



Office of the City Clerk-Treasurer  
301 W. Chestnut  
Rogers, Arkansas 72756  
479-621-1117  
[www.rogersar.gov](http://www.rogersar.gov)

### COMMITTEE SCHEDULE

TO: MAYOR  
CITY COUNCIL  
DEPARTMENT HEADS  
PRESS

FROM: Jessica Rush, CITY CLERK-TREASURER

DATE: October 13, 2020

The following committee meetings will be held on **Tuesday, October 13, 2020** prior to the City Council Meeting:

**05:15 p.m. - TRANSPORTATION COMMITTEE:** (Kruger\*, Carmichael, Townzen) [Zoom Link OR \(312\) 626-6799 ID: 819 0333 6506](#)

To Discuss: (a) A Resolution Authorizing The Mayor And City Clerk To Enter Into A Lease Extension Agreement With The Recon Group, Inc. Of Rogers, Arkansas, For Certain Space Located At The Rogers Street Department Building

**05:30 p.m. - PUBLIC SAFETY COMMITTEE:** (Wolf\*, Kruger, Carmichael) [Zoom Link OR \(312\) 626-6799 ID: 833 4227 4510](#)

To Discuss: (a) An Ordinance Ordering The Razing And Removal Of A Nuisance Structure Located Within The City Of Rogers, Arkansas, At 1801 West Wood Street

**05:30 p.m. - PUBLIC WORKS COMMITTEE:** (Townzen\*, Brashear, Kendall) [Zoom Link OR \(312\) 626-6799 ID: 819 0333 6506](#)

To Discuss: (a) A Resolution Authorizing The Redemption Prior To Maturity Of The City Of Rogers, Arkansas Sewer Revenue Bonds, Series 2010  
(b) Discussion of expiring trash services contract

**05:45 p.m. - COMMUNITY SERVICES COMMITTEE:** (Brashear\*, Hayes, Kruger) [Zoom Link OR \(312\) 626-6799 ID: 819 0333 6506](#)

To Discuss: (a) An Ordinance Waiving Competitive Bidding For The Repair Of The Rogers Aquatic Center's Filtration System By Walden Chemical D/B/A Blue Water Pools Of Little Rock, Arkansas

**05:45 p.m. - FINANCE COMMITTEE:** (Reithemeyer\*, Wolf, Kendall) [Zoom Link OR \(312\) 626-6799 ID: 833 4227 4510](#)

To Discuss: (a) A Resolution Amending The 2020 Budget To Recognize Funds From The Edward Byrne Grant In The Amount Of \$22,210.00 Into Account #100-03-45629 Edward Byrne Grant Revenue 2020  
(b) A Resolution Authorizing The Mayor To Enter Into An Agreement With The

Arkansas Department Of Finance And Administration Concerning The Coronavirus Relief Fund Program Sub-Recipient Agreement For Municipalities And Counties

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**06:00 p.m. - INTERNAL AFFAIRS COMMITTEE:** (Kendall\*, Wolf, Reithemeyer) [Zoom Link OR \(312\) 626-6799 ID: 833 4227 4510](#)

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To Discuss: (a) An Ordinance Waiving Competitive Bidding For The Purchase Of Scanners, Software, And A Training Package From Preferred Office Technologies Of Fort Smith, Arkansas For Use By The City Of Rogers District Court

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**06:00 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE:** (Carmichael\*, Townzen, Hayes) [Zoom Link OR \(312\) 626-6799 ID: 819 0333 6506](#)

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To Discuss: (a) An Ordinance Amending Rogers Code Section 14-675, By Re-Zoning Certain Lands From RSF-5 To NR, Accepting The Density Concept Plan

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(b) An Ordinance Amending Rogers Code Section 14-675, By Re-Zoning Certain Lands From RSF-5 To NR (Joseph & Scott Properties) [Staff Report](#)

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(c) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 To COM (Stitt Group) [Staff Report](#)

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(d) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To N-R (Miller) [Staff Report](#)

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**ROGERS CITY COUNCIL**  
**AGENDA**

**OCTOBER 13, 2020**

**6:30 PM**

**<https://us02web.zoom.us/j/87009214514> OR (312) 626-6799 ID: 870 0921 4514**

**PUBLIC HEARING:** 1801 W. Wood Street

**PUBLIC FORUM:**

**INVOCATION:**

**ROLL CALL:**

**ACTION ON MINUTES:**

- 1. September 22, 2020

**REPORTS OF BOARDS AND STANDING COMMITTEES:**

- |    |   |                                    |
|----|---|------------------------------------|
| 1. | ORD. Re: Ordering The Razing And Removal Of A Nuisance Structure Located Within The City Of Rogers, Arkansas, At 1801 West Wood Street                                  | PUBLIC SAFETY<br>COMMITTEE         |
| 2. | RES. Re: Authorizing The Redemption Prior To Maturity Of The City Of Rogers, Arkansas Sewer Revenue Bonds, Series 2010  | PUBLIC WORKS<br>COMMITTEE          |
| 3. | ORD. Re: Waiving Competitive Bidding For The Repair Of The Rogers Aquatic Center’s Filtration System By Walden Chemical D/B/A Blue Water Pools Of Little Rock, Arkansas | COMMUNITY<br>SERVICES<br>COMMITTEE |

