



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

www.rogersar.gov

***AMENDED COMMITTEE SCHEDULE**

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS

FROM: PEGGY DAVID, CITY CLERK-TREASURER

DATE: August 14, 2018

The following committee meetings will be held on **Tuesday, August 14, 2018** prior to the City Council meeting:

6:00 p.m – **PUBLIC SAFETY COMMITTEE**: (Wolf, Kruger and Carmichael) **Committee Room #2**

- To Discuss:
- (a) Waiving Competitive Bidding for the Purchase of Updated Dispatch Recording Equipment for Use by the Rogers Police Department and Rogers Fire Department

 - (b) Amending a Portion of Chapter 34 of the Code of Ordinances, City of Rogers Regarding Sale and Use of Fireworks

6:15 p.m – **TRANSPORTATION COMMITTEE**: (Kruger, Townzen and Carmichael) **Committee Room #1**

- To Discuss:
- (a) Street/Parking Lot Closure Request from Rogers-Lowell Area Chamber of Commerce on Friday, September 14, 2018 and Saturday, September 15, 2018 for “The Good Life Experience”

 - (b) Street/Parking Lot Closure Request from Rotary Club of Downtown Rogers on Friday, September 14, 2018 and Saturday, September 15, 2018 for Frisco Inferno BBQ Event

 - (c) Street/Parking Lot Closure Request from Care Community Center on Monday, September 3, 2018 for the Run For a Child’s Hunger

 - (d) Accepting the Lowest Qualified Bid for Construction of the Magnolia Street Overpass; Authorizing a Contract for Construction

 - (e) Changing the Name of “West Myers Ranch Boulevard” to “West Venture Park Boulevard”

 - (f) Providing for the Acquisition of Real Property and Any Interest in Any Real Property to Facilitate Trail Improvements on Pleasant Ridge Trail

 - (g) Authorizing Agreements with Olsson Associates of Fayetteville, AR; CEI Engineering of Bentonville, AR; Crafton, Tull & Associates, Rogers, AR;

Garver, LLC of Fayetteville, AR; O.R. Colan Associates, LLC of Charlotte, NC; and McClelland Consulting Engineering of Fayetteville, AR for Preliminary Design Services

6:15 p.m. – **FINANCE COMMITTEE:** (Reithemeyer, Wolf and Kendall) **Committee Room**

#2

- To Discuss:
- (a) Authorizing a Contract with Commercial Electronics in an Amount Not to Exceed \$135,000.00 for Upgrading and Updating Dispatch Equipment for Use by the Rogers Fire Department and Rogers Police Department; Amending the 2018 Budget to Appropriate \$135,000.00 From CMRS Fund Reserves To Acct. #352-52-70252
 - (b) Authorizing the City of Rogers' Annual Application for the Bureau of Justice Assistance Edward Byrne Memorial Justice Assistance Grant
-



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ROGERS CITY COUNCIL

AGENDA

AUGUST 14, 2018

6:30 P.M.

PUBLIC FORUM:

INVOCATION & PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES: July 24, 2018

REPORTS OF BOARDS AND STANDING COMMITTEES:

- 1. RES. Re: Accepting the Lowest Qualified Bid for Construction of the Magnolia Street Overpass; Authorizing a Contract for Construction - Transportation Committee
- 2. ORD. Re: Changing the Name of “West Myers Ranch Boulevard” to “West Venture Park Boulevard” - Transportation Committee
- 3. ORD. Re: Providing for the Acquisition of Real Property and Any Interest in Any Real Property to Facilitate Trail Improvements on Pleasant Ridge Trail - Transportation Committee
- 4. RES. Re: Authorizing Agreements with Olsson Associates of Fayetteville, AR; CEI Engineering of Bentonville, AR; Crafton, Tull & Associates, Rogers, AR; Garver, LLC of Fayetteville, AR; O.R. Colan Associates, LLC of Charlotte, NC; and McClelland Consulting Engineering of Fayetteville, AR for Preliminary Design Services - Transportation Committee

