

- **The next City Council Committee Meeting will be discussed during tonight's meeting.**
- **Agenda Packet will be available on the Friday before the meeting.**

**SPRINGDALE CITY COUNCIL
REGULAR MEETING
CITY COUNCIL CHAMBERS
201 SPRING STREET (2ND FLOOR)
Tuesday, January 14th, 2025**

5:55 p.m. Pre-Meeting Activities

Pledge of Allegiance

Invocation – Councilman Mike Lawson

1. Call to Order – Mayor Doug Sprouse
2. Roll Call –Sabra Jeffus, City Clerk/Treasurer
3. Recognition of a Quorum.

4. Comments from Citizens

The Council will hear brief comments from citizens present at the meeting during this period on issues not on the agenda. No action will be taken tonight. All comments will be taken under advisement.

5. Approval of Minutes – **Tuesday, December 10th, 2024.**
Pgs. 164-183

6. Procedural Motions

A. Entertain Motion to read all Ordinances and Resolutions by title only.

B. Entertain Motion to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for ordinances listed on this agenda as *item number(s) **8, 9A, 12A, 17, 18, and 19** (Motion must be approved by two-thirds (2/3) of the council members).*

7. Appointments and Reappointments

A. A Resolution making appointments to the Springdale Planning Commission (Garrett Harlan). **Pg. 1**

B. A Resolution approving the reappointment of Ray Cardiel to the Springdale Planning Commission. **Pg. 2**

8. **An Ordinance** annexing certain property into the City of Springdale, Benton County, Arkansas, pursuant to Ark. Code Ann. §14-40-601, et seq., and declaring an emergency. Presented by Ernest Cate, City Attorney. **Pgs. 3-14**

9. Planning Commission Report and Recommendation by Patsy Christie, Director of Planning and Community Development

A. An Ordinance accepting the Final Plat (FP24-15) of Hawksview Subdivision, to the City of Springdale, Arkansas, and Declaring an Emergency. **Pgs. 15-49**

10. **An Appeal** of the Planning Commission's denial of a Rezoning Petition (R24-58) for OC-Springdale, LLC from Agricultural District (A-1) to Manufactured Home Park District (MHP) at a property west of N. Thompson Street and north of W. Morris Avenue. Presented by Ernest Cate, City Attorney. **Pgs. 50-75**

11. Committee of the Whole— **All Item (s) forwarded from Committee with recommendation for approval.**

A. A Resolution recognizing the legacy of Dr. Martin Luther King, JR., by naming and designating a highway overpass to be named for Dr. Martin Luther King, JR. Presented by Mayor Doug Sprouse. **Pg. 76**

12. Ordinance Committee by Chairman Mike Lawson – **All Item (s) forwarded from Committee with recommendation for approval.**

A. An Ordinance establishing the Employee Performance Compensation Fund, declaring an emergency, and for other purposes. Presented by Colby Fulfer, Chief of Staff. **Pg. 77**

13. Finance Committee by Chairman Jeff Watson – **All Item(s) forwarded from Committee with recommendation for approval.**

- A. A Resolution** authorizing the grant of a Water/Sewer Easement across property owned by the City of Springdale, Benton County, Arkansas. Presented by Ernest Cate, City Attorney. **Pgs. 78-83**
- B. A Resolution** authorizing the grant of a Utility Easement across property owned by the City of Springdale, Benton County, Arkansas. Presented by Ernest Cate, City Attorney. **Pgs. 84-89**
- C. A Resolution** authorizing the expenditure of funds to acquire property from Margaret Barber and Larry Bunch from the Gene George Boulevard Extension Project (Elm Springs Road to County Line Road), Project No. 23BPS4. Presented by Ernest Cate, City Attorney. **Pgs. 90-92**
- D. A Resolution** of intent regarding the financing of the Western Corridor Transmission Main Project. Presented by Heath Ward, Springdale Water Utilities. **Pgs. 93-95**
14. Police and Fire Committee by Chairman Brian Powell– **All Item(s) forwarded from Committee with recommendation for approval.**
- A. A Resolution** accepting a grant from the Arkansas Public Safety Equipment Grant Program, authorizing the Mayor to sign the grant agreement, to appropriate funds, and to waive competitive bidding. Presented by Frank Gamble, Police Chief. **Pgs. 96-109**
- B. A Resolution** authorizing the destruction of old Police records. Presented by Frank Gamble, Police Chief. **Pgs. 110-112**
15. **A Resolution** setting a hearing date on a petition to abandon a storm drainage easement on property located within the City of Springdale, Washington County, Arkansas. Presented by Ernest Cate, City Attorney. **Pgs. 113-114**
16. **A Resolution** setting a hearing date on a petition to vacate a portion of E. Randall Wobbe Lane. Presented by Ernest Cate, City Attorney. **Pgs. 115-118**
17. **An Ordinance** accepting for annexation certain property into the City of Springdale, Benton County, Arkansas, pursuant to Ark. Code Ann. §14-40-609. Presented by Ernest Cate, City Attorney. **Pgs. 119-129**