- |     |          |  |  |
|-----|----------|--|--|
| 4.  | RES. Re: | Amending The 2020 Budget To Recognize Funds From The Edward Byrne Grant In The Amount Of \$22,210.00 Into Account #100-03-45629 Edward Byrne Grant Revenue 2020  | FINANCE<br>COMMITTEE                               |
| 5.  | RES. Re: | Authorizing The Mayor To Enter Into An Agreement With The Arkansas Department Of Finance And Administration Concerning The Coronavirus Relief Fund Program Sub-Recipient Agreement For Municipalities And Counties | FINANCE<br>COMMITTEE                               |
| 6.  | RES. Re: | Authorizing The Mayor And City Clerk To Enter Into A Lease Extension Agreement With The Recon Group, Inc. Of Rogers, Arkansas, For Certain Space Located At The Rogers Street Department Building                  | TRANSPORTATION<br>COMMITTEE                        |
| 7.  | ORD. Re: | Waiving Competitive Bidding For The Purchase Of Scanners, Software, And A Training Package From Preferred Office Technologies Of Fort Smith, Arkansas For Use By The City Of Rogers District Court                 | INTERNAL<br>AFFAIRS<br>COMMITTEE                   |
| 8.  | ORD. Re: | Amending Rogers Code Section 14-675, By Re-Zoning Certain Lands From RSF-5 To NR, Accepting The Density Concept Plan   | COMMUNITY<br>ENVIRONMENT &<br>WELFARE<br>COMMITTEE |
| 9.  | ORD. Re: | Amending Rogers Code Section 14-675, By Re-Zoning Certain Lands From RSF-5 To NR, Accepting The Density Concept (Joseph & Scott Properties)  | COMMUNITY<br>ENVIRONMENT &<br>WELFARE<br>COMMITTEE |
| 10. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 To COM (Stitt Group)   | COMMUNITY<br>ENVIRONMENT &<br>WELFARE<br>COMMITTEE |
| 11. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To N-R (Miller)  | COMMUNITY<br>ENVIRONMENT &<br>WELFARE<br>COMMITTEE |

**OLD BUSINESS:**

**NEW BUSINESS:**

**APPOINTMENTS:**

1. Appointment of Barry Cobbs to the Museum Commission; to fill the vacant term of Kathleen Dickerson which is to expire December 31, 2021

**ANNOUNCEMENTS:**

**ORDINANCE NO. 20-\_\_\_\_\_**

**AN ORDINANCE ORDERING THE RAZING AND REMOVAL OF A NUISANCE STRUCTURE LOCATED WITHIN THE CITY OF ROGERS, ARKANSAS, AT 1801 WEST WOOD STREET; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

**WHEREAS**, Filomena Martinez, is the owner of certain real property located in Rogers, Benton County, Arkansas, more particularly described as follows:

Lot 4, Block 1, Dixieland Village, First Addition, to the City of Rogers  
Layman's Description: 1801 West Wood Street, Rogers, Benton County,  
Arkansas.  
Tax Parcel No. 02-03858-000

**WHEREAS**, the structure on the property is unfit for human habitation, constitutes a fire hazard, and is otherwise a dangerous to human life, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, and further is unsightly, and is considered an unsafe and unsightly structure in violation of City of Rogers' Code of Ordinance, §§ 18-55 through 18-68; more specifically, the following violations have been found to exist in violation of the International Property Maintenance Code ("IPMC"), which has been adopted by reference at Rogers' City Code §§ 10-32 and 10-33:

1. This building has been deemed an unsafe and dangerous structure. Any portion of a building that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism, or by any other cause to such an extent that it is likely to partially or completely collapse or to become detached or dislodged. (IPMC § 108.1.5 (3))

**WHEREAS**, the owner has been notified by the City of Rogers prior to the consideration of this Ordinance, that the structure on the property is in violation of the ordinances of the City of Rogers;

**WHEREAS**, pursuant to City of Rogers' Code of Ord. § 18-57, the owner was given fourteen (14) calendar days from August 24, 2020 to abate or correct the documented violation;

**WHEREAS**, pursuant to City of Rogers' Code of Ord. § 18-57, a follow up inspection was conducted on September 8, 2020;

**WHEREAS**, the owner has failed, neglected, or refused to comply with the Notice to correct the documented violations, and as such, the matter of condemning, razing and removing the building has been referred to the City Council pursuant to City of Rogers' Code of Ord. § 18-58;

**WHEREAS**, pursuant to City of Rogers' Code of Ord. § 18-59(d); a Compliance Inspection was conducted by the Office of Building Inspections on October 13, 2020, which concluded that violations still currently exist; and

**WHEREAS**, pursuant to Ark. Code Ann. §14-56-203 and City of Rogers' Code of Ord. Ch. 18, Art. III, if repair or removal is not done within the required time frame, the City shall have the power to order the removal or razing of, or to remove or raze any buildings that in the opinion of the City Council have become dilapidated, unsightly, unsafe, unsanitary, obnoxious, or detrimental to the public welfare.

