



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: Jessica Rush, CITY CLERK-TREASURER

DATE: August 25, 2020

The following committee meetings will be held on **Tuesday, August 25, 2020** prior to the City Council Meeting:

05:00 p.m. – COMMITTEE OF THE WHOLE: [Zoom Link](#) OR (312)626-6799 ID: 880 2314 1557

To Discuss: (a) [NWA Transit Development Plan Presentation](#)

05:30 p.m. - PUBLIC WORKS COMMITTEE: (Townzen*, Brashear, Kendall) [Zoom Link](#) OR (312)626-6799 ID: 837 4590 6562

To Discuss: (a) [RWU Monthly Report](#)

05:30 p.m. - PUBLIC SAFETY COMMITTEE: (Wolf*, Kruger, Carmichael) [Zoom Link](#) OR (312)626-6799 ID: 871 8065 0804

- To Discuss:
- (a) [A Resolution Authorizing Payment For Upgrades To The County Wide 911 System, Amending The 2020 Budget To Appropriate CMRS Fund Reserves In The Amount Of \\$52,888.50 To Account #352-52-70252 Communications Equipment](#)
 - (b) [A Resolution Accepting The Donation Of A Twin Engine Jet Aircraft From The Arkansas Air And Military Museum In Fayetteville, Arkansas](#)

05:45 p.m. - TRANSPORTATION COMMITTEE: (Kruger*, Carmichael, Townzen) [Zoom Link](#) OR (312)626-6799 ID: 871 8065 0804

- To Discuss:
- (a) [A Resolution Authorizing The Mayor And City Clerk To Grant An Easement To Southwestern Electric Power Company North](#)
 - (b) [A Resolution Authorizing The Mayor And City Clerk To Grant An Easement To Southwestern Electric Power Company South](#)
 - (c) [An Ordinance Authorizing The Mayor And City Clerk To Enter Into An Agreement With Carroll Electric Cooperative Corporation Of Berryville, Arkansas, In The Amount Of \\$161,950.35, For Utility Relocation At Garrett Road](#)

05:45 p.m. - FINANCE COMMITTEE: (Reithemeyer*, Wolf, Kendall) [Zoom Link](#) OR (312)626-6799 ID: 837 4590 6562

- To Discuss:
- (a) [A Resolution Amending The 2020 Budget To Appropriate General Fund Reserves In The Amount Of \\$230,000.00 To Account #100-01-70982 Covid Expense](#)
 - (b) [A Resolution Authorizing The Mayor And City Clerk To Enter Into A Grant Agreement With The Walton Family Foundation To Receive \\$180,000.00;](#)

Amending The 2020 Budget To Recognize Said Grant Funds Into Account #100-06-45600 Grants And Donations

- (c) A Resolution Amending The 2020 Budget To Recognize Grant Revenue From The Covid-19 Ambulance Worker Payment In The Amount Of \$256,542.00 Into Account #100-04-45110 Federal Revenue
-

06:00 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE: (Carmichael*, Townzen, Hayes) [Zoom Link](#) OR (312)626-6799 ID: 871 8065 0804

To Discuss:

- (a) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-O To U-COM (Hatchem Investments) [Hatchem Staff Report](#)

 - (b) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From I-1 To NBT (Vinson Square LLC) [Vinson Square LLC Staff Report](#)

 - (c) An Ordinance Amending Rogers Code Section 14-675 By Reaffirming The Zone Of Certain Lands As RMF-9A, Accepting The Density Concept Plan (Shadowbrooke) [Shadowbrooke Staff Report](#)

 - (d) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-O, C2-CU, And PUD To C-3 (Scottsdale) [Scottsdale Staff Report](#)
-



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ROGERS CITY COUNCIL
AGENDA

AUGUST 25, 2020
6:30 PM

<https://us02web.zoom.us/j/89042423257> OR (312)626-6799 ID: 890 4242 3257

PUBLIC FORUM:

INVOCATION & PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

- 1. August 11, 2020

REPORTS OF BOARDS AND STANDING COMMITTEES:

- 1. RES. Re: Authorizing Payment For Upgrades To The County Wide 911 System, Amending The 2020 Budget To Appropriate CMRS Fund Reserves In The Amount Of \$52,888.50 To Account #352-52-70252 Communications Equipment PUBLIC SAFETY COMMITTEE
- 2. RES. Re: Accepting The Donation Of A Twin Engine Jet Aircraft From The Arkansas Air And Military Museum In Fayetteville, Arkansas PUBLIC SAFETY COMMITTEE
- 3. RES. Re: Authorizing The Mayor And City Clerk To Grant An Easement To Southwestern Electric Power Company TRANSPORTATION COMMITTEE

North

4. RES. Re: Authorizing The Mayor And City Clerk To Grant An Easement To Southwestern Electric Power Company South
TRANSPORTATION COMMITTEE
5. ORD. Re: Authorizing The Mayor And City Clerk To Enter Into An Agreement With Carroll Electric Cooperative Corporation Of Berryville, Arkansas, In The Amount Of \$161,950.35, For Utility Relocation At Garrett Road
TRANSPORTATION COMMITTEE
6. RES. Re: Amending The 2020 Budget To Appropriate General Fund Reserves In The Amount Of \$230,000.00 To Account #100-01-70982 Covid Expense
FINANCE COMMITTEE
7. RES. Re: Authorizing The Mayor And City Clerk To Enter Into A Grant Agreement With The Walton Family Foundation To Receive \$180,000.00; Amending The 2020 Budget To Recognize Said Grant Funds Into Account #100-06-45600 Grants And Donations
FINANCE COMMITTEE
8. RES. Re: Amending The 2020 Budget To Recognize Grant Revenue From The Covid-19 Ambulance Worker Payment In The Amount Of \$256,542.00 Into Account #100-04-45110 Federal Revenue
FINANCE COMMITTEE
9. ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-O To U-COM (Hatchem Investments)
COMMUNITY ENVIRONMENT & WELFARE COMMITTEE
10. ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From I-1 To NBT (Vinson Square LLC)
COMMUNITY ENVIRONMENT & WELFARE

COMMITTEE

11. ORD. Re: Amending Rogers Code Section 14-675 By Reaffirming The Zone Of Certain Lands As RMF-9A, Accepting The Density Concept Plan (Shadowbrooke) COMMUNITY ENVIRONMENT & WELFARE COMMITTEE
12. ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-O, C2-CU, And PUD To C-3 (Scottsdale) COMMUNITY ENVIRONMENT & WELFARE COMMITTEE

OLD BUSINESS:

NEW BUSINESS:

APPOINTMENTS:

ANNOUNCEMENTS:

RESOLUTION NO. R20-_____

A RESOLUTION AUTHORIZING PAYMENT FOR UPGRADES TO THE COUNTY WIDE 911 SYSTEM, AMENDING THE 2020 BUDGET TO APPROPRIATE CMRS FUND RESERVES IN THE AMOUNT OF FIFTY-TWO THOUSAND EIGHT HUNDRED EIGHTY-EIGHT DOLLARS AND FIFTY CENTS (\$52,888.50) TO ACCOUNT #352-52-70252 COMMUNICATIONS EQUIPMENT; AND FOR OTHER PURPOSES.