ROGERS CITY COUNCIL AGENDA

AUGUST 14, 2018

PAGE 2

5. RES. Re: Authorizing a Contract with Commercial Electronics in an Amount Not to Exceed \$135,000.00 for Upgrading and Updating Dispatch Equipment for Use by the Rogers Fire Department and Rogers Police Department; Amending the 2018 Budget to Appropriate \$135,000.00 From CMRS Fund Reserves To Acct. #352-52-70252 - Finance Committee
6. RES. Re: Authorizing the City of Rogers' Annual Application for the Bureau of Justice Assistance Edward Byrne Memorial Justice Assistance Grant - Finance Committee
7. ORD. Re: Waiving Competitive Bidding for the Purchase of Updated Dispatch Recording Equipment for Use by the Rogers Police Department and Rogers Fire Department - Public Safety Committee
8. ORD. Re: Amending a Portion of Chapter 34 of the Code of Ordinances, City of Rogers Regarding Sale and Use of Fireworks - Public Safety Committee

OLD BUSINESS:

NEW BUSINESS:

1. ORD. Re: Accepting and Annexing Certain Real Property to the City of Rogers, AR Pursuant to ACT 779 of the 82nd General Assembly and Assigning Said Property to a City Ward - Bill Watkins
2. ORD. Re: Rezone from A-1 to RMF-12B, Accepting the Density Concept Plan, 20 Acres ± on the West side of S. Dodson Road between Redbud and W. Stoney Brook Road (Trevor Aaron Yates) - Bill Watkins
3. ORD. Re: Rezone from A-1 to R-SF, 37.94 Acres at 5904 W. Shores Ave. (Gateway Homes, LLC) - Brett Watt

APPOINTMENTS:

ANNOUNCEMENTS:

RESOLUTION NO. R-18-_____

A RESOLUTION ACCEPTING THE LOWEST QUALIFIED BID FOR CONSTRUCTION OF THE MAGNOLIA STREET OVERPASS; AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR CONSTRUCTION; AND FOR OTHER PURPOSES.

WHEREAS, bids were lawfully requested and submitted for construction services for the construction of the Magnolia Street Overpass I-49 as needed by the City of Rogers; and

WHEREAS, Emery Sapp & Sons of Joplin, Missouri submitted the lowest qualified bid of five million one hundred thirty-four thousand six hundred fifty-one dollars and fifty cents (\$5,134,651.50).

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

Section 1: The bid submitted by Emery Sapp & Sons of Joplin, Missouri is hereby accepted;

Section 2: The Mayor may enter into a contract with Emery Sapp & Sons of Joplin, Missouri for construction services and materials;

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, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2018.

APPROVED:

C. GREG HINES,
Mayor

Attest:

PEGGY DAVID, City Clerk

Requested by: John McCurdy, Director of Community Development
Prepared by: Jennifer A. Waymack, Senior Staff Attorney
For Consideration by the Transportation Committee

ORDINANCE NO. 18-_____

AN ORDINANCE CHANGING THE NAME OF “WEST MYERS RANCH BOULEVARD” TO “WEST VENTURE PARK BOULEVARD”; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, Section 14-524 of the Code of Ordinances, City of Rogers provides for the renaming of existing streets whenever road construction, public safety concerns, or changes to the Master Street Plan create the need to rename an already named existing street; and

WHEREAS, In response to requests from affected landowners, city staff has reviewed and recommended that City Council authorize the renaming of “West Myers Ranch Boulevard”;

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

Section 1: “West Myers Ranch Boulevard” is hereafter known as “West Venture Park Boulevard”;

Section 2 - Emergency Clause: The need to rename said street is immediate and in order to protect the public peace, health, safety, and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval;

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

Section 4 - Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance 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 Transportation Committee

AN ORDINANCE PROVIDING FOR THE ACQUISITION OF REAL PROPERTY AND ANY INTEREST IN ANY REAL PROPERTY TO FACILITATE TRAIL IMPROVEMENTS ON PLEASANT RIDGE TRAIL; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, but for a recreation easement and temporary construction easement over one remaining property along the Pleasant Ridge Trail, this loop of the Razorback Greenway would be complete;

WHEREAS, completion of this trail system is in the best interests of the City of Rogers and Northwest Arkansas as a whole, and the City receives regular requests from its citizens to finish this project;

WHEREAS, the City's good faith offer has not been accepted by the landowners, and no reasonable counter offer has been made; and

WHEREAS, the acquisition of this final easement will not divest the landowners of the use or enjoyment of their home.