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

Section 1: That the structure located at 1801 West Wood Street, Rogers, Arkansas, is dilapidated, unsightly, and unsafe; and is in the best interest of the City of Rogers to proceed with the removal of this dilapidated, unsightly, and unsafe structure;

Section 2: That the owner is hereby ordered to raze (demolish) and remove the dilapidated, unsightly, and unsafe structure located on the aforesaid property; and, is further ordered to abate the unsightly conditions on the property. Said work shall be completed within thirty (30) days from the passage of this Ordinance. The manner of razing (demolishing) and removing said structure shall be to dismantled by hand or bulldoze and then disposed of all debris, completely cleaning up the property to alleviate any unsightly conditions, in a manner consistent with City of Rogers' Code of Ord. Chapters 10, 18, and 20, and all other state laws and regulations pertaining to the demolition or removal of residential structures;

Section 3: If the aforesaid work is not completed within thirty (30) days, the Mayor, or the Mayor's authorized representative, is hereby directed to cause the aforesaid structure to be razed (demolished) and removed; and the unsafe, unsanitary and unsightly conditions abated; and the City of Rogers shall have a lien upon the aforesaid described real property for the cost of razing (demolishing) and removing said structure and abating said aforementioned conditions, said costs to be determined at a hearing before the City Council;

Section 4: Emergency Clause: The need to raze and remove a certain structure 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 and after 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 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 \_\_\_\_\_, 2020.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested By: William Hyde, Community Risk Reduction Division

Prepared By: John M. Pesek, Staff Attorney

For Consideration By: Public Safety Committee



**RESOLUTION NO. R20-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE REDEMPTION  
PRIOR TO MATURITY OF THE CITY OF ROGERS,  
ARKANSAS SEWER REVENUE BONDS, SERIES 2010;  
AND PRESCRIBING OTHER MATTERS PERTAINING  
THERE TO.**

WHEREAS, the City of Rogers, Arkansas (the “City”) owns a municipal water and sewer system (the “System”) and operates the same through the Rogers Waterworks and Sewer Commission (the “Commission”); and

WHEREAS, the City has outstanding its Sewer Revenue Bonds, Series 2010 (the “Bonds”); and

WHEREAS, the Bonds are subject to optional redemption prior to maturity on and after December 1, 2020; and

WHEREAS, the Bonds to be redeemed are in the following principal amounts:

<u>Maturity</u>	<u>Principal</u>	<u>Rate</u>	<u>CUSIP</u>
12/01/2020	\$160,000	3.000%	775086 DS7
12/01/2021	\$160,000	3.250%	775086 DT5
12/01/2024	\$525,000	3.500%	775086 DU2
12/01/2027	\$580,000	3.750%	775086 DV0
12/01/2030	\$650,000	4.000%	775086 DW8

WHEREAS, the Bonds to be redeemed are in the aggregate remaining principal amount of \$2,075,000 plus all accrued interest thereon to the date of redemption and trustees and service fees; and

WHEREAS, the Commission and the City can realize a savings over the next ten years by using reserves in the System to redeem the Bonds on December 1, 2020;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rogers, Arkansas:

Section 1. That the City hereby exercises its option to redeem the Bonds on December 1, 2020 at a redemption price equal to the remaining principal amount of the Bonds (i.e. \$2,075,000), together with accrued interest to the redemption date and any trustees or service fees.

*Signature Page to Optional Bond Redemption Resolution*

Section 2. That funds held in reserves for the System shall be used for the redemption of the Bonds.

Section 3. That the officials of the City are authorized and directed to notify Regions Bank, Little Rock, Arkansas, as Trustee for the Bonds, to redeem the Bonds on December 1, 2020, to transfer sufficient funds held in the reserves of the System to effect the redemption, and to take such other actions as may be appropriate to the redemption of the Bonds.

Section 4. 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 thereof, 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 5. All resolutions of the City Council, or parts of resolutions of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

**RESOLVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

(SEAL)

Requested by: Rogers Water Utilities  
Prepared by: Mitchell, Williams, Selig, Gates & Woodyard, PLLC  
For Consideration By: Public Works Committee

**CERTIFICATE**

The undersigned, City Clerk of the City of Rogers, Arkansas, hereby certifies that the foregoing pages are a true and correct copy of **Resolution No. R20-\_\_\_\_**, adopted at a regular session of the City Council of the City of Rogers, Arkansas, held at the regular meeting place in the city at 6:30 p.m. on the 13th day of October, 2020, and that **Resolution No. R20-\_\_\_\_**, is of record in Ordinance/Resolution Book No. \_\_\_\_\_, now in my possession.

