



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 20, 2018

The following committee meetings will be held on **Tuesday, September 25, 2018** prior to the City Council Meeting:

5:00 p.m. – COMMITTEE OF THE WHOLE in the **Community Room**

- To Discuss: (a) 2019 Budget Request from Rogers Police Dept. and Criminal Justice
- (b) 2019 Budget Request from Rogers District Court

6:00 p.m. - TRANSPORTATION COMMITTEE: (Kruger, Townzen and Carmichael)
Committee Room #1

- To Discuss: (a) An Ordinance Providing for the Acquisition of Real Property and Any Interest in Any Real Property to Facilitate Street Improvements and Other Projects Pursuant to the 2018 City of Rogers Bond Issue; Authorizing Certain Contracts and Lease Contracts to Facilitate Projects Pursuant to the 2018 City of Rogers Bond Issue
- (b) A Resolution Authorizing a Contract Amendment with Garver, LLC of North Little Rock, AR in the Amount of \$45,000

6:00 p.m. - FINANCE COMMITTEE: (Reithemeyer, Wolf, and Kendall) **Committee Room #2**

- To Discuss: (a) An Ordinance Providing for the Authorization of Additional Legal Services for Compensation to be Provided by the Office of the City Attorney
- (b) A Resolution Amending the 2018 Budget; Recognizing a Donation from the NWA American Association of Physicians of Indian Origin to the City of Rogers Police Department in the Amount of \$2,500; Increasing Acct. #100-03-45600 in the Amount of \$2,500; Appropriating \$2,500 to Acct. #100-03-70260

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

- To Discuss: (a) A Resolution Authorizing the Destruction of Certain Records of the Legal Department



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

ROGERS CITY COUNCIL

AGENDA

SEPTEMBER 25, 2018

6:30 P.M.

PUBLIC FORUM:

INVOCATION & PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES: September 11, 2018

REPORTS OF BOARDS AND STANDING COMMITTEES:

- 1. ORD. Re: Providing for the Acquisition of Real Property and Any Interest in Any Real Property to Facilitate Street Improvements and Other Projects Pursuant to the 2018 City of Rogers Bond Issue; Authorizing Certain Contracts and Lease Contracts to Facilitate Projects Pursuant to the 2018 City of Rogers Bond Issue - Transportation Committee
- 2. RES. Re: Authorizing a Contract Amendment with Garver, LLC of North Little Rock, AR in the Amount of \$45,000 - Transportation Committee
- 3. ORD. Re: Providing for the Authorization of Additional Legal Services for Compensation to be Provided by the Office of the City Attorney - Finance Committee
- 4. RES. Re: Amending the 2018 Budget; Recognizing a Donation from the NWA American Association of Physicians of Indian Origin to the City of Rogers Police Department in the Amount of \$2,500; Increasing Acct. #100-03-45600 in the Amount of \$2,500; Appropriating \$2,500 to Acct. #100-03-70260 - Finance Committee

ROGERS CITY COUNCIL AGENDA

SEPTEMBER 25, 2018

PAGE 2

5. RES. Re: Authorizing the Destruction of Certain Records of the Legal Department - Internal Affairs Committee

OLD BUSINESS:

NEW BUSINESS:

1. RES. Re: Fixing a Hearing Date for a Petition to Vacate a Portion of a Street - Bill Watkins
2. ORD. Re: Rezone RSF to RDP, 0.392 Acres on the East Side of S. 21st Street (Oscar & Bibiana Mancía) – Mancía-Carpio
3. ORD. Re: Rezone from C-2 to U-COM, 4893 W. Pauline Whitaker Pkwy (Chick-fil-A, Inc.) - Stephen Giles
4. ORD. Re: Rezone from A-1 and RSF to C-3, 6.31 Acres on the NW corner of W. Pleasant Grove and S. Bellview (The Marler Revocable Trust) - Scott Fretheim
5. ORD. Re: Rezone from A-1 to C-2, 7.5 Acres on S. 28th Street (Myron Thomas Morter) - James Geurtz

