



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

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS

FROM: PEGGY DAVID, CITY CLERK-TREASURER

DATE: September 6, 2018

The following committee meetings will be held on Tuesday, September 11, 2018 prior to the City Council meeting:

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

- To Discuss: (a) An Ordinance Ordering Construction of Certain Improvements to the Rogers Pollution Control Facility
(b) Monthly Report from RWU

6:15 p.m. - FINANCE COMMITTEE: (Reithemeyer, Wolf, and Kendall) Committee Room #2

- To Discuss: (a) A Resolution Amending the 2018 Budget to Recognized Funds in the Amount of \$77,971 from RX Reimbursements into Acct. #375-75-49261 and \$1,117,377 from Excess Loss Reinsurance into Acct. #375-75-49264; Appropriating \$1,195,348 into Acct. #375-75-61503
(b) A Resolution Authorizing a Contract with the Walton Family Foundation to Accept Grant Funds in the Amount of \$280,500; Amending the 2018 Budget to Receive \$280,500 Grant Funds into Acct. #100-08-45600; Appropriating \$280,500 into Acct. #100-08-70154

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

- To Discuss: (a) Request from Rogers Downtown Partners to close Parking areas on South side of Walnut from 2nd to Alley, East side of 1st Street from Walnut to Elm for Bikes on the Bricks on Thursday thru Saturday, September 27, 28 & 29, 2018
(b) Request from Rogers Downtown Partners to close Parking lot North of Frisco Stage to 1st Street exit for Bikes on the Bricks on Friday, September 28, 2018
(c) Request from Rogers Downtown Partners to close Parking lot North of Frisco Stage to 1st Street exit for Bikes on the Bricks on Saturday, September 29, 2018
(d) Request from Rogers Downtown Partners to close Parking areas on West side of 2nd Street from Walnut for 6 spaces (Daisy Museum) for Bikes on

the Bricks on Saturday, September 29, 2018

- (e) Request from Heritage Community Church to close Crescent Ave. and Church and School Access to Street for Blessing of the Bikes on Sunday, September 30, 2018 from 9:00 a.m. to 2:30 p.m.
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ROGERS CITY COUNCIL

AGENDA

SEPTEMBER 11, 2018

6:30 P.M.

PUBLIC HEARING: To Consider Detachment of Certain Territory from the City of Cave Springs, Arkansas and the Annexation Thereof into the City of Rogers, Arkansas as provided in A.C.A. 14-40-2101

PUBLIC FORUM:

INVOCATION & PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES: August 28, 2018

REPORTS OF BOARDS AND STANDING COMMITTEES:

- | | |
|--|-----------------------------|
| 1. ORD. Re: Ordering Construction of Certain Improvements to the Rogers Pollution Control Facility | - Public Services Committee |
| 2. RES. Re: Amending the 2018 Budget to Recognized Funds in the Amount of \$77,971 from RX Reimbursements into Acct. #375-75-49261 and \$1,117,377 from Excess Loss Reinsurance into Acct. #375-75-49264; Appropriating \$1,195,348 into Acct. #375-75-61503 | - Finance Committee |
| 3. RES. Re: Authorizing a Contract with the Walton Family Foundation to Accept Grant Funds in the Amount of \$280,500; Amending the 2018 Budget to Receive \$280,500 Grant Funds into Acct. #100-08-45600; Appropriating \$280,500 into Acct. #100-08-70154 | - Finance Committee |

ROGERS CITY COUNCIL AGENDA

SEPTEMBER 11, 2018

PAGE 2

OLD BUSINESS:

NEW BUSINESS:

1. ORD. Re: Rezone from A-1 to RSF, 10.6 Acres on the East Side of Morningstar Road (Micah C. Gibson Trust and Lindsey E. Gibson Trust) - Ben Fox
2. ORD. Re: Rezone from A-1 to RSF, 9.7 Acres on the East Side of Morningstar Road (GBSN, LLC) - Ben Fox
3. ORD. Re: Proposing the Detachment of Certain Territory from the City of Cave Springs, Arkansas and the Annexation Thereof into the City of Rogers, Arkansas, and Making Same a Part of the City of Rogers, Assigning Same to a Ward and Assigning Same to a Zoning District - Bill Watkins
4. ORD. Re: Accepting the Final Plat of Chandler's Run - Blake Murray
5. ORD. Re: Rezone from A-1 to C-3, 13.5 Acres on the North End of Rainbow Road at the City Limits (Lawson Revocable Trust) - Kelsey Kreher

APPOINTMENTS:

ANNOUNCEMENTS:

AN ORDINANCE ORDERING CONSTRUCTION OF CERTAIN IMPROVEMENTS TO THE ROGERS POLLUTION CONTROL FACILITY; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

Whereas, the Rogers Waterworks and Sewer Commission (“the Commission”) has approved construction of certain significant improvements to the Rogers Pollution Control Facility (RPCF) and seeks approval of the construction by the Rogers City Council as may be required by applicable law.

