



Office of the City Clerk-Treasurer
301 W. Chestnut
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www.rogersar.gov

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS

FROM: PEGGY DAVID, CITY CLERK-TREASURER

DATE: August 23, 2018

The following committee meetings will be held on **Tuesday, August 28, 2018** prior to the City Council meeting:

6:15 p.m. – COMMUNITY SERVICES COMMITTEE: (Wright, Hayes and Kruger)

Committee Room #1

To Discuss: (a) A Resolution Providing for the Acquisition of Real Property and Any Interest in Any Real Property for the Mount Hebron Park Project

(b) An Ordinance Amending the Code of Ordinances, City of Rogers to Prohibit Certain Vehicles on City Trails



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ROGERS CITY COUNCIL

AGENDA

AUGUST 28, 2018

6:30 P.M.

PUBLIC FORUM:

INVOCATION & PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES: August 14, 2018

REPORTS OF BOARDS AND STANDING COMMITTEES:

- 1. RES. Re: Providing for the Acquisition of Real Property and Any Interest in Any Real Property for the Mount Hebron Park Project - Community Services Committee
- 2. ORD. Re: Amending the Code of Ordinances, City of Rogers to Prohibit Certain Vehicles on City Trails - Community Services 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 R-O to U-COM, 1.59 Acres located at 5102 W. Pauline Whitaker Parkway (Hachem Investments, Inc.) - Kelsey Kreher

APPOINTMENTS:

ANNOUNCEMENTS:

RESOLUTION NO. 18-_____

A RESOLUTION PROVIDING FOR THE ACQUISITION OF REAL PROPERTY AND ANY INTEREST IN ANY REAL PROPERTY FOR THE MOUNT HEBRON PARK PROJECT; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, it is necessary to purchase additional real property in furtherance of the Mount Hebron Park project.

NOW, THEREFORE, BE IT RESOLVED 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 in furtherance of the Mount Hebron Park project;

Section 2: This authority shall include, but not be limited to, purchasing, negotiation, bargaining, and trading to accomplish the improvements; and

PASSED this _____ day of _____, 2018.

APPROVED:

C. GREG HINES,
Mayor

Attest:

PEGGY DAVID, City Clerk

Requested By: Jim White, Director of Parks and Recreation
Prepared By: Jennifer Waymack, Senior Staff Attorney
For Consideration by the Community Services Committee

ORDINANCE NO. 18-_____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF ROGERS TO PROHIBIT CERTAIN VEHICLES ON CITY TRAILS; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers, City Council finds it to be in the best interests of the City of Rogers to update the Code of Ordinances to prohibit vehicles that may damage or interfere with the use and enjoyment of city trails.

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

Section 1: Sections, 36-82 through 36-100 of Chapter 36 of the Code of Ordinances, City of Rogers are reserved;

Section 2: Chapter 36 of the Code of Ordinance, City of Rogers is amended to add an additional article, to be titled “Article IV. – TRAILS.”, and to read as shown in the attached Exhibit “A”;

Section 3 - Emergency Clause: The need to amend said City Code chapter is immediate 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 passage and approval;

Section 4 - 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 5 - 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: Jim White, Director of Parks and Recreation
Prepared By: Jennifer A. Waymack, Senior Staff Attorney
For Consideration by the Community Services Committee

EXHIBIT “A”

Article IV. – TRAILS.

36-101. Operation of vehicles and use of city trails.

(a)(1) Except as provided in subdivision (a)(2) of this section a person shall not operate the following vehicles on city trails:

- (A) Golf carts;
- (B) Vehicles of a comparable size to a golf cart or larger than a golf cart; and
- (C) Gas powered vehicles.

(2) Representatives of the City may operate otherwise prohibited vehicles on the trails for maintenance, emergency, and other legitimate government purposes.

(b) A person shall not park a motor vehicle on a city trail.

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; and

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 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, the City Council has found that certain lands hereinafter described are better suited for U-COM 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 U-COM and that said lands being in Benton County, Arkansas, are described as:

Property to be zoned U-COM:

TRACT C1, AS SHOWN ON TRACT SPLIT DATED SEPTEMBER 5, 2014 AND RECORDED IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER FOR BENTON COUNTY, ARKANSAS IN PLAT BOOK 2014 AT PAGE 637, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
PART OF "TRACT C" AS SHOWN ON SURVEY PLAT 2008-345 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 28, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, THENCE NORTH 87°08'26" WEST ALONG THE SOUTH LINE OF SAID 40 ACRE TRACT A DISTANCE OF 566.87 FEET; THENCE NORTH 87°07'37" WEST ALONG SAID SOUTH LINE A DISTANCE OF 420.41 FEET TO A FOUND IRON PIN; THENCE LEAVING SAID SOUTH LINE NORTH 02°09'19" EAST A DISTANCE OF 470.73 FEET TO A FOUND IRON PIN; THENCE NORTH 87°53'41" WEST A DISTANCE OF 146.03 FEET TO THE POINT OF BEGINNING; THENCE NORTH 87°53' 1" WEST A DISTANCE OF 157.93 FEET TO A FOUND IRON PIN ON THE EAST RIGHT OF WAY LINE OF CHAMPIONS DRIVE; THENCE NORTH 02°42'07" EAST ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 85.71 FEET; THENCE NORTH 16°54'30" EAST ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 43.59 FEET TO A SET 5/8" REBAR PIN WITH CAP THENCE NORTH 09°57'07" EAST ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 102.34 FEET TO A FOUND IRON PIN; THENCE NORTH 01°56'35" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 30.88 FEET TO A FOUND IRON PIN; THENCE NORTH 46°50'53" EAST ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 63.65 FEET TO A FOUND IRON PIN AT THE SOUTH RIGHT OF WAY LINE OF PAULINE WHITAKER PARKWAY; THENCE LEAVING SAID EAST RIGHT OF WAY LINE SOUTH 87°41'08" EAST ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 233.36 FEET TO FOUND IRON PIN; THENCE LEAVING SAID SOUTH RIGHT OF WAY LINE SOUTH 02°09'17" WEST A DISTANCE OF 178.99 FEET; THENCE NORTH 87°37'34" WEST A DISTANCE OF 146.14 FEET; THENCE SOUTH 02°06'19" WEST A DISTANCE OF 126.30 FEET TO THE POINT OF BEGINNING. CONTAINING 69,152 SQUARE FEET OR 1.59 ACRES, MORE OR LESS. SUBJECT TO ANY EASEMENTS OF RECORD OF FACT.

LAYMAN'S DESCRIPTION: 1.59 acres located at 5102 W Pauline Whitaker Pkwy.

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