18. **An Ordinance** authorizing the City Clerk to file a Clean-Up Lien for the removal of overgrown brush and debris on property located within the City of Springdale, Arkansas, and declaring an emergency. Presented by Ernest Cate, City Attorney. Pgs. 130-143
19. **An Ordinance** authorizing the City Clerk to file a Clean-Up Lien for the removal of overgrown brush and debris on property located within the City of Springdale, Arkansas, and declaring an emergency. Presented by Ernest Cate, City Attorney. Pgs. 144-163
20. **A Discussion** on the date of the 2nd City Council Committee Meeting in January.
21. Comments from Council Members.
22. Comments from City Attorney.
23. Comments from Mayor
24. Adjournment.

RESOLUTION NO. _____

**A RESOLUTION MAKING
APPOINTMENTS TO THE SPRINGDALE
PLANNING COMMISSION.**

WHEREAS, Dale Tyler, Seat 9, who currently serves on the Springdale Planning Commission, has served two full terms, and

WHEREAS, Dale Tyler will be finishing his final term that is set to expire on January 31, 2025, and

WHEREAS, Section 90-26 of the Springdale Code of Ordinances provides for these appointments by the Mayor with the approval of the City Council; and

WHEREAS, the Mayor has selected Garrett Harlan to be appointed to Seat 9 of the Springdale Planning Commission, in accordance with Section 90-26 of the Springdale Code of Ordinances.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, that Garrett Harlan is hereby appointed to Seat 9 on the Springdale Planning Commission, for one full term that is set to expire on January 31, 2029.

PASSED AND APPROVED this 14th day of January, 2025.

Doug Sprouse, Mayor

ATTEST:

Sabra Jeffus, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

RESOLUTION NO. _____

**A RESOLUTION APPROVING THE
REAPPOINTMENT OF RAY CARDIEL TO
THE SPRINGDALE PLANNING
COMMISSION.**

WHEREAS, Ray Cardiel, Seat 4, currently serves on the Springdale Planning Commission, with an upcoming expiring term on January 31, 2025; and

WHEREAS, Section 90-26 of the Springdale Code of Ordinances provides for these appointments by the Mayor with the approval of the City Council; and

WHEREAS, the Mayor has selected Ray Cardiel to be reappointed to Seat 4 on the Springdale Planning Commission, in accordance with Section 90-26 of the Springdale Code of Ordinances; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor hereby reappoints Ray Cardiel to Seat 4 on the Springdale Planning Commission with a term set to expire on January 31, 2029.

PASSED AND APPROVED this 14th day of January, 2025.

Doug Sprouse, Mayor

ATTEST:

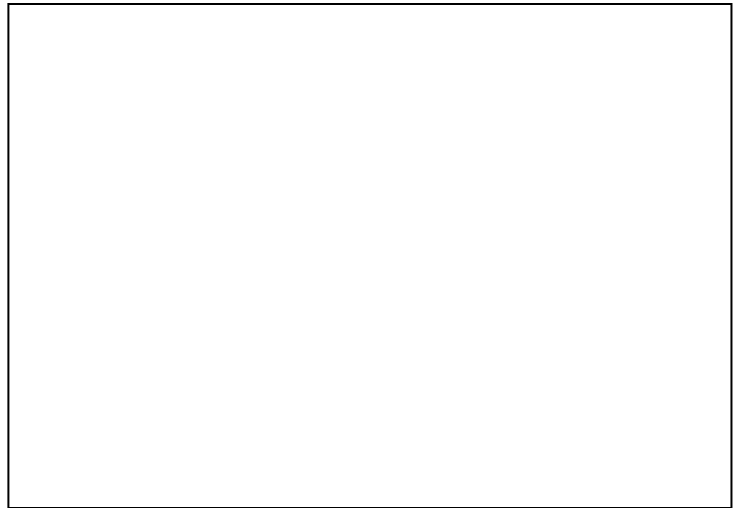
Sabra Jeffus, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