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

Section 1: The first phase of improvements shall consist of certain enhancements and additions to the solids handling facilities of the Rogers Pollution Control Facility, including, without limitation, a control and laboratory room, dewatering centrifuge, a four thousand cubic foot elevated storage unit, a solids conveyance, and site improvements (“Phase I improvements”). Reference is made to that certain Preliminary Engineering Report prepared by Garver Engineers styled *Rogers Water Utilities Solids Handling Facility Improvements, Preliminary Engineering Report*, October 2017, and which has been filed with the office of the City-Clerk Treasurer.

Section 2. The estimated cost of the Phase I improvements is Eight Million, Five Hundred Sixty-Nine Thousand, Seventy-Four Dollars and Forty-Six Cents (\$8,569,074.46), said amount consisting of Eighty-Two Thousand Dollars (\$82,000) for preconstruction services; Seven Hundred Forty Seven Thousand Dollars (\$747,000) for engineering services, a maximum guaranteed price of Seven Million, Seven Hundred Forty Thousand, Seventy-Four Dollars and Forty-Six Cents (\$7,740,074.46) plus such other amounts as may be added for construction observation and other necessary services.

Section 3. The Phase I improvements shall be constructed. The terms of the construction shall be as set out and fixed by the Rogers Waterworks and Sewer Commission in such contracts and other documents as may be approved or authorized by the Commission.

Section 4. The members of the Rogers Waterworks and Sewer Commission to have charge of the improvements and the construction of them are: Roger Surly, Chairman and Commissioner; Travis Greene, Commissioner; Donald B. Kendall; Commissioner; Kathy McClure, Commissioner, Michael Watkins, Commissioner, and their duly appointed and approved successors.

Section 5. The costs of the Phase I improvements shall be paid by the reserves of the Rogers Waterworks and Sewer Commission and the Rogers Water Utilities, and no additional bonds need be issued for construction of the Phase I improvements.

Section 6. **Emergency Clause**-The need to proceed with construction of said improvements 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 7. 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 8. 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 11th day of September 2018.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk-Treasurer

Requested by: Rogers Water Utilities and the Rogers Waterworks and Sewer Commission
Prepared by: Robert A. Frazier, Counsel for Rogers Water Utilities and Rogers Waterworks and Sewer Commission
For Consideration by the Public Works Committee

RESOLUTION NO. R-18-_____

A RESOLUTION AMENDING THE 2018 BUDGET TO RECONGIZE FUNDS IN THE AMOUNT OF SEVENTY SEVEN THOUSAND NINE HUNDRED SEVENTY-ONE DOLLARS (\$77, 971.00) FROM RX REIMBURSEMENTS INTO REVENUE ACCOUNT # 375-75-49261 AND ONE MILLION ONE HUNDRED SEVENTEEN THOUSAND THREE HUNDRED SEVENTY SEVEN DOLLARS (\$1,117,377.00) FROM EXCESS LOSS REINSURANCE INTO REVENUE ACCOUNT 375-75-49264; APPROPRIATING ONE MILLION ONE HUNDRED NINETY-FIVE THREE HUNDRED FORTY EIGHT DOLLARS (\$1,195,348.00) INTO HEALTH CLAIMS EXPENSE ACCOUNT #375-75-61503; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers operates a self-funded health plan in order to maintain visibility of health insurance costs for the benefit of its employees; and

WHEREAS, it is not always possible to predict the amounts of health plan related revenue received during a given plan year;

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

Section 1: Amending the 2018 Budget to recognize funds in the amount of seventy seven thousand nine hundred seventy one dollars (\$77,971.00) from RX Reimbursements into revenue account number 375-75-49261 and one million one hundred seventeen thousand three hundred seventy seven dollars (\$1,117,377.00) from Excess Loss Reinsurance into revenue account 375-75-49264;

Section 2: Amending in the 2018 Budget and appropriating one million one hundred ninety five three hundred forty eight dollars (\$1,195,348.00) into health claims expense account number 375-75-61503;

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.