WHEREAS, in order to negotiate a significantly lower price per 911 position, Benton County 911 Administration entered into an all-encompassing, comprehensive contract with AT&T to upgrade the County wide system;

WHEREAS, as part of this contract, the City, as a Host Location, agreed to be billed by and pay AT&T directly for its seven (7) Public Safety Answering Point (“PSAP”) positions;

WHEREAS, Benton County 911 Administration, CENCOM, Bentonville, Siloam Springs, and Bella Vista are also encompassed in this contract; and

WHEREAS, a fixed amount is charged for each PSAP based upon the participating organizations number of positions.

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

Section 1: Payment, in the amount of fifty-two thousand eight hundred eighty-eight dollars and fifty cents (\$52,888.50), is authorized to be made to AT&T for the City’s seven (7) PSAP positions under the contract for the 911 county wide system upgrades;

Section 2: The 2020 budget is amended to appropriate fifty-two thousand eight hundred eighty-eight dollars and fifty cents (\$52,888.50) from CMRS Fund Reserves to 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 Ordinances, 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.

RESOLVED this _____ day of _____, 2020.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Hayes Minor, Police Chief
Prepared by: Bonnie Bridges, Staff Attorney
For consideration by: Public Safety Committee

RESOLUTION NO. R20 _____

A RESOLUTION ACCEPTING THE DONATION OF A TWIN ENGINE JET AIRCRAFT FROM THE ARKANSAS AIR AND MILITARY MUSEUM IN FAYETTEVILLE, ARKANSAS; AND FOR OTHER PURPOSES.

WHEREAS, the Arkansas Air and Military Museum is in possession of a decommissioned 1967 Dassault Jet Falcon aircraft for which it no longer has use;

WHEREAS, the City of Rogers Fire Department can utilize this item for simulated aircraft fire trainings; and

WHEREAS, the aircraft will be housed at the City of Rogers Executive Airport.

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

Section 1: The Rogers Fire Department will accept the donation of a 1967 Dassault Jet Falcon aircraft, tail number N111BP from the Arkansas Air and Military Museum in Fayetteville, Arkansas;

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 Ordinances, 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.

RESOLVED this _____ day of _____, 2020.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By Thomas Jenkins, Fire Chief
Prepared By: Bonnie Bridges, Staff Attorney
For consideration by: Public Safety Committee

RESOLUTION NO. R20-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO GRANT AN EASEMENT TO SOUTHWESTERN ELECTRIC POWER COMPANY, A DELAWARE CORPORATION, PURSUANT TO AND AUTHORIZED BY A.C.A. §14-54-302; AND FOR OTHER PURPOSES.

WHEREFORE, Southwestern Electric Power Company will have to move its utility lines due to the Construct Taxilane, Reconstruct Taxiway (Phase II) project at the Rogers Executive Airport; and

WHEREFORE, a new easement, referred to as the “North Easement”, needs to be executed in order for the utility lines to be relocated and accessed.

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

Section 1: That the property interests described in the Easement documents, attached hereto as Exhibit “A”, and incorporated by reference as if set out word for word herein, are needed by Southwestern Electric Power Company in order to protect the health, safety, and welfare of the citizens of the City of Rogers;

Section 2: That pursuant to A.C.A. §14-54-302, the Mayor and City Clerk are hereby authorized to convey the same in accordance with the procedures set forth in said statutes;

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 Ordinances, 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.

RESOLVED this _____ day of _____, 2020.

APPROVED:

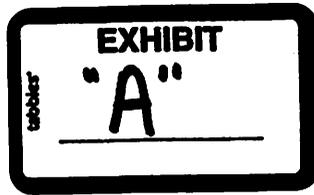
C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: David Krutsch, Airport Manager
Prepared by: Bonnie Bridges, Staff Attorney
For consideration by: Transportation Committee

AR200050



RIGHT OF WAY AND EASEMENT

STATE OF ARKANSAS

COUNTY OF BENTON

GRANTORS: City of Rogers
301 W Chestnut
Rogers, AR 72756

In consideration of one dollar, paid, and other good and valuable considerations, receipt of which is acknowledged, have and by these presents do grant and convey unto GRANTEE, SOUTHWESTERN ELECTRIC POWER COMPANY, a Delaware corporation, whose address is 428 Travis St, P.O. Box 21106, Shreveport, LA 71156, its associated and allied companies and their respective successors and assigns, herein referred to as GRANTEE, a perpetual right of way and easement over and through a part of the following described property:

Parcel #02-00643-000 in Benton County, Arkansas.

The right-of way and easement shall consist of:

An Electric line Easement being a part of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) of Section Thirty (30), Township Twenty North (T-20-N), Range Twenty-nine West (R-29-W), Benton County, Arkansas, being more particularly described as follows:

COMMENCING at the Southeast corner of said Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4); thence N 02°37'15" E along the East line of said Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) a distance of 419.50 feet; thence leaving said East line N 87°22'45" W a distance of 401.18 feet to the **POINT OF BEGINNING**; thence N 77°03'08" W a distance of 20.00 feet; thence N 12°56'52" E a distance of 167.89 feet; thence N 20°14'34" E a distance of 145.69 feet; thence N 07°53'28" E a distance of 80.63 feet; thence N 20°02'32" E a distance of 280.14 feet; thence N 69°57'28" W a distance of 5.00 feet; thence N 20°02'32" E a distance of 30.00 feet; thence S 69°57'28" E a distance of 30.00 feet; thence S 20°02'32" W a distance of 30.00 feet; thence N 69°57'28" W a distance of 5.00 feet; thence S 20°02'32" W a distance of 278.01 feet; thence S 07°53'28" W a distance of 80.67 feet; thence S 20°14'34" W a distance of 146.58 feet; thence S 12°56'52" W a distance of 166.62 feet to the **POINT OF BEGINNING**, containing 14,362 square feet or 0.33 acres, more or less as shown on Exhibit B.