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

Section 1: The City of Rogers may take all necessary legal action in obtaining interests in real property in order to facilitate land acquisition for the purposes of trail and infrastructure completion on Pleasant Ridge Trail;

Section 2: This authority shall include, but not be limited to, purchasing, negotiation, bargaining, trading, and if necessary the institution of eminent domain causes of action necessary to accomplish the improvements; and

Section 3 - Emergency Clause: The need to acquire real property is immediate and in order to protect the public peace, health, safety, and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval.

PASSED this _____ day of _____, 2018.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

Requested By: Department of Community Development
Prepared By: Jennifer Waymack, Senior Staff Attorney
For Consideration by the Transportation Committee

RESOLUTION NO. R-18-_____

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENTS WITH OLSSON ASSOCIATES OF FAYETTEVILLE, ARKANSAS, CEI ENGINEERING ASSOCIATES, INC. OF BENTONVILLE, ARKANSAS, CRAFTON, TULL & ASSOCIATES, INC. OF ROGERS, ARKANSAS, GARVER, LLC OF FAYETTEVILLE, ARKANSAS, O.R. COLAN ASSOCIATES, LLC OF CHARLOTTE, NORTH CAROLINA, AND MCCLELLAND CONSULTING ENGINEERS, INC. OF FAYETTEVILLE, ARKANSAS FOR PRELIMINARY DESIGN SERVICES; AND FOR OTHER PURPOSES.

WHEREAS, if the voters favor the measure set for election on August 14, 2018, in keeping with the City's long-term commitment to responsible spending, it will be immediately necessary for the City to develop a budget and schedule for completion of certain infrastructure projects.

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

Section 1: The Mayor may enter into agreements with Olsson Associates, CEI Engineering Associates, Inc., Crafton, Tull & Associates, Inc., Garver, LLC, O.R. Colan Associates, LLC, and McClelland Consulting Engineers, Inc. for preliminary design services for infrastructure improvements within the City;

Section 2 - Severability Provision: In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Resolution shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Resolution 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 Resolution shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein; and

Section 3 - Repeal of Conflicting Resolutions: All resolutions of the City Council, or parts of resolutions of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

RESOLVED 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 Transportation Committee

RESOLUTION NO. R-18 _____

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH COMMERCIAL ELECTRONICS IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THIRTY-FIVE THOUSAND DOLLARS (\$135,000.00) FOR UPGRADING AND UPDATING DISPATCH EQUIPMENT FOR USE BY THE ROGERS FIRE DEPARTMENT AND ROGERS POLICE DEPARTMENT; AMENDING THE 2018 BUDGET TO APPROPRIATE ONE HUNDRED THIRTY-FIVE THOUSAND DOLLARS (\$135,000.00) FROM CMRS FUND RESERVES TO CMRS ACCOUNT NUMBER 352-52-70252 COMMUNICATIONS EQUIPMENT; AND FOR OTHER PURPOSES.

WHEREAS, in continuing its communications system upgrade the Rogers Police Department has obtained an estimate from Commercial Electronics to upgrade and update recording equipment in dispatch that records phone lines and radio traffic for both Rogers Fire Department and Rogers Police Department not to exceed one hundred thirty-five thousand dollars (\$135,000.00).

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

Section 1: The Mayor may enter into a contract with Commercial Electronics, in an amount not to exceed one hundred thirty-five thousand dollars (\$135,000.00);

Section 2: The sum of one hundred thirty-five thousand dollars (\$135,000.00) is appropriated from CMRS Fund Reserves into CMRS Account # 352-52-70252 Communications Equipment;

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, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2018.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

Requested By: Chief Hayes H. Minor, Rogers Police Department
Prepared By: Jennifer Waymack, Senior Staff Attorney
For Consideration by the Finance Committee

A RESOLUTION AUTHORIZING THE CITY OF ROGERS' ANNUAL APPLICATION FOR THE BUREAU OF JUSTICE ASSISTANCE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers Annually participates in the Bureau of Justice Assistance Edward Byrne Memorial Justice Assistance Grant Program;