APPOINTMENTS:

ANNOUNCEMENTS:

AN ORDINANCE PROVIDING FOR THE ACQUISITION OF REAL PROPERTY AND ANY INTEREST IN ANY REAL PROPERTY TO FACILITATE STREET IMPROVEMENTS AND OTHER PROJECTS PURSUANT TO THE 2018 CITY OF ROGERS BOND ISSUE; AUTHORIZING CERTAIN CONTRACTS AND LEASE CONTRACTS TO FACILITATE PROJECTS PURSUANT TO THE 2018 CITY OF ROGERS BOND ISSUE; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

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

Section 1: The City of Rogers Mayor and Community Development, Streets, Parks, Police, Fire, and Legal Departments, and any authorized agents thereof, are hereby authorized to take all necessary legal action in obtaining interests in real property in order to facilitate land acquisition for the purposes described in the 2018 Capital Improvement Bond Issue passed by the citizens of the City of Rogers, and to execute all contracts, conveyances, and lease contracts valued at under twenty thousand dollars (\$20,000.00) in furtherance of the projects described in the 2018 Capital Improvement Bond Issue passed by the citizens of the City of Rogers;

Section 2: This authority shall include, but not be limited to purchasing, negotiation, bargaining, trading, and, if necessary, the institution of Eminent Domain Causes of Action necessary to accomplish improvements authorized by said Bond Issue;

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

Section 4 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of the Ordinance shall continue in effect as if such invalid portion never existed; and

Section 5 - Repeal of Conflicting Ordinances and Resolutions: 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: City of Rogers Community Development, Streets, Parks, Police Fire, and Legal Departments
Prepared by: Bonnie Bridges, Staff Attorney
For Consideration by the Transportation Committee

RESOLUTION NO. R-18_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER A CONTRACT AMENDMENT WITH GARVER, LLC. OF NORTH LITTLE ROCK, ARKANSAS IN THE AMOUNT OF FORTY-FIVE THOUSAND DOLLARS (\$45,000.00); AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers Executive Airport has received a grant from the Federal Aviation Administration to construct a Taxilane-Apron at the Rogers Executive Airport;

WHEREAS, Garver, LLC is the engineer of record for design and construction phase services for this project; and

WHEREAS, construction is expected to exceed original contract time and the extension of construction phase services is required for project completion.

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

Section 1: That the Mayor and City Clerk should be and hereby are authorized to enter into a contract amendment with Garver, LLC for construction phase services associated with the Taxilane-Apron project in the amount of forty-five thousand dollars (\$45,000.00).

Section 2: Severability Provision - If any part of this Resolution is held invalid, the remainder of this Ordinance 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.

PASSED this _____ day of _____, 2018.

APPROVED:

C, GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

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

AN ORDINANCE PROVIDING FOR THE AUTHORIZATION OF ADDITIONAL LEGAL SERVICES FOR COMPENSATION TO BE PROVIDED BY THE OFFICE OF THE CITY ATTORNEY; PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES.

WHEREAS, Sec. 2-203(d) of the Code of Ordinances, City of Rogers, Arkansas states that the City Attorney “shall perform such duties, and another other duties as assigned by the city council”;

WHEREAS, Ark. Code. Ann. §14-43-410(b)(1)(A) states “by proper ordinance, any city or town may specify pay for the city attorney as council may desire”; and

WHEREAS, from time to time, it may be necessary for the City Attorney to assist the City of Rogers Legal Department with legal issues that arise.

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

Section 1: That the City Attorney is authorized by the Rogers City Council to consult with and assist the City of Rogers Legal Department when the need arises.

Section 2: That City of Rogers Legal Department is authorized to compensate the City Attorney for legal services as needed at the billable rate of two hundred fifty dollars (\$250.00) per hour.