See attached Exhibit for a drawing of the above described right-of-way.

With the right to construct, reconstruct, repair, replace, change the size and capacity of, modify, operate, maintain, inspect, remove, a line or lines of underground and/or overhead facilities, including, but not limited to, poles, structures, wires, cables, conduits, guys, anchors, and other fixtures and equipment as the GRANTEE may from time to time require for the distribution of electric current, and other forms of energy, and for the transmission or communication of data, audio and video information. Together with the right of ingress and egress to said right of way and easement at all times with equipment and personnel across GRANTOR'S lands for the purpose of constructing, operating and maintaining said lines and related facilities and making all necessary repairs, alterations or removal of any of its property placed thereon, provided that GRANTEE shall repair, replace, or pay for actual damages which may be the result of construction, maintenance and operation of its facilities. GRANTOR shall not construct nor permit to be constructed, any structure or building of any type or nature, including swimming pools, on or adjacent to the said easement right of way that would prevent the use or endanger the said facilities or that would cause a violation of the National Electric Safety Code. In addition, the GRANTEE may trim, treat, cut down, or remove any trees, growth and vegetation without incurring damages (within the right of way or which could grow into the right of way) which may interfere with GRANTEE'S lines and other facilities

To have and hold the above described easement and rights unto the GRANTEE, its successors and assigns, forever or until said right of way and easement is finally abandoned.

SIGNED AND DATED, this _____ day of _____, 2020.

Greg Hines, Mayor

Jessica Rush, City Clerk

Acknowledgement

THE STATE OF ARKANSAS)

COUNTY OF BENTON)

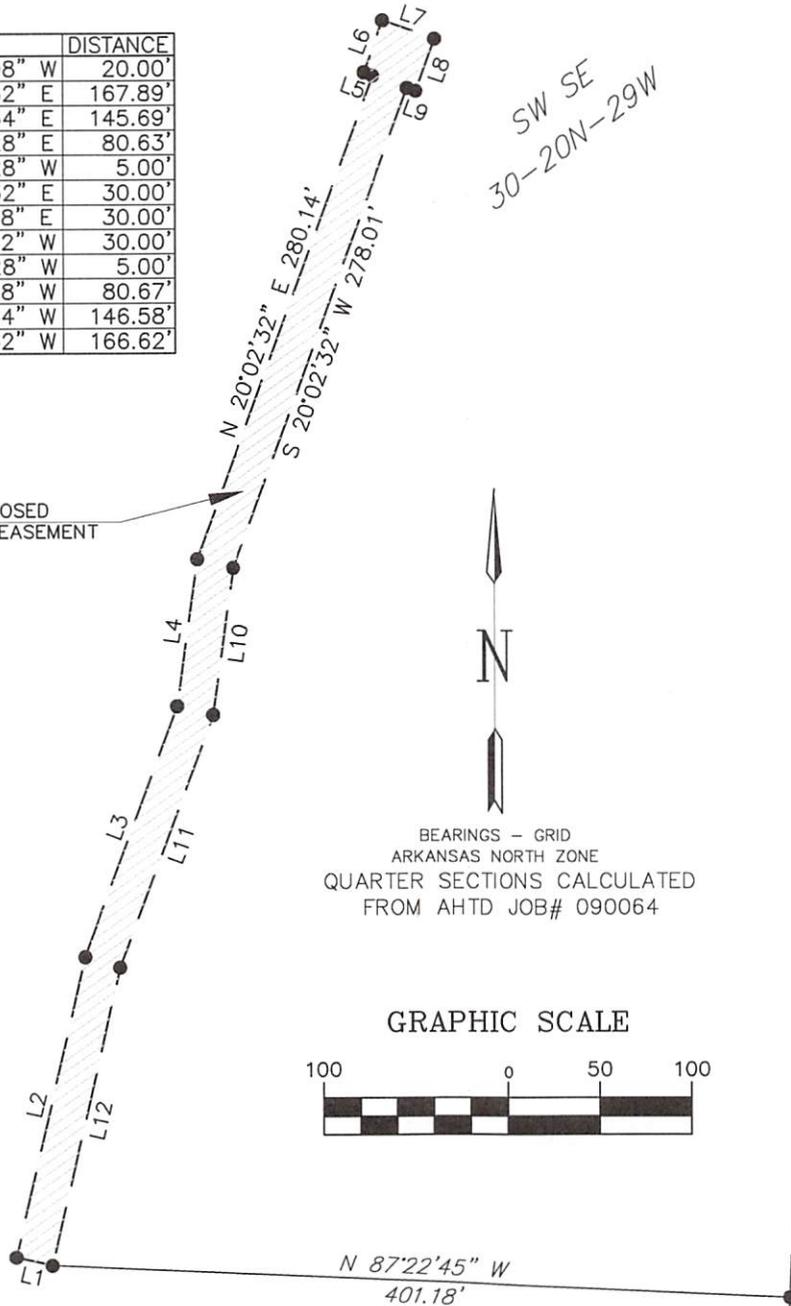
On this the _____ day of _____, 2020, before me, a Notary Public, personally appeared _____, for and on behalf of _____, known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged that he/she/they executed the same for the purposes herein set forth.

In witness whereof I hereunto set my hand and official seal.