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

Section 1: That the City of Rogers' 2018 Application for the Bureau of Justice Assistance Edward Byrne Memorial Grant is hereby authorized;

Section 2: 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 3: Repeal of Conflicting Provisions- All resolutions or orders of the City Council, or parts of the same, 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: Hayes Minor, Chief of Police
Prepared By: Jennifer Waymack, Senior Staff Attorney
For Consideration by the Finance Committee

ORDINANCE NO. 18-_____

AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF UPDATED DISPATCH RECORDING EQUIPMENT FOR USE BY THE ROGERS POLICE DEPARTMENT AND ROGERS FIRE DEPARTMENT; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the Rogers Police Department and Rogers Fire Department need to update the existing recording equipment utilized by the Dispatch Center; and

WHEREAS, Consumer Electronics can provide the necessary, specialized systems upgrades and equipment that the Rogers Police Department and Rogers Police Departments are in need of that are compatible with the Rogers Police Departments new VOIP phone system.

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

Section 1: There exists an exceptional circumstance whereby the requirements of competitive bidding are neither practical nor feasible and the City Council, therefore, waives the requirements of competitive bidding for the purchase of updated dispatch recording equipment for the use by the Rogers Police Department and Rogers Fire Departments;

Section 2 - Emergency Clause: The need to acquire the communication systems upgrade is immediate and in order to protect the public peace, health, safety, and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval;

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

Section 4 - Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance 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: Hayes Minor, Chief of Police
Prepared By: Jennifer Waymack, Senior Staff Attorney
For Consideration by the Public Safety Committee

AN ORDINANCE AMENDING A PORTION OF CHAPTER 34 OF THE CODE OF ORDINANCES, CITY OF ROGERS REGARDING SALE AND USE OF FIREWORKS; AND FOR OTHER PURPOSES.

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

Section 1: Chapter 34, Section 34-5, subsection (b) of the Code of Ordinances, City of Rogers, Arkansas, is amended to read as shown in the attached Exhibit "A";

Section 2: Chapter 34, Section 34-5, subsection (e) of the Code of Ordinances, City of Rogers, Arkansas, is amended to read as shown in the attached Exhibit "B";

Section 3 - 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; and

Section 4 - 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.

APPROVED:

C, GREG HINES,
Mayor

Attest:

PEGGY DAVID, City Clerk

Requested by: Clay Kendall, City Council
Prepared by: Jennifer Waymack, Senior Staff Attorney

EXHIBIT "A"

- (b) On the dates of July 2 through July 4 of each year, between the hours of 11:00 a.m. and 11:00 p.m., the use of fireworks shall be permitted, with the exception of any aerial fireworks device attached to a stick commonly referred to as a "bottle rocket," or any other similar device, regardless of its name.

EXHIBIT "B"

- (e) The mayor or the fire chief may permit the use of fireworks on dates other than July 2 through July 4 for special or extraordinary events sponsored by governmental, educational, religious, civic, benevolent, or charitable organizations after all provisions of NFPA 1123 have been met and a special permit has been obtained from the Risk Reduction Division of the Rogers Fire Department. If any such permits are issued, the displays must be supervised by a competent operator, who has been approved by the fire chief, and shall be of such a nature and must be located, discharged or fired so as not to be hazardous to property or endanger any person. No such display shall be allowed except between the hours of 11:00 a.m. and 11:00 p.m.

ORDINANCE NO. _____
CITY OF ROGERS, ARKANSAS

AN ORDINANCE ACCEPTING AND ANNEXING
CERTAIN REAL PROPERTY TO THE CITY OF ROGERS, ARKANSAS,
PURSUANT TO ACT 779 OF THE 82nd GENERAL ASSEMBLY
AND ASSIGNING SAID PROPERTY TO A CITY WARD,

WHEREAS, The Petitioner, Co-Trustees of the Georgia M. Fletcher Revocable Trust, the owner of real property contiguous to and adjacent to the City of Rogers, Arkansas, has petitioned for annexation of said real property by the City of Rogers, Arkansas, pursuant to Act 779 of the 82nd General Assembly and assignment of said property to a City ward; and