Section 3 - Emergency Clause: That the need for said authorization 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 4 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of the Ordinance shall continue in effect as if such invalid portion never existed; and

Section 5 - Repeal of Conflicting Ordinances and Resolutions: 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: C. Greg Hines, Mayor
Prepared by: Bonnie Bridges, Staff Attorney
For Consideration by the Finance Committee

RESOLUTION NO. R-18_____

A RESOLUTION AMENDING THE 2018 BUDGET; RECOGNIZING A DONATION FROM THE NWA AMERICAN ASSOCIATION OF PHYSICIANS OF INDIAN ORIGIN TO THE CITY OF ROGERS POLICE DEPARTMENT IN THE AMOUNT OF TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00); INCREASING THE GRANTS/DONATIONS ACCOUNT NUMBER 100-03-45600 IN THE AMOUNT OF TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00); APPROPRIATING TWO THOUSAND FIVE HUNDRED TO PUBLIC RELATIONS EXPENSE ACCOUNT NUMBER 100-03-70260; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers Police Department has received a two thousand five hundred dollar (\$2,500.00) donation from the NWA American Association of Physicians of Indian Origin; and

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

Section 1: That the 2018 Budget is amended to increase Grants and Donations Account Number 100-03-45600 in the amount of two thousand five hundred dollars (\$2,500.00);

Section 2: That the 2018 Budget is further amended to appropriate the amount of two thousand five hundred dollars (\$2,500.00) to Public Relations Expense Account Number 100-03-70260 by;

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: Hayes Minor, Police Chief
Prepared by: Bonnie Bridges, City Staff Attorney
For Consideration by the Finance Committee

RESOLUTION R-18- _____
**A RESOLUTION AUTHORIZING THE DESTRUCTION OF CERTAIN RECORDS
OF THE ROGERS LEGAL DEPARTMENT; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Rogers Legal Department desires to destroy certain archived court records to create space for current court records; and

WHEREAS, the list of records to be destroyed is set out in the attached Affidavit of Destruction.

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

Section 1: The City of Rogers Senior Staff Attorney may destroy the following records of the Rogers Legal Department, pursuant to Arkansas Code Annotated §16-10-211:

- (a) Audited records four years or older: bank reconciliations, check book registers and check listings, cancelled checks, bank statements, deposit collection records, receipt and disbursement journals, time payment records, citation books from the police department, served arrest warrants, copies of citations, alternate service or community service time sheets, uniform filing fees collection remittance forms and fine reports, miscellaneous fee and fine collection reports, and served or unexecuted search warrants.
- (b) Audited records seven years or older: completed case files and written exhibits, show cause orders, case information including arrest reports and affidavits, files concerning cases resulting in a suspended imposition of sentence.

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 resolutions or orders of the City Council, or parts of resolutions or orders of the City Council, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2018.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

Requested by: Bonnie Bridges, Rogers Legal Department
Prepared by: Bonnie Bridges, Staff Attorney
For Consideration by the Internal Affairs Committee

BEFORE THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS

RESOLUTION NO. R-18_____

**A RESOLUTION FIXING A HEARING DATE FOR A PETITION TO VACATE
A PORTION OF A STREET**

WHEREFORE, Pursuant to Rogers City Code §14-523, a petition was duly filed with the City of Rogers, Arkansas, on the 12th day of September, 2018, asking the City Council to vacate and abandon a portion of a certain platted but non-existent street as shown on the plat of Glen Vista subdivision of the City of Rogers, Arkansas, described as follows:

All of a platted but non-existent portion of Glen Vista Court, including a cul-de-sac, running Southwest to Northeast along and between Lots 6, 7 and 8, Glen Vista Subdivision

NOW, THEREFORE, be it resolved by the City Council for the City of Rogers, Arkansas:

SECTION I: Said petition shall be heard at a public hearing in the Council Room of the City of Rogers on the 13th day of November, 2018, at 6:30 p.m.