Notary Public

SWPCO Right-of-Way
101 W Township
Fayetteville, AR 72703

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | N 77°03'08" W | 20.00' |
| L2 | N 12°56'52" E | 167.89' |
| L3 | N 20°14'34" E | 145.69' |
| L4 | N 07°53'28" E | 80.63' |
| L5 | N 69°57'28" W | 5.00' |
| L6 | N 20°02'32" E | 30.00' |
| L7 | S 69°57'28" E | 30.00' |
| L8 | S 20°02'32" W | 30.00' |
| L9 | N 69°57'28" W | 5.00' |
| L10 | S 07°53'28" W | 80.67' |
| L11 | S 20°14'34" W | 146.58' |
| L12 | S 12°56'52" W | 166.62' |



SW SE
30-20N-29W

SE SE
30-20N-29W

BEARINGS - GRID
ARKANSAS NORTH ZONE
QUARTER SECTIONS CALCULATED
FROM AHTD JOB# 090064

GRAPHIC SCALE



| AREA CALCULATIONS | SQ. FT. | ACRES |
|----------------------------|---------|-------|
| PROPOSED ELECTRIC EASEMENT | 14,362 | 0.33 |

LEGEND

- PROPOSED EASEMENT LINE
- QUARTER SECTION LINES

POC
SE CORNER
SW 1/4 SE 1/4
SECTION 30,
T-20-N, R-29-W

N 02°37'15" E
419.50"

THIS EXHIBIT IS A SKETCH DESCRIPTIVE ONLY OF THE SIZE, SHAPE AND LOCATION OF THE PROPOSED EASEMENTS AND DOES NOT CONSTITUTE A PLAT OR SURVEY OF THE GRANTOR'S PROPERTY.

| | | | | |
|--|---|--|---------------------|-----------------------|
|  2049 EAST JOYCE BOULEVARD SUITE 400 FAYETTEVILLE, ARKANSAS 72704 479 527-9100 | ELECTRIC LINE EASEMENT FOR SWPCO ROGERS AIRPORT, ARKANSAS |  | JOB NO. 19A13201 | DATE JULY 23, 2020 |
| | | | "EXHIBIT B" | TRACT 1 |

RESOLUTION NO. R20-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO GRANT AN EASEMENT TO SOUTHWESTERN ELECTRIC POWER COMPANY, A DELAWARE CORPORATION, PURSUANT TO AND AUTHORIZED BY A.C.A. §14-54-302; AND FOR OTHER PURPOSES.

WHEREFORE, Southwestern Electric Power Company will have to move its utility lines due to the Construct Taxilane, Reconstruct Taxiway (Phase II) project at the Rogers Executive Airport; and

WHEREFORE, a new easement, referred to as the “South Easement”, needs to be executed in order for the utility lines to be relocated and accessed.

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

Section 1: That the property interests described in the Easement documents, attached hereto as Exhibit “A”, and incorporated by reference as if set out word for word herein, are needed by Southwestern Electric Power Company in order to protect the health, safety, and welfare of the citizens of the City of Rogers;

Section 2: That pursuant to A.C.A. §14-54-302, the Mayor and City Clerk are hereby authorized to convey the same in accordance with the procedures set forth in said statutes;

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 Ordinances, 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.

RESOLVED this _____ day of _____, 2020.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: David Krutsch, Airport Manager
Prepared by: Bonnie Bridges, Staff Attorney
For consideration by: Transportation Committee



RIGHT OF WAY AND EASEMENT

STATE OF ARKANSAS

COUNTY OF BENTON

GRANTORS: City of Rogers
301 W Chestnut
Rogers, AR 72756

In consideration of one dollar, paid, and other good and valuable considerations, receipt of which is acknowledged, have and by these presents do grant and convey unto GRANTEE, SOUTHWESTERN ELECTRIC POWER COMPANY, a Delaware corporation, whose address is 428 Travis St, P.O. Box 21106, Shreveport, LA 71156, its associated and allied companies and their respective successors and assigns, herein referred to as GRANTEE, a perpetual right of way and easement over and through a part of the following described property:

Parcel #02-00643-000 and #02-00673-000 in Benton County, Arkansas.

The right-of way and easement shall consist of:

An Electric line Easement being a part of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) of Section Thirty (30), Township Twenty North (T-20-N), Range Twentynine West (R-29-W), and the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Thirty-one (31), Township Twenty North (T-20-N), Range Twenty-nine West (R-29-W), Benton County, Arkansas, being more particularly described as follows:

COMMENCING at the Southeast corner of said Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4); thence N 87°32'19" W along the South line of said Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) a distance of 293.81 feet to the **POINT OF BEGINNING**; thence S 67°53'59" W a distance of 60.49 feet; thence N 69°36'59" W a distance of 73.89 feet; thence N 32°38'02" W a distance of 69.18 feet; thence N 20°23'01" E a distance of 15.00 feet; thence S 71°29'13" E a distance of 13.58 feet; thence S 32°12'31" E a distance of 61.00 feet; thence S 69°36'59" E a distance of 59.35 feet; thence N 67°53'59" E a distance of 110.04 feet; thence S 78°45'55" E a distance of 75.54 feet; thence S 11°14'05" W a distance of 20.00 feet; thence N 78°45'55" W a distance of 69.55 feet; thence S 67°53'59" W a distance of 51.33 feet to the **POINT OF BEGINNING**, containing 6,423 square feet or 0.15 acres, more or less as shown on Exhibit B.

See attached Exhibit for a drawing of the above described right-of-way.

With the right to construct, reconstruct, repair, replace, change the size and capacity of, modify, operate, maintain, inspect, remove, a line or lines of underground and/or overhead facilities, including, but not limited to, poles, structures, wires, cables, conduits, guys, anchors, and other fixtures and equipment as the GRANTEE may from time to time require for the distribution of electric current, and other forms of energy, and for the transmission or communication of data, audio and video information. Together with the right of ingress and egress to said right of way and easement at all times with equipment and personnel across GRANTOR'S lands for the purpose of constructing, operating and maintaining said lines and related facilities and making all necessary repairs, alterations or removal of any of its property placed thereon, provided that GRANTEE shall repair, replace, or pay for actual damages which may be the result of construction, maintenance and operation of its facilities. GRANTOR shall not construct nor permit to be constructed, any structure or building of any type or nature, including swimming pools, on or adjacent to the said easement right of way that would prevent the use or endanger the said facilities or that would cause a violation of the National Electric Safety Code. In addition, the GRANTEE may trim, treat, cut down, or remove any trees, growth and vegetation without incurring damages (within the right of way or which could grow into the right of way) which may interfere with GRANTEE'S lines and other facilities

To have and hold the above described easement and rights unto the GRANTEE, its successors and assigns, forever or until said right of way and easement is finally abandoned.

SIGNED AND DATED, this _____ day of _____, 2020.

Greg Hines, Mayor

Jessica Rush, City Clerk

Acknowledgement

THE STATE OF ARKANSAS)

COUNTY OF BENTON)

On this the _____ day of _____, 2020, before me, a Notary Public, personally appeared _____, for and on behalf of _____, known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged that he/she/they executed the same for the purposes herein set forth.

