be issued for any purpose unless the Refunding Bonds are also approved.

REFUNDING BONDS

An issue of bonds of the City of Rogers in the maximum principal amount of \$59,500,000 for the purpose of refunding the City's outstanding Sales and Use Tax Refunding and Improvement Bonds, Series 2011 and Sales and Use Tax Bonds, Series 2015, and, in order to pay the bonds, the levy and pledge of a 1% local sales and use tax within the City.

FOR.....

AGAINST.....

STREET IMPROVEMENT BONDS

An issue of bonds of the City of Rogers in the maximum principal amount of \$178,000,000 for the purpose of financing all or a portion of the costs of streets, roads, trails and bridges, including any curb, gutter, drainage, flood control and other related improvements, equipment and land acquisition to accomplish such improvements, and street lighting, utility adjustments, sidewalks and traffic signals related thereto, and, in order to pay the bonds, the levy and pledge of a 1% local sales and use tax within the City.

FOR.....

AGAINST.....

PARK AND RECREATIONAL IMPROVEMENT BONDS

An issue of bonds of the City of Rogers in the maximum principal amount of \$41,000,000 for the purpose of financing all or a portion of the costs of new, and improvements to existing, park and recreational facilities and any necessary land acquisition and parking, furnishings, equipment, drainage, flood control, lighting, road, trail, and utility improvements therefor and maintenance facilities therefor that may be relocated outside of a park, and, in order to pay the bonds, the levy and pledge of a 1% local sales and use tax within the City.

FOR.....

AGAINST

FIRE IMPROVEMENT BONDS

An issue of bonds of the City of Rogers in the maximum principal amount of \$9,500,000 for the purpose of financing all or a portion of the costs of fire department facilities, radio communications and other equipment and apparatus, including particularly, without limitation, a new fire station, and any necessary land acquisition and parking, furnishings, drainage, flood control, lighting, road, and utility improvements therefor and, in order to pay the bonds, the levy and pledge of a 1% local sales and use tax within the City.

FOR.....

AGAINST

POLICE IMPROVEMENT BONDS

An issue of bonds of the City of Rogers in the maximum principal amount of \$11,500,000 for the purpose of financing all or a portion of the costs of new, and improvements to existing, police department facilities, including particularly, without limitation, radio communications and other equipment and apparatus, and police station and communications improvements and any necessary land acquisition and parking, furnishings, drainage, flood control, lighting, road, and utility improvements therefor and, in order to pay the bonds, the levy and pledge of a 1% local sales and use tax within the City.

FOR.....

AGAINST

Section 4. The election shall be held and conducted and the vote canvassed and the results declared under the law and in the manner now provided for municipal elections

unless otherwise provided in the Authorizing Legislation and only qualified voters of the City shall have the right to vote at the election.

Section 5. The results of the election shall be proclaimed by the Mayor, and his Proclamation shall be published one time in a newspaper having a general circulation in the City, which Proclamation shall advise that the results as proclaimed shall be conclusive unless attacked in the courts within thirty days after the date of publication.

Section 6. A copy of this Ordinance shall be filed with the Benton County Clerk at least 60 days prior to the date of the special election. A copy of this Ordinance shall be given to the Benton County Board of Election Commissioners so that the necessary election officials and supplies may be provided. A certified copy of this Ordinance shall also be provided to the Commissioner of Revenues of the State of Arkansas as soon as practical.

Section 7. The Mayor and City Clerk, for and on behalf of the City, be and they are hereby authorized and directed to do any and all things necessary to call and hold the special election as herein provided and to perform all acts of whatever nature necessary to carry out the authority conferred by this Ordinance.

Section 8. When provision has been made for the retirement of the 2011 Voter Approved Bonds as a result of the issuance of the Refunding Bonds, the 2011 Tax shall be abolished at the proper time so that the 2011 Tax and the 2018 Tax are not in effect at the same time. Collections of the 2011 Tax received after the date the Bonds are issued shall be used if necessary or appropriate, to provide for the payment of the Bonds.