SECTION II: The City Clerk is directed to give notice of such meeting by publication once a week for two consecutive weeks in the NW Arkansas Democrat Gazette. Said notice shall conform to the statutory requirements of Arkansas Code Annotated §14-301-302.

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

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

RESOLVED the ____ day of _____, 2018.

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 RSF TO R-DP 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-DP than RSF 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-DP and RSF and that said lands being in Benton County, Arkansas, are described as:

Property to be zoned R-DP:

LAYMAN'S DESCRIPTION:

Part of the NW ¼ of the NE ¼ of Section 23, Township 19 North, Range 30 West, Benton County, Arkansas, Being more particularly described as follows: Commencing at the NE corner of the NE ¼ of the NW ¼ of the NW ¼ of Section 23, Thence North 87°15'42" West of 1316.34 feet; Thence South 02°31'42" West 30.05 feet; Thence South 87°06'07" East 26.67 feet; Thence South 02°44'21" West 106.61 feet to the True Point of Beginning; Thence South 88°07'24" East 152.07 Feet; Thence South 02°44'45" West 113.50 feet, Thence North 87°10'52" West 152.04 feet; Thence North 02°44'21" East 110.99 feet to the Point of Beginning, Containing 0.392 acres more or less.

LAYMAN'S DESCRIPTION:

0.392 of an acre on the east side of S. 21st street

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

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

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

PASSED THIS _____ DAY OF _____, 2018.

ROGERS, ARKANSAS

APPROVED:

ATTEST:

PEGGY DAVID, CLERK

C. GREG HINES, MAYOR

ORDINANCE NO. _____
CITY OF ROGERS, ARKANSAS

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM C-2 (HIGHWAY COMMERCIAL) TO
U-COM (UPTOWN COMMERCIAL MIXED USE)

WHEREAS, pursuant to the provisions of Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, the City Council has found that certain lands hereinafter described are better suited for U-COM (Uptown Commercial Mixed Use) than C-2 (Highway Commercial) 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 hereafter 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:

9A1 OF PINNACLE HEIGHTS SUBDIVISION, CITY OF ROGERS, PER PLAT BOOK 2017,
PAGE 496 IN THE PUBLIC RECORDS OF BENTON COUNTY, ARKANSAS, BEING
DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE NORTH RIGHT-OF-WAY OF WEST PAULINE WHITAKER PARKWAY,
ALSO BEING THE SOUTHEAST CORNER OF SAID LOT 9A; THENCE ALONG SAID NORTH
RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES

1. WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 903.93 FEET, AN ARC LENGTH OF 158.74 FEET, AND A CHORD WHICH BEARS SOUTH 87 DEGREES 18 MINUTES 00 SECONDS WEST, A CHORD DISTANCE OF 158.54 FEET TO A POINT;
2. NORTH 87 DEGREES 40 MINUTES 08 SECONDS WEST, A DISTANCE OF 56.84 FEET TO A POINT;
3. WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 67.87 FEET, AN ARC LENGTH OF 10.53 FEET, AND A CHORD WHICH BEARS NORTH 83 DEGREES 00 MINUTES 53 SECONDS WEST, A CHORD DISTANCE OF 10.52 FEET TO A POINT AT THE SOUTHEAST CORNER OF LOT 8 OF SAID PINNACLE HEIGHTS SUBDIVISION;

THENCE ALONG THE EAST LINE OF SAID LOT 8, NORTH 02 DEGREES 13 MINUTES 23 SECONDS EAST A DISTANCE OF 237.76 FEET TO THE NORTHWEST CORNER OF HEREIN DESCRIBED TRACT, FROM WHICH THE NORTHEAST CORNER OF SAID LOT 8 BEARS NORTH 02 DEGREES 13 MINUTES 23 SECONDS EAST A DISTANCE OF 12.84 FEET; THENCE ALONG THE NORTH LINE OF HEREIN DESCRIBED TRACT, SOUTH 87 DEGREES 40 MINUTES 09 SECONDS EAST A DISTANCE OF 225.70 FEET TO THE EAST LINE OF AFOREMENTIONED LOT 9A; THENCE ALONG SAID EAST LINE OF LOT 9A, SOUTH 02 DEGREES 19 MINUTES 51 SECONDS WEST, A DISTANCE OF 224.71 FEET TO THE POINT OF BEGINNING.