ORDINANCE NO. _____

**AN ORDINANCE ANNEXING
CERTAIN PROPERTY INTO THE
CITY OF SPRINGDALE, BENTON
COUNTY, ARKANSAS, PURSUANT
TO ARK. CODE ANN. §14-40-601, *et seq.*,
AND DECLARING AN EMERGENCY.**



WHEREAS, Vanzant Fruit Farms, Inc., owns the following described property situated in Benton County, Arkansas, to-wit:

A part of the Northeast Quarter of the Northwest Quarter (NE ¼ NW ¼) and a part of the Southeast Quarter of the Northwest Quarter (SE ¼ NW ¼) of Section 18, Township 18 North, Range 29 West, Benton County, Arkansas, more particularly described as follows: Beginning at a found axle representing the Southeast Corner of said NE ¼ NW ¼, thence South 02°13'53" West a distance of 594.26 feet; thence North 87°36'51" West a distance of 1070.19 feet; thence North 06°48'11" West a distance of 1063.92 feet; thence North 09°03'45" West a distance of 435.40 feet; thence North 09°12'09" West a distance of 466.24 feet; thence North 07°21'11" West a distance of 48.77 feet; thence South 88°02'02" East a distance of 1413.10 feet; thence South 01°49'20" West a distance of 1397.97 feet to the point of beginning, with an area of 2451701.02 square feet, or 56.283 acres, more or less, and subject to all rights-of-way, easements and restrictive covenants of record or fact.

Also known as Benton County Tax Parcel No. 18-02900-000.

WHEREAS, by order of annexation of the County Court of Benton County, Arkansas dated November 18, 2024, and filed for record November 20, 2024, the above-described real property was annexed into the City of Springdale, Benton County, Arkansas;

WHEREAS, the property is contiguous to land already situated in the City of Springdale, Benton County, Arkansas as shown on the Maps attached to this Ordinance and marked Exhibit "A";

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

Section 1: That the above-described real property is hereby annexed into the City of Springdale, Benton County, Arkansas, pursuant to Ark. Code Ann. §14-40-601, *et seq.*, and assigned to Ward 4 of the City of Springdale, Arkansas.

Section 2: That this ordinance shall be mailed to the recorder of deeds of Benton County, Arkansas, as well as the County Clerk of Benton County, Arkansas, who shall certify one copy of the plat of the annexed territory and one copy of the Order of the Court and the resolution or ordinance of this Council and forward a copy of each document to the Secretary of State and to the Director of the Tax Division of the Arkansas Public Service Commission to show the above described property now located within the City of Springdale, Benton County, Arkansas.

Section 3: Emergency Clause. It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED this 14th day of January, 2025.

Doug Sprouse, Mayor

ATTEST:

Sabra Jeffus, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

FILED

2024 NOV 20 AM 11:39

BETSY HARRELL
CO. & PROBATE CLERK
BENTON COUNTY, AR

IN THE COUNTY COURT OF BENTON COUNTY, ARKANSAS

IN THE MATTER OF THE ANNEXATION
OF CERTAIN LANDS TO THE CITY
OF SPRINGDALE, ARKANSAS

No. CC#2024-38

Vanzant Fruit Farms, Inc.