PASSED this _____ day of _____, 2018.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

Requested By: Thomas Dunlap, Director of Human Resources
Prepared By: Jennifer Waymack, Senior Staff Attorney
For Consideration by the Finance Committee

RESOLUTION NO. R-18-_____

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE WALTON FOUNDATION TO ACCEPT GRANT FUNDS IN THE AMOUNT OF TWO HUNDRED AND EIGHTY THOUSAND FIVE HUNDRED DOLLARS (\$280,500.00); AMENDING THE 2018 BUDGET TO RECEIVE GRANT FUNDS IN THE AMOUNT OF TWO HUNDRED AND EIGHTY THOUSAND FIVE HUNDRED DOLLARS (\$280,500.00) INTO REVENUE ACCOUNT # 100-08-45600 GRANTS AND DONATIONS; APPROPRIATING TWO HUNDRED AND EIGHTY THOUSAND FIVE HUNDRED DOLLARS (\$280,500.00) FROM REVENUE ACCOUNT # 100-08-45600 GRANTS AND DONATIONS INTO EXPENSE ACCOUNT #100-08-70154 TRAILS MAINTENANCE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers desires to enhance the trail system; and

WHEREAS, Walton Foundation has approved a grant in the amount up to two hundred and eighty thousand five hundred dollars (\$280,500.00) to the City of Rogers to be used for enhancing trails;

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 the Walton Foundation to accept grant funds in the amount of two hundred and eighty thousand five hundred dollars (\$280,500.00);

Section 2: Grant funds in the amount of two hundred and eighty thousand five hundred dollars (\$280,500.00) may be received into Revenue Account # 100-08-45600 Grants and Donations;

Section 3: Appropriating two hundred and eighty thousand five hundred dollars (\$280,500.00) from revenue account number 100-08-45600 grants and donations into expense account number 100-08-70154 trails maintenance;

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 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.

PASSED this _____ day of _____, 2018.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

Requested By: Jim White, Director of Parks
Prepared By: Bonnie Bridges, Staff Attorney
For Consideration by the Finance Committee

ORDINANCE NO. _____
CITY OF ROGERS, ARKANSAS

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

Part of the S ½ of the W ½ of the SE ¼ of Section 26, Township 19 North, Range 31 West, Benton County, Arkansas, more particularly described as follows: Tract 4 beginning at a point 1943.44 feet, S 02°37'00" West of the NW corner of the SE ¼ of said Section 26; Thence S 87°13'38" E 662.22 feet; Thence 02°38'13" W 697.95 feet; Thence N 87°07'47" W 661.98 feet; Thence N 02°97'00" E 696.82 feet to the Point of Beginning, having an area of 10.60 acres. Subject to the right-of-way of Morningstar Road on the West side. Subject to easements, rights-of-way, and protective covenants of record, if any

LAYMAN'S DESCRIPTION: 10.6 acres on the east side of Morningstar Road, just south of W. Pleasant Grove Road

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

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

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

PASSED THIS _____ DAY OF _____, 2018.
ROGERS, ARKANSAS

APPROVED:

ATTEST:

PEGGY DAVID, CLERK

C. GREG HINES, MAYOR

ORDINANCE NO. _____
CITY OF ROGERS, ARKANSAS

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

Part of the West ½ of the West ½ of the SE ¼ of Section 26, Township 19 North, Range 31 West, Benton County, AR, more particularly described as follows: Beginning at a point 637.50' S 02°37'00" W of the NW corner of the SE ¼ of said Section 26; thence S 87°13'38" E 662.68; thence S 02°38'13" W 637.82; thence N 87°13'38" W 662.46; thence N 02°37'00" E 637.82' to the Point of Beginning, having an area of 9.70 acres. Property is subject to the right-of-way of Morning Star Road on the west side.

LAYMAN'S DESCRIPTION: 9.7 acres on the east side of Morningstar Road, just south of W. Pleasant Grove Road

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

ATTEST:

APPROVED:

PEGGY DAVID, CLERK

C. GREG HINES, MAYOR

ORDINANCE NO.

CITY OF ROGERS, BENTON COUNTY, ARKANSAS

AN ORDINANCE PROPOSING THE DETACHMENT OF CERTAIN TERRITORY FROM THE CITY OF CAVE SPRINGS, ARKANSAS AND THE ANNEXATION THEREOF INTO THE CITY OF ROGERS, ARKANSAS, AND MAKING SAME A PART OF THE CITY OF ROGERS, ASSIGNING SAME TO A WARD, AND ASSIGNING SAME TO A ZONING DISTRICT.