In witness whereof I hereunto set my hand and official seal.

Notary Public

SWEPCO Right-of-Way
101 W Township
Fayetteville, AR 72703



2049 EAST JOYCE BOULEVARD
SUITE 400
FAYETTEVILLE, ARKANSAS 72704
479 527-9100

ELECTRIC LINE EASEMENT FOR
SWEPCO
ROGERS AIRPORT, ARKANSAS



JOB NO. 19A13201
DATE JULY 23, 2020
TRACT "EXHIBIT B"

1

THIS EXHIBIT IS A SKETCH DESCRIPTIVE ONLY OF THE SIZE, SHAPE AND LOCATION OF THE PROPOSED EASEMENTS AND DOES NOT CONSTITUTE A PLAT OR SURVEY OF THE GRANTOR'S PROPERTY.

QUARTER SECTIONS CALCULATED FROM AHTD JOB# 090064

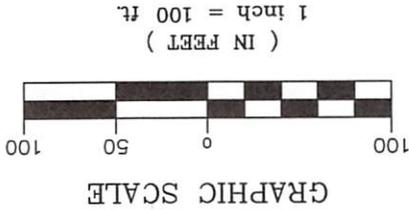
PAGE 1 OF 2

PROPOSED EASEMENT LINE
QUARTER SECTION LINES

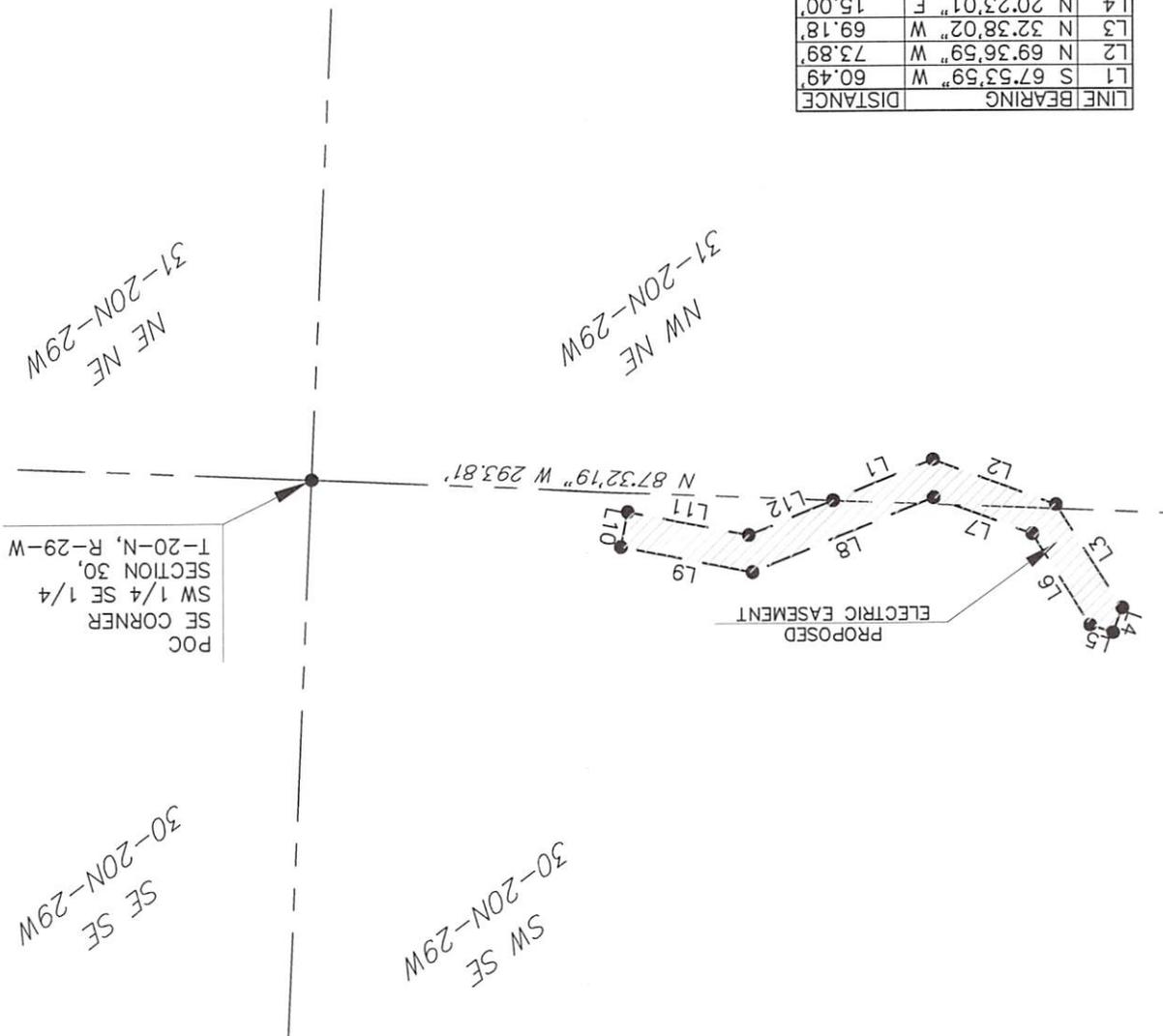
LEGEND

| AREA CALCULATIONS | |
|----------------------------|-------|
| SQ. FT. | ACRES |
| 6,423 | 0.15 |
| PROPOSED ELECTRIC EASEMENT | |

| LINE BEARING | DISTANCE |
|--------------|-----------------------|
| L1 | S 67°53'59" W 60.49' |
| L2 | N 69°36'59" W 73.89' |
| L3 | N 32°38'02" W 69.18' |
| L4 | N 20°23'01" E 15.00' |
| L5 | S 71°29'13" E 13.58' |
| L6 | S 32°12'31" E 61.00' |
| L7 | S 69°36'59" E 59.35' |
| L8 | N 67°53'59" E 110.04' |
| L9 | S 78°45'55" E 75.54' |
| L10 | S 11°14'05" W 20.00' |
| L11 | N 78°45'55" W 69.55' |
| L12 | S 67°53'59" W 51.33' |



BEARINGS - GRID
ARKANSAS NORTH ZONE



POB
SE CORNER
SW 1/4 SE 1/4
SECTION 30,
T-20-N, R-29-W

ORDINANCE NO. 20-_____

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH CARROLL ELECTRIC COOPERATIVE CORPORATION OF BERRYVILLE, ARKANSAS, IN THE AMOUNT OF ONE HUNDRED SIXTY-ONE THOUSAND NINE HUNDRED FIFTY DOLLARS AND THIRTY-FIVE CENTS (\$161,950.35), FOR UTILITY RELOCATION AT GARRETT ROAD; WAIVING COMPETITIVE BIDDING; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the Community Development Department, working with Carroll Electric Cooperative Corporation, has determined that the relocation of utility lines is necessary for the public safety of the citizens of Rogers;

WHEREAS, this relocation is not for the direct benefit of particular customers of the utility in their capacity as customers; and

WHEREAS, Carroll Electric Cooperative Corporation is the appropriate company to provide this service as the lines being relocated are theirs; therefore, competitive bidding should be waived.