GIVEN under my hand and seal on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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City Clerk

(SEAL)

**ORDINANCE NO. 20-\_\_\_\_\_**

**AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR THE REPAIR OF THE ROGERS AQUATIC CENTER'S FILTRATION SYSTEM BY WALDEN CHEMICAL D/B/A BLUE WATER POOLS OF LITTLE ROCK, ARKANSAS; ALLOWING THE MAYOR AND CITY CLERK TO ENTER INTO THE REPAIR CONTRACT; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Rogers Parks & Recreation Department needs to repair the filtration system at the Rogers Aquatic Center;

**WHEREAS**, funds for the repair work will come from 2020 budgeted funds;

**WHEREAS**, Walden Chemical, d/b/a Blue Water Pools of Little Rock, Arkansas has given an estimated costs of repairs of forty-two thousand five hundred twenty-nine dollars and eighty cents (\$42,529.80);

**WHEREAS**, Walden Chemical, d/b/a Blue Water Pools has significant knowledge of the existing filtration system at the Rogers Aquatic Center;

**WHEREAS**, due to the intricacies of the overall system, it is imperative that repairs and replacements of specific components of the system are made by those with specific knowledge of the system and its existing components; and

**WHEREAS**, a cost savings will occur by utilizing this particular vendor who can complete the work due to their knowledge based on previous its work on the system.

**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 authorized to enter into a contract with Walden Chemical, d/b/a Blue Water Pools of Little Rock, Arkansas, in the amount of forty-two thousand five hundred twenty-nine dollars and eighty cents (\$42,529.80), for the repair work to the filtration system at the Rogers Aquatic Center;

Section 2: There exists an exceptional circumstance whereby the requirements of competitive bidding are neither practical nor feasible and the City Council, therefore, waives the requirements of competitive bidding for the repair work to the filtration system at the Rogers Aquatic Center;

Section 3: Emergency Clause: The need to repair the filtration system at the Rogers Aquatic Center for the Rogers Parks & Recreation Department 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 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 \_\_\_\_\_, 2020.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested by: Jim White, Director - Parks & Recreation Department

Prepared by: John M. Pesek, Staff Attorney

For Consideration By: Community Services Committee

**RESOLUTION NO. R20\_\_\_\_\_**

**A RESOLUTION AMENDING THE 2020 BUDGET TO RECOGNIZE FUNDS FROM THE EDWARD BYRNE JUSTICE ASSISTANCE GRANT IN THE AMOUNT OF TWENTY-TWO THOUSAND TWO HUNDRED TEN DOLLARS (\$22,210.00) INTO ACCOUNT #100-03-45639 EDWARD BYRNE GRANT REVENUE 2020; APPROPRIATING THAT SAME AMOUNT INTO ACCOUNT #100-03-71203 EDWARD BYRNE GRANT REVENUE 2020; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Rogers Police Department has received a twenty-two thousand two hundred ten dollars (\$22,210.00) Edward Byrne Memorial Justice Assistance Grant for 2020; and

**WHEREAS**, the funds will be used for training by the City of Rogers Police Department.

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

Section 1: That the 2020 Budget is amended to recognize funds in the amount of twenty-two thousand two hundred ten dollars (\$22,210.00) to Account #100-03-45639 Edward Byrne Grant Revenue 2020;

Section 2: That the 2020 Budget is further amended to appropriate the amount of twenty-two thousand two hundred ten dollars (\$22,210.00) to Account #100-03-71203 Edward Byrne Grant Revenue 2020;

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

Section 4: Repeal of Conflicting Resolutions: All resolutions or orders of the City Council, or parts of resolutions or orders of the City Council, in conflict with this Resolution are repealed to the extent of such conflict.

**RESOLVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested by: Hayes Minor, Police Chief  
Prepared by: John M. Pesek, Staff Attorney  
For Consideration By: Finance Committee

**RESOLUTION NO. R20-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE ARKANSAS DEPARTMENT OF FINANCE AND ADMINISTRATION CONCERNING THE CORONAVIRUS RELIEF FUND PROGRAM SUB-RECIPIENT AGREEMENT FOR MUNICIPALITIES AND COUNTIES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Arkansas Department of Finance and Administration has created an agreement between it and all municipalities and counties so that they may seek Coronavirus Relief Funds; and

**WHEREAS**, these funds have been transferred to the State of Arkansas through Federal Congressional legislation and for the City of Rogers to be eligible for the receipt of said funds it must execute the agreement created by the Department of Finance and Administration.

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

Section 1: The Mayor, as Chief Executive of the City of Rogers, Arkansas may enter into the Coronavirus Relief Fund Program Sub-Recipient Agreement for Municipalities and Counties with the Arkansas Department of Finance and Administration;

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 of the City Council 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: John M. Pesek, Staff Attorney  
For Consideration By: Finance Committee

**RESOLUTION NO. R20-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A LEASE EXTENSION AGREEMENT WITH THE RECON GROUP, INC. OF ROGERS, ARKANSAS, FOR CERTAIN SPACE LOCATED AT THE ROGERS STREET DEPARTMENT BUILDING; AND FOR OTHER PURPOSES.**

**WHEREAS**, when the City of Rogers purchased the building that currently houses the City of Rogers Street Department, The Recon Group, Inc. was an existing tenant under a lease agreement with the previous owner;

**WHEREAS**, the City assumed the lease that expired on May 1, 2020;

**WHEREAS**, the City has previously extended the lease agreement through December 31, 2020;

**WHEREAS**, The Recon Group, Inc. is attempting to find a suitable location to relocate its business within the city limits of Rogers. While it continues its search, it desires to extend its lease through June 30, 2021; however, the current lease extension may be cancelled prior to that date with thirty (30) days' written notice to the City;