Petitioner

ORDER OF ANNEXATION

On this 18th day of November, 2024, comes now before this Court, the matter of annexation of certain lands to the City of Springdale, Benton County, Arkansas ("City"), and based upon the verified petition of petitioner, Vanzant Fruit Farms, Inc., survey plat, statement of Robert Caster, Registered Land Surveyor, letter from Arkansas GIS Office ("Arkansas GIS") with attachments, proof of publication, affidavit of Brian Blackman of Allegiance Title Company, testimony, exhibits, and other proof, the Court finds:

1. That Petitioner is the sole owner of the following described real property consisting of approximately fifty-six (56) acres lying east of Arkansas Highway 265 (Old Wire Road) and south of East Apple Blossom Avenue, such being contiguous to, and adjoining, the existing corporate boundary of the City of Springdale, Arkansas ("City"), and more particularly described as follows:

A part of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$), and a part of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 18, Township 18

FILED

2024 NOV 20 AM 11:39

North, Range 29 West, Benton County, Arkansas, more particularly described as follows: Beginning at a found axle representing the Southeast Corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$, thence South $02^{\circ}13'53''$ West a distance of 594.26 feet; thence North $87^{\circ}36'51''$ West a distance of 1070.19 feet; thence North $06^{\circ}48'11''$ West a distance of 1063.92 feet; thence North $09^{\circ}03'45''$ West a distance of 435.40 feet; thence North $09^{\circ}12'09''$ West a distance of 466.24 feet; thence North $07^{\circ}21'11''$ West a distance of 48.77 feet; thence South $88^{\circ}02'02''$ East a distance of 1413.10 feet; thence South $01^{\circ}49'20''$ West a distance of 1397.97 feet to the point of beginning, with an area of 2451701.02 square feet, or 56.283 acres, more or less, and subject to all rights-of-way, easements and restrictive covenants of record or fact.

2. That a copy of a survey plat, accurately describing and depicting the property to be annexed, was exhibited to the Court.

3. That a letter from the Arkansas GIS Office of 10/3/2024 with attached map depicting existing City boundaries confirms the coordination of petitioner with such office.

4. That the Affidavit of Robert Caster, Registered Land Surveyor, confirms the accuracy of the surveyed description; that the property is contiguous to the existing City boundary; and that no enclaves will be created by the annexation.

5. That notice of this hearing was properly published once a week for four (4) consecutive weeks.

6. That the Petition contains the schedule of services to be provided to such property within three (3) years after the annexation becomes final.

FILED

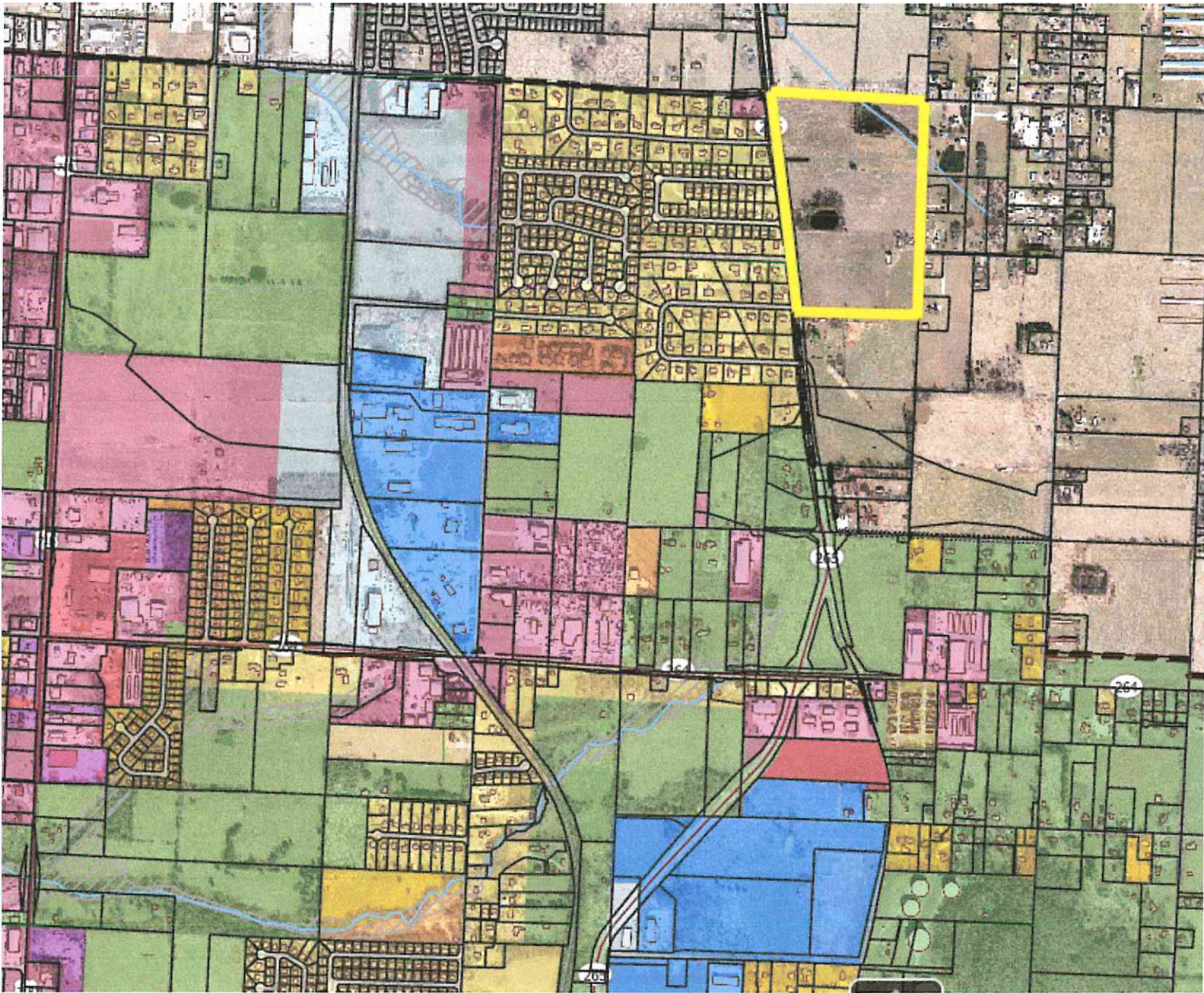
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7. That the lands proposed to be annexed are contiguous to the existing boundary of Springdale, Benton County, Arkansas, and that no enclaves will be created by the annexation thereof to the City.