LAYMAN'S DESCRIPTION: 4893 West Pauline Whitaker Parkway.

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 AND RSF TO C-3, PROVIDING FOR
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, the City Council has found that certain lands hereinafter described are better suited for C-3 than A-1 and RSF 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:

Benton County Parcel 02-02087-565

A part of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 28, Township 19 North, Range 30 West, Benton County, Arkansas, being more particularly described as follows:

Commencing at the Northeast corner of the SE 1/4 of said SE 1/4

thence South 02 degrees 41 minutes 18 seconds West a distance of 253.00 feet

thence North 87 degrees 03 minutes 22 seconds West a distance of 65.22 feet

to the POINT OF BEGINNING (P.O.B.)

thence continue North 87 degrees 03 minutes 22 seconds West a distance of 414.78 feet

thence South 02 degrees 41 minutes 18 seconds West a distance of 119.19 feet to a point of curvature and to the north right of way line of West Pleasant Grove Road;

thence along said right of way line the following 3 courses:

along a non-tangent curve to the right, an arc distance of 32.83 feet, said curve having a radius of 989.00 feet, and a chord bearing and distance of

North 47 degrees 01 minutes 17 seconds West 32.83 feet;

thence leaving said curve

North 46 degrees 04 minutes 14 seconds West a distance of 225.15 feet

to a point of curvature;

thence, along a tangent curve to the left, an arc distance of 203.13 feet,

to point of curvature, said curve having a radius of 1089.00 feet, and a chord bearing and distance of North 51 degrees 24 minutes 51 seconds West 202.84 feet;

thence leaving said curve and said north right of way line, along a curve to the right, an arc distance of 32.41 feet to a point of tangency, said curve having a radius of 25.00 feet, and a chord bearing and distance of

North 19 degrees 36 minutes 49 seconds West 30.19 feet;

thence leaving said curve

North 17 degrees 31 minutes 50 seconds East a distance of 66.86 feet;

thence South 86 degrees 32 minutes 55 seconds East a distance of 299.95 feet to a

non-tangent curve to the left; thence along said curve an arc distance of 60.62 feet to a point of tangency and to the south right of way line of West Emerald Heights Road, said curve having a radius of 85 feet and a chord bearing and distance of South 66 degrees 11 minutes 31 seconds East 59.35 feet; thence leaving said curve, along said south right of way line the following 2 courses: South 86 degrees 37 minutes 32 seconds East a distance of 403.70 feet to a point of curvature; thence along a curve to the right, an arc distance of 31.87 feet to a point of tangency and to the west right of way line of South Bellview Road, said curve having a radius of 20 feet and a chord bearing and distance of South 40 degrees 58 minutes 45 seconds East 28.60 feet; thence leaving said curve, along said west right of way line the following 2 courses: South 04 degrees 40 minutes 02 seconds West a distance of 146.56 feet; South 07 degrees 45 minutes 04 seconds West a distance of 66.69 feet to the POINT OF BEGINNING (P.O.B.), containing 179,936 square feet or 4.13 acres.