Section 9. If the Bonds are approved, the City intends to negotiate with Stephens Inc. and Crews & Associates, Inc., which have assisted the City in preparation of the Bond size and repayment structure, for the sale of the Bonds.

Section 10. The provisions of this Ordinance are hereby declared to be separable and if any provision shall for any reason be held illegal or invalid, such holding shall not affect the validity of the remainder of this Ordinance.

Section 11. All ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

PASSED: _____, 2018.

APPROVED:

ATTEST:

Mayor

City Clerk

(SEAL)

CERTIFICATE

The undersigned, City Clerk of the City of Rogers, Arkansas (the "City"), hereby certifies that the foregoing pages are a true and correct copy of Ordinance No. _____, passed at a _____ session of the City Council of the City, held at the regular meeting place of the City Council, at _____ o'clock p.m. on the _____ day of _____, 2018, and that the Ordinance is of record in Ordinance Record Book No. _____ at Page _____, now in my possession.

GIVEN under my hand and seal this _____ day of _____,
2018.

City Clerk

(SEAL)

A RESOLUTION TO AUTHORIZE EXPENDITURES FOR CONSTRUCTION COSTS ASSOCIATED WITH INFRASTRUCTURE IMPROVEMENTS AT LAKE ATALANTA AND OTHER AREAS AFFECTED BY STORM DAMAGE; AMENDING THE 2018 BUDGET TO APPROPRIATE ONE MILLION SIX HUNDRED NINETY-TWO THOUSAND FOUR HUNDRED EIGHT DOLLARS (\$1,692,408.00) FROM FEMA PROCEEDS AND STREET FUND RESERVES TO ACCOUNT NUMBER 200-16-70980 DISASTER RELIEF; AND FOR OTHER PURPOSES.

WHEREAS, with the assistance and guidance of the Federal Emergency Management Agency (FEMA) and Arkansas Department of Emergency Management (ADEM), the City of Rogers has submitted the necessary requests for FEMA’s financial assistance to address the remaining items of construction necessary to complete the infrastructure repairs and improvements at Lake Atalanta and other trails;

WHEREAS, the City has complied with all FEMA and ADEM standards, requirements, deadlines, and submissions, and will continue to make the repairs and improvements in the manner consistent with the guidance provided to the City by FEMA and ADEM;

WHEREAS, as a result of this ongoing cooperation, the City anticipates significant financial assistance in the form of federal reimbursement for a substantial portion of these repairs and improvements; and

WHEREAS, having obtained the guidance necessary to ensure continued compliance with state and federal requirements and having submitted the necessary documentation to the appropriate agencies, the City is prepared to begin construction on the remaining repairs and improvements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: The 2018 Budget is amended to appropriate one million six hundred ninety-two thousand four hundred eight dollars (\$1,692,408.00) from FEMA Proceeds and Street Fund Reserves to Account Number 200-16-70980 Disaster Relief;

Section 2: The Mayor is authorized to enter into the necessary contracts in furtherance of completion of the remaining repairs and improvements to Lake Atalanta and other trail infrastructure that suffered flood damage, including a construction contract with Crossland Construction Company, Inc.;

Section 3: Severability Provision- If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4: Repeal of Conflicting Resolutions- All resolutions or orders of the City Council or parts of resolutions or orders of the City Council that are in conflict with this Resolution are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2018.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

Requested By: John McCurdy, Director of the Department of Community Development
Prepared By: Jennifer Waymack, Senior Staff Attorney
For Consideration by the Finance and Transportation Committees

ORDINANCE NO. _____

CITY OF ROGERS, ARKANSAS

AN ORDINANCE ACCEPTING THE FINAL PLAT OF
THE ESTATES AT SOUTHGATE
ROGERS, BENTON COUNTY, ARKANSAS,
THE DEDICATION OF UTILITY EASEMENTS AND OTHER PUBLIC WAYS THEREIN;
AND DECLARING AN EMERGENCY

WHEREAS, the Final Plat has been submitted for The Estates at Southgate, Rogers, Benton County Arkansas which is more particularly described as follows, to-wit:

LEGAL DESCRIPTION:

A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER AND PART OF THE NORTH EAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, AND A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, ALL BEING IN TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS; BEGINNING AT AN EXISTING REBAR MARKING THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER 1/4, OF SAID NORTHEAST QUARTER 1/4 OF SECTION 30 TOWNSHIP 19 NORTH, RANGE 30 WEST; THENCE S02°17'24"W 1024.40'; THENCE S86°44'19"E 75.27'; THENCE S03°15'41"W 50.00'; THENCE N86°44'19"W 21.77'; THENCE AROUND A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 5.06', A RADIUS OF 15.00', AND A CHORD THAT BEARS S83°36'14"W 5.03'; THENCE S02°17'24"W 174.20'; THENCE S88°33'19"W 96.20'; THENCE AROUND A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 385.56', A RADIUS OF 713.50', AND A CHORD THAT BEARS S74°01'31"W 380.89'; THENCE N68°07'00"W 85.86'; THENCE N88°08'17"W 549.46'; THENCE N67°08'00"W 119.90'; THENCE N02°26'51"E 169.71'; THENCE N06°03'09"W 246.09'; THENCE N16°32'28"W 249.60'; THENCE N03°25'13"W 158.66'; THENCE N02°09'24"E 284.72'; THENCE N02°48'03"E 241.40'; THENCE S86°37'22"E 1282.93' TO THE POINT OF BEGINNING, HAVING AN AREA OF 1,679,457.08 SQUARE FEET OR 38.56 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

WHEREAS, the Planning Commission of the City of Rogers, Arkansas approved the Final Plat of the above described property on May 22, 2018; and

WHEREAS, the City Council finds that said Final Plat is in conformance with the Ordinances of the City of Rogers, Arkansas; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of Rogers, Arkansas that said Final Plat be approved and the dedication of the utility easements and other public ways be accepted and confirmed;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

SECTION 1: The Final Plat of The Estates at Southgate, Rogers, Benton County, Arkansas, as described in the Plat thereof, is hereby accepted, approved and confirmed.

SECTION 2: All dedication of utility easements and other public ways as set forth in the Plat are hereby accepted by the City. The Mayor and City Clerk are authorized and directed to certify the aforesaid approval and acceptance upon the face of the Plat.

SECTION 3: As the facilities to be constructed within this subdivision will promote the economy of the City and will promote the public health and welfare, an emergency is declared to exist and this Ordinance shall be in full force and effect from and after the date of its passage.

SECTION 4: Severability Provision- In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 5: Repeal of Conflicting Ordinances and Resolutions- All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED: _____, 2018

CITY OF ROGERS, ARKANSAS

APPROVED:

C. GREG HINES, MAYOR

ATTEST:

PEGGY DAVID, CITY CLERK

ORDINANCE NO. _____
CITY OF ROGERS, ARKANSAS

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM A-1 to C-2, PROVIDING FOR
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, the City Council has found that certain lands hereinafter described are better suited for C-2 zoning.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

SECTION 1: That Rogers Code Section 14-675 should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as C-2, and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28 AND PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, ALL IN TOWNSHIP 19 NORTH, RANGE 30 WEST IN ROGERS, BENTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND IRON PIN FOR THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28; THENCE NORTH 87°12'59" WEST A DISTANCE OF 625.97 FEET; THENCE NORTH 87°16'06" WEST A DISTANCE OF 100.00 FEET; THENCE NORTH 05°57'19" EAST A DISTANCE OF 250.31 FEET TO THE POINT OF BEGINNING; THENCE NORTH 86°56'58" WEST A DISTANCE OF 724.49 FEET; THENCE NORTH 02°46'00" EAST A DISTANCE OF 291.95 FEET; THENCE NORTH 38°59'03" EAST A DISTANCE OF 148.36 FEET; THENCE NORTH 14°01'33" EAST A DISTANCE OF 305.11 FEET; THENCE SOUTH 70°40'24" EAST A DISTANCE OF 183.14 FEET; THENCE SOUTH 76°40'19" EAST A DISTANCE OF 469.29 FEET TO THE WEST RIGHT OF WAY EASEMENT PER DOCUMENT 2015-4860; THENCE ALONG SAID RIGHT OF WAY EASEMENT AS FOLLOWS, SOUTH 13°24'39" WEST A DISTANCE OF 126.16 FEET; THENCE ALONG A CURVE TO THE LEFT A DISTANCE OF 167.77 FEET, SAID CURVE HAVING A RADIUS OF 1248.00 FEET AND A LONG CHORD OF SOUTH 09°48'50" WEST 167.64 FEET ; THENCE SOUTH 05°55'16" WEST A DISTANCE OF 286.32 FEET TO THE POINT OF BEGINNING. CONTAINING 10.28 ACRES MORE OR LESS. SUBJECT TO ANY EASEMENTS OF RECORD OR FACT.