8. That the allegations of the petition have been sustained by the proof; that the prayer is right and proper; that the requirements for annexation have been met; and an order of annexation of the property shall be entered.

IT IS THEREFORE, CONSIDERED, ORDERED, ADJUDGED, AND DECREED that the petitioner's petition is granted, and the above described tract of land shall be, and hereby is, annexed to, and made a part of, the City of Springdale, Benton County, Arkansas, subject to approval of the City Council for the City of Springdale, Arkansas.


COUNTY JUDGE





FILED

2024 OCT -8 AM 9:44
Department of Transformation and Shared Services
Governor ~~S. Betsy Harrell~~
CO & PGW AUSIGIER
BENTON CO, AR

October 3, 2024

Noyl Houston
Houston Law Firm, P.A.
923 Union
PO Box 3076
Jonesboro, AR 72403

RE: City of Springdale Annexation Coordination Requirement

Mr. Houston,

Thank you for coordinating with our office as you seek to annex property into the City of Springdale, located in Section 18, Township 18 North, Range 29 West, Benton County, Arkansas. This letter represents confirmation that you have coordinated with our office (Arkansas GIS Office) as specified in § 14-40-101 (Act 914 of 2015) of the 90th General Assembly.

Our office will wait for the completion of additional steps necessary for the proposed boundary change, which normally comes from the Arkansas Secretary of State Elections Division after the appropriate filing by your County Clerk. The status of your proposed annexation can be viewed at <https://gis.arkansas.gov/checkmycity>

Sincerely,

Niki Bittle, GIS Analyst

Attachments:

GIS Office Map of Proposed Annexation

Legal Description

Secretary of State Municipal Change Checklist

H:\City_Annexations\Cities\Springdale\20241002\Doc\20241002_Springdale_Annexation_Coordination_Letter.docx