**WHEREAS**, The Recon Group, Inc. is an integral part of the City's business community and economically supports many of the City's residents; and

**WHEREAS**, entering into this lease extension is a benefit to the citizens of Rogers.

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

Section 1: The Mayor and City Clerk may enter into a lease extension agreement with The Recon Group, Inc. of Rogers, Arkansas for certain space located at the Rogers Street Department Building through June 30, 2021;

Section 2: This lease shall be month to month beginning January 1, 2021, and expiring on June 30, 2021, or at any time before that date with thirty (30) days' written notice to the City;

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 of the City Council 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: John M. Pesek, Staff Attorney  
For Consideration By: Finance Committee



**ORDINANCE NO. 20-\_\_\_\_\_**

**AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF SCANNERS, SOFTWARE, AND A TRAINING PACKAGE FROM PREFERRED OFFICE TECHNOLOGIES OF FORT SMITH, ARKANSAS FOR USE BY THE CITY OF ROGERS DISTRICT COURT; ALLOWING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT FOR SAID PURCHASE; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Rogers District Court is in need of scanners, software, and a training package for a switch to an electronic filing system;

**WHEREAS**, Preferred Office Technologies is the only company whose software is compatible that meets the technical advances needed for Rogers District Court;

**WHEREAS**, the total cost of the purchase of twenty-seven thousand five hundred six dollars and sixty-seven cents (\$27,506.67) and that amount was budgeted in the City of Rogers 2020 Budget; and

**WHEREAS**, the annual cost of the program will total approximately six thousand five hundred dollars (\$6,500.00) and will come out of the court automation funds.

**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 authorized to enter into a contract with Preferred Office Technologies of Fort Smith, Arkansas, in the amount not to exceed twenty-seven thousand five hundred six dollars and sixty-seven cents (\$27,506.67), for the purchase of a scanners, software, and a training package for use by the City of Rogers District Court;

Section 2: There exists an exceptional circumstance whereby the requirements of competitive bidding are neither practical nor feasible and the City Council, therefore, waives the requirements of competitive bidding for the purchase of a scanners, software, and a training package for use by the City of Rogers District Court;

Section 3: Emergency Clause: The need to acquire quality scanners, software, and training package 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 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 \_\_\_\_\_, 2020.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk  
Requested By: Chris Griffin, Judge – Rogers District Court  
Prepared By: John M. Pesek, Staff Attorney  
For Consideration by: Internal Affairs Committee

**ORDINANCE NO. 20-\_\_\_\_\_**

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675, BY RE-ZONING CERTAIN LANDS FROM RSF-5 TO NR, 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 November 19, 2019, the City Council has found that certain lands hereinafter described are better suited for NR zoning; and

**WHEREAS**, this Ordinance amends Ordinance No. 19-78, passed on November 26, 2019, that erroneously included a piece of adjacent property in the legal description.

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

Section 1: That Rogers Code Section 14-675 should be and the same hereby is amended as hereinafter provided.

Section 2: That the land hereinafter described should be and the same is hereby zoned as NR, and that said lands being in Benton County, Arkansas, are described as:

Tract 1

Part of the Southwest Quarter of the Southeast Quarter of Section 18, Township 19 North, Range 29 West, Benton County, Arkansas being more particularly described as follows:

Commencing at the Northwest Corner of the Southwest Quarter of the Southeast Quarter. Thence South 87 degrees 41 minutes 58 seconds East, 425.80 feet. Thence South 02 degrees 18 minutes 02 seconds West, 344.80 feet to an existing rebar and the Point of Beginning. Thence South 87 degrees 48 minutes 43 seconds East, 369.26 feet to an existing rebar marking the Northwest Corner of Lot 9, Monte NE Terrace. Thence South 00 degrees 25 minutes 01 second West, 271.06 feet to a set rebar with cap. Thence North 87 degrees 46 minutes 37 seconds West, 113.48 feet to a set rebar with cap. Thence South 02 degrees 13 minutes 27 seconds West, 225.36 feet to an existing rebar. Thence South 87 degrees 11 minutes 36 seconds East, 214.18 feet to a set rebar with cap on the West right of way of Monte NE Road. Thence along said right of way, South 10 degrees 32 minutes 31 seconds West, 105.42 feet to a set rebar with cap. Thence leaving said right of way, North 87 degrees 03 minutes 06 seconds West, 234.48 feet to an existing iron pin. Thence around a curve to the right having a radius of 600.00 feet and subtended by a chord bearing and distance of North 63 degrees 05 minutes 17 seconds West, 252.20 feet to an existing rebar. Thence North 02 degrees 15 minutes 59 seconds East, 494.24 feet to the Point of Beginning, containing 4.59 acres and subject to any Easements of Record.