Benton County Parcel 02-02087-570

A part of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 28, Township 19 North, Range 30 West, Benton County, Arkansas, being more particularly described as follows: Commencing at the Northeast corner of the SE 1/4 of said SE 1/4, thence South 02 degrees 41 minutes 18 seconds West a distance of 253.00 feet; thence North 87 degrees 03 minutes 22 seconds West a distance of 65.22 feet to the west right of way line of South Bellview Road and to the POINT OF BEGINNING (P.O.B.) thence along said right of way line the following 4 courses: South 07 degrees 45 minutes 04 seconds West a distance of 185.05 feet; South 02 degrees 41 minutes 02 seconds West a distance of 76.00 feet; thence leaving said right of way line North 87 degrees 03 minutes 22 seconds West a distance of 165.49 feet to a point of curvature and the north right of way line of West Pleasant Grove Road; thence along said right of way line and said curve, an arc distance of 273.84 feet, said curve having a radius of 989.00 feet and a chord bearing and distance of North 55 degrees 54 minutes 16 seconds West 272.96 feet; thence leaving said north right of way line and said curve North 02 degrees 41 minutes 18 seconds East a distance of 119.19 feet; thence South 87 degrees 03 minutes 22 seconds East a distance of 414.78 feet to the POINT OF BEGINNING (P.O.B.), containing 90537 square feet or 2.08 acres,

Benton County Parcel 02-02087-559

A part of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 28, Township 19 North, Range 30 West, Benton County, Arkansas, being more particularly described as follows: Commencing at the Northeast corner of the SE 1/4 of said SE 1/4 thence South 02 degrees 41 minutes 18 seconds West a distance of 513.38 feet; thence North 87 degrees 03 minutes 22 seconds West a distance of 78.54 feet to the west right of way line of South Bellview Road and to the POINT OF BEGINNING (P.O.B.) thence along said right of way line the following 2 courses: South 02 degrees 40 minutes 45 seconds West a distance of 1.41 feet to a point of curvature; thence, along a non-tangent curve to the right, an arc distance of 61.34 feet to the north right of way line of West Pleasant Grove Road and to a point of curvature, said curve having a radius of 46.02 feet, and a chord bearing and distance of South 40 degrees 51 minutes 56 seconds West 56.90 feet;

thence leaving said curve and said west right of way line, along said north right of way line and along a non-tangent curve to the right, an arc distance of 141.44 feet, said curve having a radius of 989.00 feet, and a chord bearing and distance of North 67 degrees 56 minutes 01 seconds West 141.32 feet; thence leaving said north right of way line and said curve South 87 degrees 03 minutes 22 seconds East a distance of 168.49 feet to the POINT OF BEGINNING (P.O.B.), containing 4545 square feet or 0.10 acres,

LAYMAN'S DESCRIPTION: 6.3 acres, more or less, on the northwest corner of West Pleasant Grove Road and South Bellview 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 C-2, PROVIDING FOR
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES

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

SURVEY DESCRIPTION:

PART OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHEAST QUARTER (SE1/4) AND A PART OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 27, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NE CORNER OF THE NW1/4 OF THE SE1/4 OF SAID SECTION 27; THENCE S00°30'22"W 666.80 FEET; THENCE N89°33'34"W 558.74 FEET; THENCE N89°04'16"W 354.85 FEET; THENCE N30°57'22"W 230.99 FEET; THENCE N33°01'53"W 120.14 FEET TO THE POINT OF BEGINNING; THENCE N89°22'46"W 1006.35 FEET; THENCE N00°01'38"W 370.92 FEET; THENCE S89°27'58"E 745.10 FEET TO THE WESTERLY RIGHT-OF-LINE OF S. 28TH PLACE; THENCE ALONG SAID WESTERLY RIGHT-OF-LINE THE FOLLOWING COURSES: S08°11'00"E 28.71 FEET; THENCE S45°04'33"E 128.78 FEET; THENCE S33°01'53"E 304.778 FEET TO THE POINT OF BEGINNING, CONTAINING 326,519.05 SQUARE FEET OR 7.50 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

LESS AND EXCEPT 300' EAST OFF THE WESTERN PROPERTY LINE.

LAYMAN'S DESCRIPTION: 5308 S 28th St.

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