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

Section 1: That the Mayor and City Clerk are hereby authorized to enter into an agreement with Carroll Electric Cooperative Corporation of Berryville, Arkansas, for utility relocation work associated with Garrett Road construction, in the amount of one hundred sixty-one thousand nine hundred fifty dollars and thirty-five cents (\$161,950.35);

Section 2: That this sum shall be paid out of bond monies;

Section 3: That the requirements of competitive bidding are neither practical nor feasible and the City Council waives the requirements of competitive bidding;

Section 4: Emergency Clause: The need to enter into said contract 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 5: 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 6: 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 _____, 2020.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John McCurdy, Director of Community Development
Prepared by: Bonnie Bridges, Staff Attorney
For consideration by: Transportation Committee

RESOLUTION NO. R20-_____

A RESOLUTION AMENDING THE 2020 BUDGET TO APPROPRIATE GENERAL FUND RESERVES IN THE AMOUNT OF TWO HUNDRED THIRTY THOUSAND DOLLARS (\$230,000.00) TO ACCOUNT #100-01-70982 COVID EXPENSE; AND FOR OTHER PURPOSES.

WHEREAS, due to the unanticipated Covid-19 pandemic, additional expenditures have occurred which need to be consolidated into one line item for budget purposes;

WHEREAS, this appropriation encompasses the Covid-19 spending to date; and

WHEREAS, application requests for FEMA and CARES ACT reimbursement are being made for eligible expenses.

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

Section 1: The 2020 Budget is amended to appropriate two hundred thirty thousand dollars (\$230,000.00) from General Fund Reserves into Account #100-01-70982 COVID Expense to account for all expenditures on COVID related items to date;

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 Resolutions: All Ordinances, 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.

RESOLVED this _____ day of _____, 2020.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Casey Wilhelm, Finance Director
Prepared By: Bonnie Bridges, Staff Attorney
For consideration by: Finance Committee

RESOLUTION NO. R20-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A GRANT AGREEMENT WITH THE WALTON FAMILY FOUNDATION TO RECEIVE ONE HUNDRED EIGHTY THOUSAND DOLLARS (\$180,000.00); AMENDING THE 2020 BUDGET TO RECOGNIZE SAID GRANT FUNDS INTO ACCOUNT #100-06-45600 GRANTS AND DONATIONS; APPROPRIATING SAID REVENUE FROM GRANT FUNDS TO VARIOUS EXPENSE ACCOUNTS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers Public Library will receive up to one hundred eighty thousand dollars (\$180,000.00) in grant funds from the Walton Family Foundation’s Multi-Cultural Inclusion Grant to engage consultation services to create multi-cultural initiatives reaching a broader population of the City’s residents;

WHEREAS, this grant revenue will also fund a bi-lingual, Spanish/English speaking position, for two years; and

WHEREAS, the Grant award is to be spread over two budget years.

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

Section 1: The Mayor and City Clerk are hereby authorized to enter into a grant agreement between the City of Rogers and the Walton Family Foundation in which the City shall accept up to one hundred eighty thousand dollars (\$180,000.00) in grant funds to support Multi-Cultural Inclusion at the Rogers Public Library;

Section 2: The 2020 Budget is hereby amended to recognize grant funds in the amount of one hundred eighty thousand dollars (\$180,000.00) into Account #100-06-45600 Grants and Donations;

Section 3: The 2020 Budget is further amended to appropriate one hundred eighty thousand dollars (\$180,000.00) to various accounts as noted below:

| | | |
|--------------------------------|---------------|-------------|
| Salaries and Wage | #100-06-60105 | \$95,237.00 |
| FICA | #100-06-61150 | \$7,286.00 |
| APERS | #100-06-61155 | \$14,590.00 |
| Interfund Transfer Out to | | |
| Health Fund (Health Insurance) | #100-01-72101 | \$19,885.00 |
| Grant Expense | #100-06-70862 | \$43,002.00 |

Section 4: 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 5: Repeal of Conflicting Resolutions: All Ordinances, 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.

RESOLVED this _____ day of _____, 2020.

APPROVED:

Attest:

C. GREG HINES, Mayor

JESSICA RUSH, City Clerk

Requested By: Judy Casey, Library Director
Prepared By: Bonnie Bridges, Staff Attorney
For consideration by: Finance Committee

RESOLUTION NO. R20-_____

A RESOLUTION AMENDING THE 2020 BUDGET TO RECOGNIZE GRANT REVENUE FROM THE COVID-19 AMBULANCE WORKER PAYMENT IN THE AMOUNT OF TWO HUNDRED FIFTY-SIX THOUSAND FIVE HUNDRED FORTY-TWO DOLLARS (\$256,542.00) INTO ACCOUNT #100-04-45110 FEDERAL REVENUE; APPROPRIATING TWO HUNDRED FIFTY-TWO THOUSAND EIGHT HUNDRED SEVENTY-FIVE DOLLARS (\$252,875.00) TO ACCOUNT #100-04-61135 SALARIES AND WAGES; APPROPRIATING THREE THOUSAND SIX HUNDRED SIXTY-SEVEN DOLLARS (\$3,667.00) TO ACCOUNT #100-04-61150 FICA EXPENSE; AND FOR OTHER PURPOSES.

WHEREAS, the Covid-19 Ambulance Worker Payment Grant authorizes direct supplemental pay to licensed paramedics or EMT’s from the CARES ACT; and

WHEREAS, the Rogers Fire Department will use these funds for supplemental payments to personnel qualified under the Grant.