WHEREAS, the Co-Trustees of the Georgia M. Fletcher Revocable Trust, pursuant to said Act 779, did make demand upon the City of Cave Springs to provide a commitment to the Petitioners to provide sanitary sewer services to the property of the Petitioners; and

WHEREAS, the City of Cave Springs has not made such commitments and has otherwise failed to take the necessary actions required of it by Act 779; and

WHEREAS, the City of Rogers, as annexing municipality, shall take substantial steps within 180 calendar days after this petition is filed toward making the services available, and within each 30 day period thereafter, continue to take steps demonstrating a consistent commitment to provide the requested water and sanitary sewer services within a reasonable time; and

WHEREAS, Rogers Water Utility has expressed its intent to take substantial steps toward making water and sanitary sewer available to the property, and it is available to the above named property owners at their own expense if annexed into the City of Rogers, Arkansas; and

WHEREAS, the City of Rogers has coordinated with Arkansas Geographic Information Systems as required by Arkansas Code § 14-40-101, and the relevant correspondence is attached as Exhibit "A".

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

SECTION 1: Utilities. That, pursuant to Act 779 of the 82nd General Assembly, Regular Session, 1999, as amended and codified as A.C.A. 14-40-2001, et. seq., The City of Rogers shall, within 180 days, take substantial steps toward making water and sanitary sewer services available to the hereafter described property and within each 30 day period thereafter continue to take steps demonstrating a consistent commitment to provide the requested services within a reasonable time;

SECTION 2: Annexation. That, pursuant to Act 779 of the 82nd General Assembly, Regular Session, 1999, certain real property be and the same is hereby accepted for annexation to the City of Rogers, Arkansas, and the same shall hereafter be a part of the City of Rogers, and the people residing therein shall be citizens and qualified voters of the City of Rogers;

SECTION 3: Legal Description. That said real property is described as follows:

The East Half (E1/2) of the Northwest Quarter (NW1/4) of Section 5, Township 18 North, Range 30 West, Benton County, Arkansas;

SECTION 4: Ward Assignment. That the aforesaid real property be and the same is hereby assigned to Ward 3 of the City of Rogers;

SECTION 5: Zoning. That the above described lands should be and the same are hereby zoned A-1.

SECTION 6: 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 7: 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 A-1 to RMF-12B, ACCEPTING THE DENSITY CONCEPT PLAN,
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 RMF-12B 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 RMF-12B, and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

THE N 1/2 OF THE SE 1/4 OF THE NW 1/4 OF SECTION 17, TOWNSHIP 19, RANGE 30 WEST, BENTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SE 1/4 OF THE NW 1/4 OF SAID SECTION 17;
THENCE ALONG THE EAST LINE THEREOF S0224'49"W 662.95 FEET TO THE SOUTHEAST CORNER OF THE N 1/2 OF THE SE 1/4 OF THE NW 1/4 OF SAID SECTION 17;
THENCE ALONG THE SOUTH LINE THEREOF N8746'15"W 1329.01 FEET TO THE SOUTHWEST CORNER OF THE N 1/2 OF THE SE 1/4 OF THE NW 1/4 OF SAID SECTION 17;
THENCE ALONG THE WEST LINE THEREOF N0218'40"E 663.68 FEET TO THE NORTHWEST CORNER OF THE SE 1/4 OF THE NW 1/4 OF SAID SECTION 17;
THENCE ALONG THE NORTH LINE THEREOF S8744'23"E 1330.19 FEET TO THE POINT OF BEGINNING, CONTAINING 20.25 ACRES, MORE OR LESS AND SUBJECT TO THE RIGHT-OF-WAY OF SOUTH DODSON ROAD ALONG THE EAST AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

LAYMAN'S DESCRIPTION: 20 acres, more or less, on the West side of S. Dodson Road between Redbud and W. Stoney Brook Road, to RMF-12B; and,

SECTION 3: Zoning. That the above described lands are better suited for RMF-12B than A-1 zoning and same should be and are hereby zoned RMF-12B.