LAYMAN'S DESCRIPTION: 10.28 acres, more or less, located at 4601 S. Champions Dr.

SECTION 3: Zoning. That the above described lands are better suited for C-2 than A-1 zoning and same should be and are hereby zoned C-2.

SECTION 4: Emergency clause. That because the City is herein zoning property which is subject to a present use and said use should be brought into conformity with the zoning laws of the City of Rogers, Arkansas, an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

SECTION 4: Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 5: Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED THIS _____ DAY OF _____, 2018.

ROGERS, ARKANSAS

APPROVED:

ATTEST:

PEGGY DAVID, CLERK

C. GREG HINES, MAYOR

ORDINANCE NO. _____
CITY OF ROGERS, ARKANSAS

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM R-O TO C-2, PROVIDING FOR
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, the City Council has found that certain lands hereinafter described are better suited for C-2 than R-O zoning.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

SECTION 1: That Section 14-675 of the code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as C-2 and that said lands being in Benton County, Arkansas, are described as:

LOT 5 OF MYERS RANCH AS RECORDED IN CIRCUIT CLERKS OFFICE FOR BENTON COUNTY, ARKANSAS AT PLAT RECORD 2006-546 BEING PART OF THE NW1/4 OF THE SE1/4 OF SECTION 8, TOWNSHIP 19 NORTH, RANGE 30 WEST, CITY OF ROGERS, BENTON COUNTY, ARKANSAS.

LAYMAN'S DESCRIPTION: 5800 W. Myers Ranch Blvd., Rogers, Arkansas 72758

SECTION 3: That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

SECTION 4: **Severability Provision-** In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 5: **Repeal of Conflicting Ordinances and Resolutions-** All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED THIS _____ DAY OF _____, 2018.

ROGERS, ARKANSAS

APPROVED:

ATTEST:

PEGGY DAVID, CLERK

C. GREG HINES, MAYOR

ORDINANCE NO. _____
CITY OF ROGERS, ARKANSAS

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM C-3 TO C-2, PROVIDING FOR
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, the City Council has found that certain lands hereinafter described are better suited for C-2 than C-3 zoning.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

SECTION 1: That Section 14-675 of the code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as C-2 and that said lands being in Benton County, Arkansas, are described as:

LOT 6 OF MYERS RANCH AS RECORDED IN CIRCUIT CLERKS OFFICE FOR BENTON COUNTY, ARKANSAS AT PLAT RECORD 2006-546 BEING PART OF THE NW1/4 OF THE SEIM OF SECTION 8, TOWNSHIP 19 NORTH, RANGE 30 WEST, CITY OF ROGERS, BENTON COUNTY, ARKANSAS.

LAYMAN'S DESCRIPTION: 5972 W. Myers Ranch Blvd., Rogers, Arkansas 72758

SECTION 3: That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

SECTION 4: **Severability Provision-** In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 5: **Repeal of Conflicting Ordinances and Resolutions-** All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED THIS _____ DAY OF _____, 2018.

ROGERS, ARKANSAS

APPROVED:

ATTEST:

PEGGY DAVID, CLERK

C. GREG HINES, MAYOR