WHEREAS, the owner of the lands described below, Reaves Family Limited Partnership, (the "Owner") which lands are located within the city limits of the City of Cave Springs, Arkansas, is requesting the detachment of the territory from the City of Cave Springs and the annexation of same into the City of Rogers; and

WHEREAS, the Owner has executed an Affidavit, filed with the Rogers City Clerk, in which it asserts that certain municipal services, specifically water and sewer, are not available from the City of Cave Springs and that other municipal services, specifically law enforcement, and life safety services, would only be available from the City of Cave Springs if its agencies accessed the Owner's property through Shadow Valley in the City of Rogers. The Owner asserts that the only access to their property is through Shadow Valley and, therefore, the City of Rogers; and,

WHEREAS, all municipal services are available to the Owner's property from the City of Rogers; and,

WHEREAS, the subject property is an "island" of Cave Springs, completely surrounded by the City of Rogers and cut off from the City of Cave Springs; and,

WHEREAS, at the request of the Owners and in order to assist the Owners in obtaining needed municipal services, the City Council of the City of Rogers desires to detach certain contiguous territory located within the City of Cave Springs as more particularly described below (the "Proposed Detached Territory") from the City of Cave Springs and annex the same into the City of Rogers to become part and parcel of the municipal limits of the City of Rogers; and

WHEREAS, the City Council of the City of Rogers has determined that the territory is needed for the extension of streets, water, sewer, police, and fire protection services and that the territory was valuable and needed by reason of their adaptability for prospective municipal purposes; and

WHEREAS, the Rogers Municipal Code provides that property annexed into Rogers will be zoned A-1 (Agricultural). The Proposed Detached Territory should be annexed into the City of Rogers as A-1; and

WHEREAS, the City Council has determined that the public interest and welfare will not be adversely affected by the requested zoning.

NOW THEREFORE, BE IT ENACTED, by the City Council of the City of Rogers, as follows:

Section 1. The City Council of the City of Rogers calls for the simultaneous detachment of the following described lands and territory contiguous and adjoining the City of Rogers from the City of Cave Springs and that the same be hereby accepted as part of and annexed to and made a part of the City of Rogers:

THE E 1/2 OF THE SW 1/4 OF THE SE 1/4 OF THE NE 1/4 OF SECTION 25,
TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY
ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SE 1/4 OF THE NE
1/4 OF SAID SECTION 25;
THENCE ALONG THE SOUTH LINE THEREOF S87°26'15"E 328.99 FEET
TO THE POINT OF BEGINNING;
THENCE LEAVING SAID SOUTH LINE N02°05'25"E 658.19 FEET;
THENCE S87°21'46"E 328.73 FEET;
THENCE S02°04'01"W 657.76 FEET;
THENCE N87°26'15"W 328.99 FEET
TO THE POINT OF BEGINNING, CONTAINING 4.97 ACRES, MORE OR
LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR
FACT.

Section 2. The above described Proposed Detached Territory, following completion of the process set forth in A.C.A. §14-40-2101, shall be annexed to and made a part of Ward 3 of the City of Rogers, and the same shall henceforth be a part of said Ward as fully as existing parts of said Ward.

Section 3. Upon passage and approval of this Ordinance calling for the simultaneous detachment and annexation of the Proposed Detached Territory from the City of Cave Springs, the City of Rogers, through its authorized municipal officers and agents, shall send this Ordinance to the Mayor and City Council of the City of Cave Springs for consideration pursuant to the provisions of A.C.A. § 14-40-2101.

Section 4. Pursuant to the Rogers City Code the Proposed Detached Territory described above shall, upon its annexation into the City of Rogers, be zoned as A-1 Agricultural District.

Section 5. Upon detachment and annexation of the Proposed Detached Territory the official zoning map of the City of Rogers will be amended to include the Proposed Detached Territory described above and to reflect the zoning thereof as provided in Section 4 hereof.

Section 6: 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: 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 AND APPROVED this ____ day of _____, 2018.

APPROVED:

GREG HINES, MAYOR

ATTEST:

PEGGY DAVID, CITY CLERK

ORDINANCE NO. _____

CITY OF ROGERS, ARKANSAS

AN ORDINANCE ACCEPTING THE FINAL PLAT OF
CHANDLER RUN PHASE 2
ROGERS, BENTON COUNTY, ARKANSAS,
THE DEDICATION OF UTILITY EASEMENTS AND OTHER PUBLIC WAYS THEREIN;
AND DECLARING AN EMERGENCY

WHEREAS, the Final Plat has been submitted for Chandler Run, Phase 2, Rogers, Benton County, Arkansas which is more particularly described as follows, to-wit:

A PART OF LOTS 21, 23 AND 24 OF THE GROVE PHASE II, AS SHOWN IN THE BENTON COUNTY RECORDS IN BOOK 2007 AT PAGE 447, CITY OF ROGERS, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 21 OF SAID GROVE SUBDIVISION, SAID POINT BEING A FOUND .4' X .4' STONE; THENCE N02°39'50"E A DISTANCE OF 331.00 FEET TO THE **POINT OF BEGINNING**, SAID POINT BEING A SET IRON PIN WITH CAP "PLS 1156"; THENCE CONTINUING N02°39'50"E A DISTANCE OF 286.00 FEET TO A FOUND IRON PIN WITH CAP "PLS 1156"; THENCE S87°26'59"E A DISTANCE OF 133.67 FEET TO A FOUND IRON PIN WITH CAP "PLS 1156"; THENCE N82°22'00"E A DISTANCE OF 50.80 FEET TO A FOUND IRON PIN WITH CAP "PLS 1156"; THENCE S87°26'59"E A DISTANCE OF 854.63 FEET TO A FOUND IRON PIN WITH CAP "PLS 1156"; THENCE S02°33'55"W A DISTANCE OF 10.20 FEET TO A FOUND IRON PIN WITH CAP "PLS 1156"; THENCE S87°26'59"E A DISTANCE OF 70.00 FEET TO A FOUND IRON PIN WITH CAP "PLS 1156"; THENCE S02°33'55"W A DISTANCE OF 15.01 FEET TO A FOUND IRON PIN WITH CAP "PLS 1156"; THENCE S87°26'59"E A DISTANCE OF 70.00 FEET TO A FOUND IRON PIN WITH CAP "PLS 1156"; THENCE S02°33'55"W A DISTANCE OF 9.52 FEET TO A FOUND IRON PIN WITH CAP "PLS 1156"; THENCE S87°26'59"E A DISTANCE OF 93.93 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SOUTH DIXIELAND ROAD, SAID POINT BEING A FOUND IRON PIN WITH CAP "PLS 1156"; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE, S02°33'01"W A DISTANCE OF 344.95 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE, N87°26'59"W A DISTANCE OF 180.00 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N36°56'58"W A DISTANCE OF 78.61 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N87°26'59"W A DISTANCE OF 858.55 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N61°46'28"W A DISTANCE OF 55.48 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N87°26'59"W A DISTANCE OF 134.24 FEET TO THE **POINT OF BEGINNING**. CONTAINING 9.35 ACRES (407,399 SQ.FT.), MORE OR LESS.

WHEREAS, the Rogers Planning Commission has approved the Preliminary Plat on March 7, 2017 and Community Development Department of the City of Rogers, Arkansas has reviewed and approved the Final Plat of the above described property; and

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

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

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

SECTION 1: The Final Plat of Chandler Run, Phase 2, Rogers, Benton County, Arkansas, as described in the Plat thereof, is hereby accepted, approved and confirmed.

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

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

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

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

PASSED: _____, 2018

CITY OF ROGERS, ARKANSAS

APPROVED:

C. GREG HINES, MAYOR

ATTEST:

PEGGY DAVID, CITY CLERK

ORDINANCE NO. _____
CITY OF ROGERS, ARKANSAS

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM A-1 TO C-3, PROVIDING FOR
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES

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

Property to be zoned C-3:

TRACT 1 OF THE SAM YATES TRACT SPLIT AS SHOWN ON PLAT BOOK 23L, PAGE 84 OF THE BENTON COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NW CORNER OF THE SOUTHWEST QUARTER (SW^{1/4}) OF SECTION 8, TOWNSHIP 19 NORTH, RANGE 30 WEST, AS SHOWN ON PLAT S-59, N-47 AND 16-197; THENCE ALONG THE WEST LINE OF SAID SW^{1/4} S00°31'05"E 825.00 FEET; TO A FOUND IRON PIN FOR THE POINT OF BEGINNING; THENCE N89°40'53"E 1184.95 FEET TO AN IRON PIN; THENCE S00°49'34"E 495.74 FEET TO AN IRON PIN; THENCE S89°40'53"W 1187.61 FEET TO A POINT ON THE WEST LINE OF SAID SW^{1/4}; THENCE ALONG THE WEST LINE OF SAID SW^{1/4}, N00°31'05"W 495.72 FEET TO THE POINT OF BEGINNING, CONTAINING 13.50 ACRES, MORE OR LESS AND BEING SUBJECT TO THE RIGHT OF WAY OF RAINBOW ROAD ON THE WEST SIDE THEREOF AND TO ALL EASEMENTS OF RECORD OR FACT.

LAYMAN'S DESCRIPTION: 13.5 acres on the north end of Rainbow Road at the city limits.

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