Lot 9A

All of Lot 9, Monte NE Terrace, Unit One, to the City of Rogers, Arkansas being more particularly described as follows:

Beginning at the Northeast Corner of Lot 9, Monte NE Terrace, Unit One, said point being on the West right of way of Monte NE Road. Thence along the East line of said Lot 9 and said right of

way, South 10 degrees 32 minutes 31 seconds West, 201.16 feet to a set rebar with cap marking the Southeast Corner of Lot 9, Monte NE Terrace, Unit One. Thence leaving said right of way and along the south line of said Lot 9, North 87 degrees 48 minutes 00 seconds West, 146.75 feet to a set rebar with cap marking the Southwest Corner of Lot 9, Monte NE Terrace, Unit One. Thence along the West line of said Lot 9, North 00 degrees 25 minutes 01 second East, 199.09 feet to an existing rebar marking the Northwest Corner of Lot 9, Monte NE Terrace, Unit One. Thence along the North line of said Lot 9, South 87 degrees 48 minutes 43 seconds East, 182.13 feet to the Point of Beginning, containing 0.75 of an acre and subject to Road Rights of Way and any Easements of Record.

**LAYMAN'S DESCRIPTION:** 1800 S. Monte Ne Road, Rogers, Arkansas

Section 3: Zoning: That the above described lands are better suited for NR than RSF-5 zoning and same should be and are hereby zoned NR.

Section 4: Density Concept Plan: That the Density Concept Plan entered into by and between D & C Holdings, LLC., and the City of Rogers, as approved by the Rogers Planning Commission on November 19th, 2019, 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, resolution 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.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested By: Community Development

Prepared By: John M. Pesek, Staff Attorney

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-DP TO NBT, 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 October 6, 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:**

608 N. 6<sup>th</sup> Street:

Lots 3 and 6 in Hardin’s Addition to the City of Rogers, Benton County, Arkansas and Part of the NW/4 of the NE/4 of Section 12, Township 19 North, Range 30 West, Rogers, Benton County, Arkansas, described as follows: BEGINNING at a point 535 West and 480 feet North of the SE corner of said forty acres, run thence West 125 feet, thence North 100 feet, thence East 125 feet, thence South 100 feet, to the POINT OF BEGINNING.

610 N. 6<sup>th</sup> Street:

Lot 2, Hardin’s Addition to the City of Rogers, Benton County, Arkansas as shown on Plat Record A at Page 44. Also: Part of the NW/4 of the NE/4 of Section 12, Township 19 North, Range 30 West, Benton County, Arkansas, described as BEGINNING at a point 535 feet West and 580 feet North of the SE corner of said NW/4 of the NE/4; thence West 125 feet; thence North 80 feet; thence East 125 feet; thence South 80 feet to the POINT OF BEGINNING.

**LAYMAN'S DESCRIPTION:**

608 and 610 N. 6<sup>th</sup> Street

SECTION 3: Zoning. That the above described lands are better suited for NBT than R-DP 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

Requested By: Community Development  
Prepared By: Elizabeth Johnson, Planner III  
For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 20-\_\_\_\_\_

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM C-2 TO 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 October 6, 2020, the City Council has found that certain lands hereinafter described are better suited for 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 COM and that said lands being in Benton County, Arkansas, are described as:

**PROPERTY DESCRIPTION:**

A part of the NW ¼ of the SW ¼ of the NE ¼ of Section 13, Township 19 North, Range 30 West, described as follows: Beginning at the NW corner of said 10 acres, run thence South 200 feet; thence East 260 feet; thence North 200 feet; thence West 260 feet to the place of beginning. Subject to U.S. Highway 71 on the West side thereof.

**LAYMAN'S DESCRIPTION:**

1301 S. 8<sup>th</sup> Street

SECTION 3: **Zoning.** That the above described lands are better suited for COM than C-2 zoning and same should be and are hereby zoned 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

Requested By: Community Development  
Prepared By: Kyle Belt, Planner I  
For Consideration By: Community Environment & Welfare Committee

**ORDINANCE NO. 20-\_\_\_\_\_**

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING  
CERTAIN LANDS FROM A-1 TO N-R, 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 October 6, 2020, the City Council has found that certain lands hereinafter described are better suited for N-R 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 N-R and that said lands being in Benton County, Arkansas, are described as:

**PROPERTY DESCRIPTION:**

THE NE ¼ of the SE ¼ of SECTION 33, TOWNSHIP 19 NORTH, RANGE 30 WEST

LESS & EXCEPT:

DESCRIPTION FOR EXISTING PRESCRIPTIVE RIGHT OF WAY FOR BELLVIEW ROAD AND GARRETT ROAD A PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) AND PART OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) ALL IN SECTION 33, TOWNSHIP 19 NORTH, RANGE 30 WEST DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 33 AND RUN THENCE SOUTH 2° 31' 15" WEST ALONG THE WEST LINE OF SAID 40 ACRE TRACT A DISTANCE OF 1,133.68 FEET TO A FOUND COTTON SPINDLE; THENCE SOUTH 2° 30'00" WEST ALONG SAID WEST LINE A DISTANCE OF 414.56 FEET TO A FOUND COTTON SPINDLE; THENCE SOUTH 2° 30' 30" WEST ALONG SAID WEST LINE A DISTANCE OF 605.45 FEET TO A FOUND COTTON SPINDLE; THENCE SOUTH 2° 30' 39" WEST ALONG SAID WEST LINE A DISTANCE OF 495.00 FEET TO A FOUND REBAR PIN AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 33; THENCE LEAVING SAID WEST LINE NORTH 88° 08' 26" WEST ALONG THE SOUTH LINE OF SAID 40 ACRE TRACT A DISTANCE OF 18.28 FEET TO A