SECTION 4: Density Concept Plan. That the Density Concept Plan entered into by and between Edward Rose & Sons, Inc., and the City of Rogers, attached hereto as "Exhibit A" and incorporated herein by reference, is hereby approved and made binding upon future development of the property described above, unless otherwise modified or amended by this Council, and the Mayor of the City of Rogers is authorized and directed to execute same.

SECTION 5 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 6: 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 7: 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

**EXHIBIT A
CITY OF ROGERS, ARKANSAS**

DENSITY CONCEPT PLAN

Whereas, Edward Rose Properties, Inc., (the "Petitioner") has petitioned to rezone property in the City of Rogers, Arkansas, more particularly described as follows:

LEGAL DESCRIPTION:

THE N 1/2 OF THE SE1/4 OF THE NW 1/4 OF SECTION 17, TOWNSHIP 19, RANGE 30 WEST, BENTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SE ¹/₄ OF THE NW1/4 OF SAID SECTION 17; THENCE ALONG THE EAST LINE THEROF S0224'49"W 662.95 FEET TO THE SOUTHEAST CORNER OF THE N 1/2 OF THE SE 1/4 OF THE NW ¹/₄ OF SAID SECTION 17; THENCE ALONG THE SOUTH LINE THEREOF N8746'15"W 1329.01 FEET TO THE SOUTHWEST CORNER OF THE N 1/2 OF THE SE ¹/₄ OF THE NW 1/4 OF SAID SECTION 17; THENCE ALONG THE WEST LINE THEREOF N0218'40"E 663.68 FEET TO THE NORTHWEST CORNER OF THE SE ¹/₄ OF THE NW 1/4 OF SAID SECTION 17; THENCE ALONG THE NORTH LINE THEREOF S8744'23"E 1330.19 FEET TO THE POINT OF BEGINNING, CONTAINING 20.25 ACRES, MORE OR LESS AND SUBJECT TO THE RIGHT-OF-WAY OF SOUTH DODSON ROAD ALONG THE EAST AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

all commonly known as the West side of S. Dodson Road between Redbud and W. Stoney Brook Road, to RMF-12B; and,

Whereas, the Petitioner desires, through the use of a Density Concept Plan, to provide certain assurances to the City of Rogers in securing the desired density and rezoning.

Whereas, the Petitioner agrees as follows:

1. Development of the Property will provide for not less than 55% green space.
2. The larger, more dense residential structures will be located upon the Western half of the subject property.
3. The Petitioner will construct an internal walking trail throughout the entire property connecting all buildings and green spaces.
4. A dog park for property residents will be constructed in the southwest corner of the subject property.
5. The tree line along the western boundary of the property will be preserved.
6. Development of the property will include a swimming pool, patio areas, fitness center, outdoor seating / gathering areas with grills, and a community room.
7. This agreement shall be binding upon the parties, their heirs, successors and

assigns.

8. This agreement may not be amended unless in writing by both parties and approved by the appropriate subdivision or body of the City of Rogers.
9. The Site plan, attached hereto as Exhibit A, is incorporated herein by reference and made a part hereof.

Now, therefore, Edward Rose Properties, Inc., its successors, and assigns, agree that the above-stated amenities will be provided by Petitioner if the subject properties are successfully rezoned to RMF-12B.

Entered into this _____ day of _____, 2018

Edward Rose Properties, Inc.

BY: _____
Authorized officer

ORDINANCE NO. _____
CITY OF ROGERS, ARKANSAS

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM A-1 TO RSF, 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 RSF than A-1 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 RSF and that said lands being in Benton County, Arkansas, are described as:

Legal Description for parcel #02-14174-004;

The Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of Section 5, Township 18 North, Range 30 West, Benton County, Arkansas, being more particularly described as follows, to wit:

Beginning at the Northwest corner of said Northeast Quarter of the Northwest Quarter; Thence S86°59'36"E 1350.09'; Thence S03°24'16"W 1232.61'; Thence N87°24'04"W 1321.36'; thence N02°04'27"E 1242.15' to the Point of Beginning, containing 37.94 acres, more or less. Subject to that portion in West Shores Avenue right-of-way on the north side of herein described tract and subject to all other easements and rights-of-way of record.

LAYMAN'S DESCRIPTION: 5904 W. Shores Avenue, Rogers, Arkansas.

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