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

Section 1: The 2020 Budget is hereby amended to recognize Covid-19 Ambulance Worker Payment Grant revenue in the amount of two hundred fifty-six thousand five hundred forty-two dollars (\$256,542.00) into account #100-04-45110 Federal Grant Revenue;

Section 2: The 2020 Budget is further amended to appropriate two hundred fifty-two thousand eight hundred seventy-five dollars (\$252,875.00) to account #100-04-61135 Salaries and Wages;

Section 3: The 2020 Budget is again amended to appropriate three thousand six hundred sixty-seven dollars (\$3,667.00) to account #100-04-61150 FICA Expense;

Section 4: 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 5: Repeal of Conflicting Resolutions: All Ordinances, 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.

RESOLVED this _____ day of _____, 2020.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Thomas Jenkins, Fire Chief
Prepared By: Bonnie Bridges, Staff Attorney
For consideration by: Finance Committee

ORDINANCE NO. 20-_____

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM R-O TO U-COM, 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, on August 18, 2020, the City Council has found that certain lands hereinafter described are better suited for U-COM 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 U-COM and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

A part of the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of Section 28, Township 19 North, Range 30 West, being more particularly described as follows:

Commencing at the Southeast corner of said NW 1/4 of the NW 1/4; thence N Southeast Corner of said NW 1/4 of the NW 1/4; thence N87°02'47"W, 564.73 feet along the South Line of said NW 1/4 of the NW 1/4; thence N87°14'28"W 422.50 feet to the Point of Beginning (POB 1); thence N87°03'45"W 317.10 feet; thence N87°03'45"W 7.66 feet to the East Right-of-Way Line of Champions Drive; thence along said East Line, along a non-tangent curve to the left, an arc distance of 127.02 feet, said curve having a radius of 684.45 feet, and a chord bearing and distance of N10°13'58"E, 126.84 feet; thence continuing along said East Line, along a curve to the left, an arc distance of 64.83 feet, said curve having a radius of 3396.55 feet and a chord bearing and distance of N04°28'56"E, 64.83 feet; thence continuing along said East Line, N02°14'04"E 275.78 feet; thence leaving said East Line, S87°52'54"E 157.93 feet; thence S87°54'20"E 146.02 feet; thence S02°09'36"W 470.83 square feet to the Point of Beginning (POB 1), containing 143837 feet, 3.30 acres as surveyed.

LAYMAN'S DESCRIPTION:

3.3 ± acres NE of the intersection of S. Champions and St. Andrews drives

SECTION 3: Zoning. That the above described lands are better suited for U-COM than R-O zoning and same should be and are hereby zoned U-COM.

SECTION 4: Emergency Clause. 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 5: 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 6: 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** _____, 2020.
ROGERS, ARKANSAS

ATTEST:

APPROVED:

JESSICA RUSH, CLERK

C. GREG HINES, MAYOR

Represented by: Chris Bakunas
Prepared by: Community Development Department
For consideration by: Community Environment & Welfare Committee

ORDINANCE NO. 20-_____

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM I-1 TO NBT, 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, on August 18, 2020, the City Council has found that certain lands hereinafter described are better suited for NBT 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 NBT and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

Lot 10 and the East 42 feet of Lot 9, Block 7, Orchard Addition to the City of Rogers, Benton County, Arkansas.

LAYMAN'S DESCRIPTION:

An undeveloped 0.35-acre lot on W. Birch Street between S. 3rd and the railroad tracks

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

SECTION 4: **Emergency Clause.** 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 5: **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 6: **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 _____, 2020.

ROGERS, ARKANSAS

ATTEST:

APPROVED:

JESSICA RUSH, CLERK

C. GREG HINES, MAYOR

Represented by: Will Kellstrom
Prepared by: Community Development Department
For consideration by: Community Environment & Welfare Committee

ORDINANCE NO. 20-_____

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY REAFFIRMING THE ZONE OF CERTAIN LANDS AS **RMF-9A, 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, on **August 18, 2020**, the City Council has found that certain lands hereinafter described as, and zoned **RMF-9A**, shall remain zoned as such.

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 **RMF-9A** and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

PART OF LOT 14 THE PEAKS SUBDIVISION PHASE 2, BEING FILED FOR RECORD AUGUST 2, 2004 AS PLAT RECORD 2004-868 AND BEING PART OF SECTION 27, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 14 THENCE S02°17'41"W 465.93 FEET; THENCE S07°03'19"W 207.68 FEET; THENCE S86°20'17"E 149.39 FEET; THENCE N52°21'29"E 128.38 FEET; THENCE S87°04'35"E 221.73 FEET; THENCE S02° 17'42"W 178.38 FEET; THENCE 47.12 FEET, ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET AND A CHORD BEARING AND DISTANCE OF S47°17'25"W 42.42 FEET; THENCE N87°42'51"W 15.69 FEET; THENCE 399.08 FEET, ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 900.00 FEET AND A CHORD BEARING AND DISTANCE OF S79°34'58"W 395.82 FEET; THENCE 120.24 FEET, ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1831.37 FEET AND A CHORD BEARING AND DISTANCE OF S64°59'55"W 120.22 FEET; THENCE 46.24 FEET, ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET AND A CHORD BEARING AND DISTANCE OF N72°43'44"W 41.79 FEET; THENCE N28°34'32"W 53.92 FEET; THENCE 282.17 FEET, ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 475.00 FEET AND A CHORD BEARING AND DISTANCE OF N11°33'27"W 278.04 FEET; THENCE N05°27'37"E 363.86 FEET; THENCE 31.70 FEET, ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 60.00 FEET AND A CHORD BEARING AND DISTANCE OF N20°35'48"E 31.33 FEET; THENCE 133.57 FEET, ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET AND A CHORD BEARING AND DISTANCE OF N40°47'43"W 97.25 FEET; THENCE 31.70 FEET, ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 60.00 FEET AND A CHORD BEARING AND DISTANCE OF S77°48'47"W 31.33 FEET; THENCE N87°03'06"W 222.45 FEET; THENCE N02°56'57"E 199.74 FEET; THENCE S87°05'36"E 330.22 FEET; THENCE S02°09'46"W 33.01 FEET; THENCE S87°05'33"E 177.71 FEET; TO THE POINT OF BEGINNING, CONTAINING 7.82 ACRES, MORE OR LESS.

LAYMAN'S DESCRIPTION:

7.82 acres at the NE corner of the intersection of S. Kilimanjaro Way and W. Everest Avenue

SECTION 3: Zoning. That the above described lands are zoned for **RMF-9A** and same shall continue.