FOUND REBAR PIN AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 4, TOWNSHIP 18 NORTH, RANGE 30 WEST; THENCE NORTH 87° 40' 23" WEST ALONG SAID SOUTH LINE A DISTANCE OF 664.79 FEET; THENCE NORTH 87° 33' 44" WEST ALONG SAID SOUTH LINE A DISTANCE OF 4.64 FEET; THENCE LEAVING SAID SOUTH LINE NORTH 2° 45' 12" EAST A DISTANCE OF 30.09 FEET TO THE PRESCRIPTIVE RIGHT OF WAY FOR GARRETT ROAD; THENCE SOUTH 89° 32' 57" EAST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 57.71 FEET; THENCE SOUTH 86° 32' 04" EAST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 310.68 FEET; THENCE SOUTH 86° 32' 02" EAST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 116.56 FEET; THENCE SOUTH 87° 35' 57" EAST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 167.22 FEET TO THE PRESCRIPTIVE RIGHT OF WAY FOR BELLVIEW ROAD; THENCE LEAVING SAID PRESCRIPTIVE RIGHT OF WAY FOR GARRETT ROAD NORTH 3° 10' 57" EAST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 246.16 FEET; THENCE NORTH 3° 26' 57" EAST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 418.61

FEET; THENCE NORTH 2° 56' 41" EAST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 203.47 FEET; THENCE NORTH 3° 10' 16" EAST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 433.19 FEET; THENCE NORTH 3° 08' 18" EAST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 136.54 FEET; THENCE NORTH 2° 56' 23" EAST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 175.35 FEET; THENCE NORTH 3° 01' 28" EAST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 169.42 FEET; THENCE NORTH 2° 52' 59" EAST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 201.69 FEET; THENCE NORTH 2° 49' 50" EAST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 110.38 FEET; THENCE NORTH 1° 48' 40" EAST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 127.14 FEET; THENCE NORTH 2° 21' 44" EAST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 159.93 FEET; THENCE NORTH 2° 35' 30" EAST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 106.24 FEET; THENCE NORTH 1° 36' 31" EAST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 137.70 FEET TO THE NORTH LINE OF SAID 40 ACRE TRACT; THENCE LEAVING SAID PRESCRIPTIVE RIGHT OF WAY SOUTH 87° 29' 14" EAST ALONG SAID NORTH LINE A DISTANCE OF 17.06 FEET TO THE POINT OF BEGINNING, CONTAINING 73,821 SQUARE FEET, MORE OR LESS. LESS & EXCEPT: DESCRIPTION FOR PROPOSED NEW RIGHT OF WAY DEDICATION FOR BELLVIEW ROAD AND GARRETT ROAD A PART OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHEAST QUARTER (SE ¼) AND PART OF THE SOUTHEAST QUARTER (SE ¼) OF THE SOUTHEAST QUARTER (SE ¼) ALL IN SECTION 33, TOWNSHIP 19 NORTH, RANGE 30 WEST DESCRIBED AS FOLLOWS: COMMENCE AT THE FOUND REBAR PIN AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER (NE ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SAID SECTION 33 AND RUN THENCE NORTH 87° 29' 14" WEST ALONG THE NORTH LINE OF SAID 40 ACRE TRACT A DISTANCE OF 17.06 FEET TO THE PRESCRIPTIVE RIGHT OF WAY FOR BELLVIEW ROAD AND THE "TRUE POINT OF BEGINNING" OF THIS DESCRIPTION; THENCE LEAVING SAID NORTH LINE SOUTH 1° 36' 31" WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 137.70 FEET; THENCE SOUTH 2° 35' 30" WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 106.24 FEET; THENCE SOUTH 2° 21' 44" WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 159.93 FEET; THENCE SOUTH 1° 48' 40" WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 127.14 FEET; THENCE SOUTH 2° 49' 50" WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 110.38 FEET; THENCE SOUTH 2° 52' 59" WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 201.69 FEET; THENCE SOUTH 3° 01' 28" WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 169.42 FEET; THENCE SOUTH 2° 56' 23" WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 175.35 FEET; THENCE SOUTH 3° 08' 18" WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 136.54 FEET; THENCE SOUTH 3° 10' 16" WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 433.19 FEET; THENCE SOUTH 2° 56' 41" WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 203.47 FEET; THENCE SOUTH 3° 26' 57" WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 418.61 FEET; THENCE SOUTH 3° 10' 57" WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 246.16 FEET TO THE EXISTING PRESCRIPTIVE RIGHT OF WAY OF GARRETT ROAD; THENCE LEAVING SAID PRESCRIPTIVE RIGHT OF WAY FOR BELLVIEW ROAD; NORTH 87° 35' 57" WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY FOR GARRETT ROAD A DISTANCE OF 167.22 FEET; THENCE NORTH 86° 32' 02" WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 116.56 FEET; THENCE NORTH 86° 32' 04" WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 310.68 FEET; THENCE NORTH 89° 32' 57" WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 57.71 FEET; THENCE LEAVING SAID PRESCRIPTIVE RIGHT OF WAY FOR GARRETT ROAD NORTH 02° 45' 12" EAST A DISTANCE OF 14.00 FEET TO THE PROPOSED RIGHT OF WAY FOR GARRETT ROAD; THENCE SOUTH 87° 15' 06" EAST ALONG SAID PROPOSED RIGHT OF WAY A DISTANCE OF