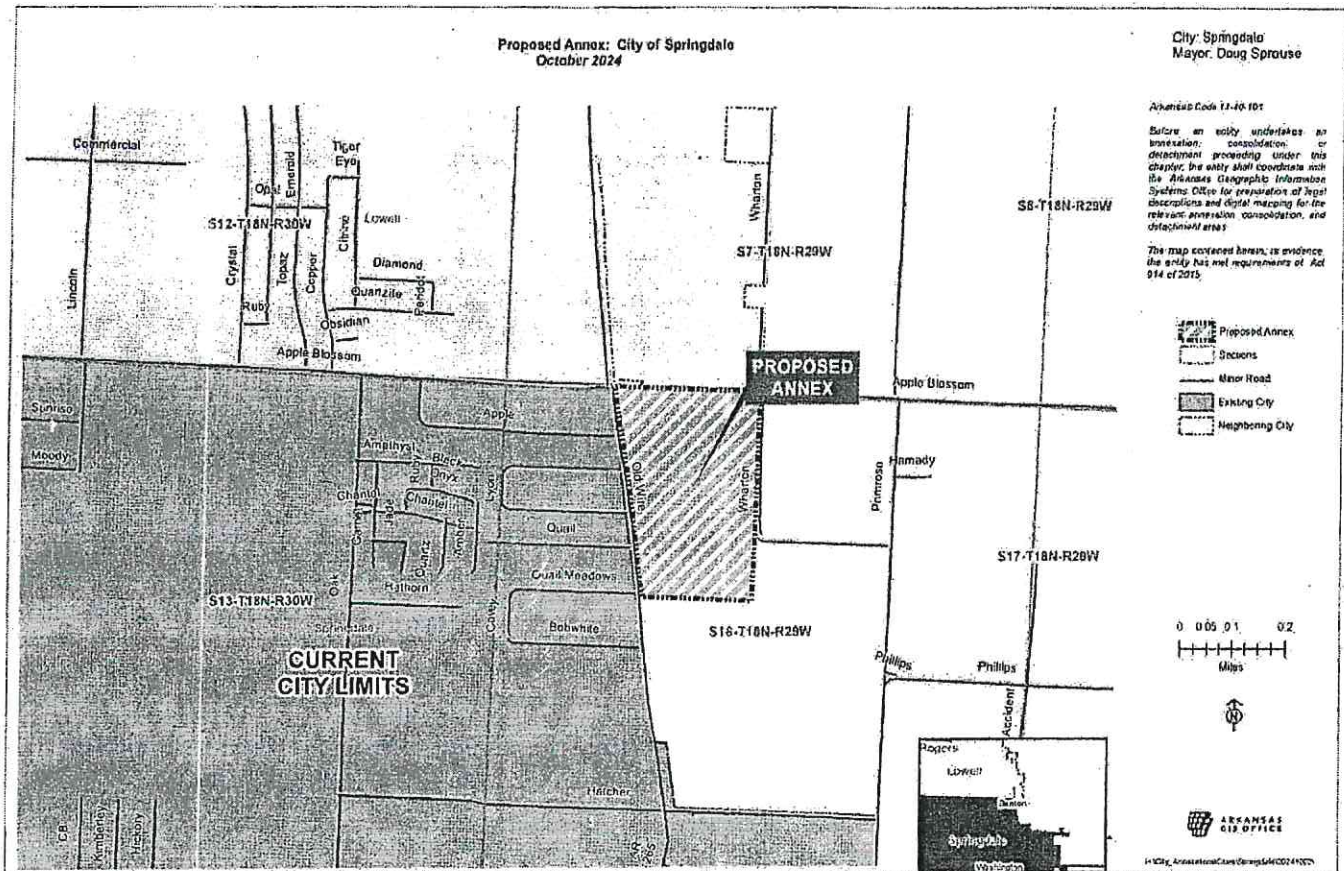
501 Woodlane St, Ste 201 - Little Rock, AR 72201 - 501-319-6565
transform.ar.gov



FILED

2024 OCT -8 AM 9:44

BETSY HARRELL
CO & PROBATE CLERK
DENTON COUNTY, TX

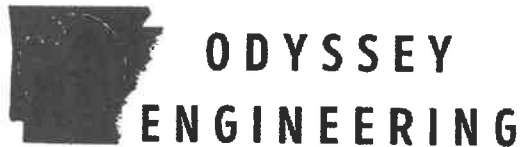


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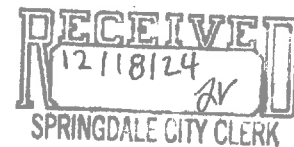
BETSY HARRELL
CO. & PROBATE CLERK
JEN