SECTION 4: Density Concept Plan. That the Density Concept Plan entered into by and between **Jon Brittenum** and the City of Rogers, as approved by the Rogers Planning Commission on **August 18, 2020**, 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 _____, 2020.

ROGERS, ARKANSAS

ATTEST:

APPROVED:

JESSICA RUSH, CLERK

C. GREG HINES, MAYOR

Represented by: Geoff Bates
Prepared by: Community Development Department
For consideration by: Community Environment & Welfare Committee

ORDINANCE NO. 20-_____

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM R-O, C2-CU, AND PUD TO C-3, 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, on August 18, 2020, the City Council has found that certain lands hereinafter described are better suited for 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-3 and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

PART OF TRACT PC1A OF SCOTTSDALE CENTER, AS PER PLAT RECORD 2004-426 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT PC1A; THENCE ALONG THE EAST LINE THEREOF S02°12'10"W 300.06 FEET; THENCE LEAVING SAID EAST LINE N86°38'04"W 336.65 FEET TO THE EAST RIGHT-OF-WAY OF NORTH 42ND STREET; THENCE ALONG SAID EAST RIGHT-OF-WAY N03°21'56"E 257.00 FEET; THENCE ALONG SAID EAST RIGHT-OF-WAY 39.27 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 25.00 FEET AND A LONG CHORD OF N48°21'56"E 35.36 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF OLIVE STREET; THENCE ALONG SAID SOUTH RIGHT-OF-WAY S86°38'04"E 305.56 FEET TO THE POINT OF BEGINNING CONTAINING 2.29 ACRES, MORE OR LESS.

ALSO

PART OF DEED RECORD 2005-58619 AS RECORDED IN THE OFFICE OF THE CIRCUIT CLERK FOR BENTON COUNTY, ARKANSAS BEING A PART OF THE NW1/4 OF THE NE1/4 OF SECTION 9, TOWNSHIP 19 NORTH, RANGE 30 WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SE CORNER OF SAID NW1/4 OF THE NE1/4; THENCE N87°35'50"W 30.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF 40TH STREET; THENCE ALONG SAID RIGHT-OF-WAY N02°12'10"E 30.92 FEET; THENCE N02°12'10"E 473.27 FEET TO A POINT ON THE NE CORNER OF DEED RECORD 2005-69711 AS RECORDED IN THE OFFICE OF THE CIRCUIT CLERK FOR BENTON COUNTY, ARKANSAS FOR THE POINT OF BEGINNING; THENCE ALONG THE NORTH LINE OF SAID DEED RECORD 2005-69711 N87°47'43"W 119.97 FEET; THENCE N59°10'17"W 24.73 FEET; THENCE N87°47'43"W 158.51 FEET TO A POINT ON THE EAST LINE OF TRACT PC1A AS RECORDED AT PLAT RECORD 2004-426 IN THE OFFICE OF THE CIRCUIT CLERK FOR BENTON COUNTY, ARKANSAS; THENCE ALONG SAID EAST LINE N02°12'10"E 763.87 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF OLIVE STREET AS RECORDED AT STREET RIGHT-OF-WAY GRANT 2008-44849 IN THE OFFICE OF THE CIRCUIT CLERK FOR BENTON COUNTY, ARKANSAS; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE S86°38'04"E 274.00 FEET; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY LINE S38°28'41"E 40.26 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID 40TH STREET; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE S02°12'10"W 739.64 FEET TO THE POINT OF BEGINNING CONTAINING 5.27 ACRES, MORE OR LESS.

ALSO

PART OF DEED RECORD 2005-58619 AS RECORDED IN THE OFFICE OF THE CIRCUIT CLERK FOR BENTON COUNTY, ARKANSAS BEING A PART OF THE NW1/4 OF THE NE1/4 & PART OF THE SW1/4 OF THE NE1/4, ALL IN SECTION 9, TOWNSHIP 19 NORTH, RANGE 30 WEST, BEING MORE PARTICULARLY DESCRIBED

AS FOLLOWS: COMMENCING AT THE NE CORNER OF SAID SW1/4 OF THE NE1/4; THENCE N87°35'50"W 30.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF 40TH STREET FOR THE POINT OF BEGINNING; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE S02°35'43"W 609.57 FEET TO THE NORTH LINE OF THE TRACT OF LAND AS RECORDED AT DOCUMENT NUMBER 2007-83146 IN THE OFFICE OF THE CIRCUIT CLERK FOR BENTON COUNTY, ARKANSAS; THENCE ALONG SAID NORTH LINE N86°22'10"W 300.34 FEET TO A POINT ON THE EAST LINE OF TRACT PC4FA AS RECORDED AT PLAT RECORD P3-873 IN THE OFFICE OF THE CIRCUIT CLERK FOR BENTON COUNTY, ARKANSAS; THENCE ALONG SAID EAST LINE N02°36'20"E 603.14 FEET; THENCE N02°12'10"E 29.88 FEET TO THE SW CORNER OF DEED RECORD 2005-69711 AS RECORDED IN THE OFFICE OF THE CIRCUIT CLERK FOR BENTON COUNTY, ARKANSAS; THENCE ALONG THE SOUTH LINE OF SAID DEED RECORD 2005-69711 S87°47'43"E 300.18 FEET TO SAID WEST RIGHT-OF-WAY LINE OF 40TH STREET; THENCE S02°12'10"W 30.92 FEET TO THE POINT OF BEGINNING CONTAINING 4.39 ACRES, MORE OR LESS.

LAYMAN'S DESCRIPTION:

11± acres at the SW corner of W. Olive and N. 40th streets

SECTION 3: Zoning. That the above described lands are better suited for C-3 than R-O, C2-CU, and PUD zoning and same should be and are hereby zoned C-3.

SECTION 4: Density Concept Plan. That the Density Concept Plan entered into by and between Tallgrass Developers, Inc., Lightman Rogers, LLP, and the City of Rogers, as approved by the Rogers Planning Commission on August 18, 2020, 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 _____, 2020.

ROGERS, ARKANSAS

ATTEST:

APPROVED:

JESSICA RUSH, CLERK

C. GREG HINES, MAYOR

Represented by: Daniel Ellis
Prepared by: Community Development Department
For consideration by: Community Environment & Welfare Committee