138.04 FEET; THENCE SOUTH 88° 53' 10" EAST ALONG SAID PROPOSED RIGHT OF WAY A DISTANCE OF 319.72 FEET; THENCE SOUTH 87° 31' 12" EAST ALONG SAID PROPOSED RIGHT OF WAY A DISTANCE OF 112.58 FEET TO THE PROPOSED RIGHT OF WAY FOR BELLVIEW ROAD; THENCE LEAVING SAID PROPOSED RIGHT OF WAY FOR GARRETT ROAD NORTH 51° 20' 09" EAST ALONG SAID PROPOSED RIGHT OF WAY FOR BELLVIEW ROAD A DISTANCE OF 65.14 FEET; TO A CURVE TO THE RIGHT; THENCE ALONG SAID PROPOSED RIGHT OF WAY AND CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 837.00 FEET, A CHORD BEARING NORTH 4° 08' 34" EAST, A CHORD LENGTH OF 20.72 FEET, THENCE ALONG THE ARC OF THE CURVE A DISTANCE OF 20.72 FEET; THENCE LEAVING SAID CURVE NORTH 4° 50' 48" EAST ALONG SAID PROPOSED RIGHT OF WAY A DISTANCE OF 127.85 FEET; THENCE NORTH 9° 25' 01" EAST ALONG SAID PROPOSED RIGHT OF WAY A DISTANCE OF 75.30 FEET; THENCE NORTH 4° 50' 48" EAST ALONG SAID PROPOSED RIGHT OF WAY A DISTANCE OF 215.29 FEET TO A CURVE TO THE LEFT; THENCE ALONG THE PROPOSED RIGHT OF WAY AND CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 763.00 FEET, A CHORD BEARING NORTH 3° 40' 47" EAST, A CHORD LENGTH OF 31.08 FEET, THENCE ALONG THE ARC OF THE CURVE A DISTANCE OF 31.08 FEET; THENCE LEAVING SAID CURVE NORTH 2° 30' 46" EAST ALONG SAID PROPOSED RIGHT OF WAY A DISTANCE OF 640.37 FEET TO A CURVE TO THE LEFT; THENCE ALONG SAID PROPOSED RIGHT OF WAY AND CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 763.00 FEET, A CHORD BEARING NORTH 1° 39' 11" EAST, A CHORD LENGTH OF 22.89 FEET, THENCE ALONG THE ARC OF THE CURVE A DISTANCE OF 22.89 FEET; THENCE LEAVING SAID CURVE NORTH 0° 47' 37" EAST ALONG SAID PROPOSED RIGHT OF WAY A DISTANCE OF 375.99 FEET TO A CURVE TO THE RIGHT; THENCE ALONG SAID PROPOSED RIGHT OF WAY AND CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 837.00 FEET, A CHORD BEARING NORTH 1° 39' 11" EAST, A CHORD LENGTH OF 25.11 FEET, THENCE ALONG THE ARC OF THE CURVE A DISTANCE OF 25.11 FEET; THENCE LEAVING SAID CURVE NORTH 2° 30' 46" EAST ALONG SAID PROPOSED RIGHT OF WAY A DISTANCE OF 733.28 FEET TO A CURVE TO THE RIGHT, THENCE ALONG SAID PROPOSED RIGHT OF WAY AND CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 837.00 FEET, A CHORD BEARING NORTH 4° 38' 27" EAST, A CHORD LENGTH OF 62.16 FEET, THENCE ALONG THE ARC OF THE CURVE A DISTANCE OF 62.18 FEET; THENCE LEAVING SAID CURVE NORTH 3° 34' 29" EAST ALONG SAID PROPOSED RIGHT OF WAY A DISTANCE OF 151.44 FEET; THENCE NORTH 8° 13' 19" EAST ALONG SAID PROPOSED RIGHT OF WAY A DISTANCE OF 76.76 FEET TO THE NORTH LINE OF SAID 40 ACRE TRACT; THENCE LEAVING SAID PROPOSED RIGHT OF WAY SOUTH 87° 29' 14" EAST ALONG SAID NORTH LINE A DISTANCE OF 26.19 FEET TO THE POINT OF BEGINNING, CONTAINING 93,546 SQUARE FEET, MORE OR LESS.

**LAYMAN'S DESCRIPTION:**  
38.18 acres on S. Bellview Road

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

**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

Requested By: Community Development  
Prepared By: Kyle Belt, Planner I  
For Consideration By: Community Environment & Welfare Committee