A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE1/4 NW1/4), AND A PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE1/4 NW1/4) OF SECTION 18, TOWNSHIP 18 NORTH, RANGE 29 WEST, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A FOUND AXLE REPRESENTING THE SOUTHEAST CORNER OF SAID NE1/4 NW1/4, THENCE S 02°13'53" W A DISTANCE OF 594.26 FEET; THENCE N 87°36'51" W A DISTANCE OF 1070.19 FEET; THENCE N 06°48'11" W A DISTANCE OF 1063.92 FEET; THENCE N 09°03'45" W A DISTANCE OF 435.40 FEET; THENCE N 09°12'09" W A DISTANCE OF 466.24 FEET; THENCE N 07°21'11" W A DISTANCE OF 48.77 FEET; THENCE S 88°02'02" E A DISTANCE OF 1413.10 FEET; THENCE S 01°49'20" W A DISTANCE OF 1397.97 FEET TO THE POINT OF BEGINNING, WITH AN AREA OF 2451701.02 SQUARE FEET, OR 56.283 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.



December 17, 2024

Attn. Denise Pearce, City Clerk
City of Springdale
201 Spring Street
Springdale, AR 72764



RE: OC-Springdale, LLC Rezoning [R24-58]

Ms. Pearce,

Odyssey Engineering respectfully submits this letter to formally request an appeal of the Springdale Planning Commission's December 3, 2024 decision to deny the rezoning application for the OC-Springdale property [R24-58]. We kindly ask that this appeal be added to the agenda for the next City Council meeting.

Rezoning Request:

The rezoning application seeks to rezone the property from A-1 (Agricultural) to MHP (Manufactured Home Park). The immediate goal of this rezoning is to expand and enhance the existing RV park located directly east of the subject property.

Consistency with Future Land Use Plan:

The Springdale Future Land Use Plan designates this area as a mix of Regional Commercial and Commercial, with Medium Density Residential to the west. The proposed high-end RV park aligns with these designations by blending commercial activity with residential functionality, creating a transitional use that complements adjacent zones. Operated as a commercial business while providing residential accommodations, the RV park offers an optimal buffer between commercial and residential areas, meeting the intent of the Future Land Use Plan.

Commitment to Infrastructure Improvements:

We understand that W. Morris Avenue has been identified as a concern due to its narrow width, which impacts local residents and emergency services. To address this, the developer is committed to making street improvements to W. Morris Avenue along the property's frontage, as well as off-site improvements extending to the intersection with N. Thompson Street. These upgrades will improve traffic flow, reduce congestion, and enhance emergency service accessibility, directly benefiting the community.

Community Enhancements:

The developer has already made significant upgrades to the existing RV park to elevate its quality and appeal. These improvements include:

- Implementation of strict tenant policies and screening processes
- Launch of a new website with an online tenant portal
- RV standards requiring tenants to meet specific criteria before approval
- Installation of eight security cameras
- Establishment of an on-site office with a full-time manager residing on-site and available daily
- Installation of a new privacy fence
- New entry signage and signage throughout the property
- Gravel upgrades with railroad ties to delineate lots
- WiFi access for tenants
- Extensive clean-up, including tree trimming and landscaping
- Upgraded plumbing and electrical systems



479.480.3330



OdysseyNWA.com



124 Grant Place, Suite E, Lowell, AR 72745

These upgrades demonstrate the developer's commitment to creating a high-quality, well-managed RV park that addresses community concerns about safety, enhances the property's aesthetics, and ensures responsible tenant behavior, making it a valuable asset to the community.

Screening and Compatibility:

The proposed RV park will provide screening in accordance with City code to protect neighboring properties to the north, south, and east. This will ensure that the development is visually compatible with the surrounding area and respects adjacent property owners.

Planning Commission Decision:

We believe the Planning Commission's decision to deny the rezoning request stemmed from a misunderstanding of the proposed use. The commissioners assumed the project would resemble a traditional "Mobile Home Park," when in fact the intent is to develop a high-end RV park operated as a commercial business.

Appeal Summary:

Given the alignment of this project with the Future Land Use Plan, the proposed infrastructure improvements that will enhance safety and accessibility, and the demonstrated commitment to increasing property value and community appeal, we respectfully request that the Springdale City Council overturn the Planning Commission's decision and approve the rezoning to MHP.

Thank you for your time and consideration. We look forward to the opportunity to present this appeal at the upcoming City Council meeting.

Sincerely,

Jake Chavis
Owner-Project Engineer
Odyssey Engineering
O. 479.480.3330 | C. 501.538.5281
jchavis@odysseynwa.com



Derek Gibson
Manager/Member
OC-Springdale LLC
C. 479-936-4623



ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING THE FINAL PLAT (FP24-15) OF
HAWKSVIEW ESTATES TO THE CITY OF SPRINGDALE,
ARKANSAS, AND DECLARING AN EMERGENCY.**

BE IT KNOWN BY THE CITY OF SPRINGDALE, ARKANSAS:

WHEREAS, there has been duly presented to the City Planning Commission of Springdale, Arkansas, a plat of certain lands in the City of Springdale, Benton County, Arkansas, being more particularly described as follows, to-wit:

Legal Description: 21-00167-078 & 21-00167-100

A PART OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A FOUND MAG NAIL FOR THE NORTHWEST CORNER OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION 16; THENCE SOUTH 86°52'01" EAST A DISTANCE OF 1084.90 FEET; THENCE SOUTH 03°22'57" WEST A DISTANCE OF 19.54 FEET TO A FOUND 5/8" IRON PIN WITH CAP FOR THE POINT OF BEGINNING; THENCE SOUTH 86°48'54" EAST A DISTANCE OF 50.07 FEET TO A FOUND 1/2" IRON PIN; THENCE SOUTH 02°35'14" WEST A DISTANCE OF 419.63 FEET TO A FOUND 1/2" IRON PIN; THENCE NORTH 87°22'03" WEST A DISTANCE OF 49.86 FEET TO A FOUND 5/8" IRON PIN; THENCE NORTH 02°33'32" EAST A DISTANCE OF 420.11 FEET TO THE POINT OF BEGINNING, CONTAINING 0.48 ACRES. MORE OR LESS, BEING SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAYS, COVENANTS, AND RESTRICTIONS OF RECORD, IF ANY.

AND

A PART OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A FOUND MAG NAIL FOR THE NORTHWEST CORNER OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION 16; THENCE SOUTH 86°52'01" EAST A DISTANCE OF 496.06 FEET TO A COMPUTED

POINT; THENCE SOUTH 02°37'29" WEST A DISTANCE OF 443.54 FEET TO A COMPUTED POINT FOR THE POINT OF BEGINNING; THENCE SOUTH 87°14'46" EAST A DISTANCE OF 588.49 FEET TO A FOUND 5/8" IRON PIN; THENCE SOUTH 87°22'03" EAST A DISTANCE OF 49.86 FEET TO A FOUND 1/2" IRON PIN; THENCE SOUTH 87°04'33" EAST A DISTANCE OF 245.10 FEET TO A FOUND 1/2" IRON PIN; THENCE SOUTH 02°35'38" WEST A DISTANCE OF 452.04 FEET TO A FOUND 1/2" DISTURBED IRON PIN; THENCE NORTH 87°12'01" WEST A DISTANCE OF 883.68 FEET TO A FOUND 5/8" IRON PIN PLS 1181; THENCE NORTH 02°37'29" EAST A DISTANCE OF 451.96 FEET TO THE POINT OF BEGINNING, CONTAINING 9.17 ACRES, MORE OR LESS, AND BEING SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAYS, COVENANTS, AND RESTRICTIONS OF RECORD, IF ANY.

AND WHEREAS, said Planning Commission, after conducting a public hearing, has approved the final plat as presented by petitioner and has approved the dedication of streets, rights-of-way, and utility easements as shown upon said plat (FP24-15) and join with the said petitioner in petitioning the City Council to accept the said final plat of Hawksview Estates to the City of Springdale, Arkansas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, that the final plat (FP24-15) of Hawksview Estates to the City of Springdale, Arkansas, as shown on the final plat approved by the City Planning Commission, a copy of which is attached to this Ordinance and made a part hereof as though set out herein word for word, be and the same is hereby accepted by the City of Springdale, Benton County, Arkansas, and the City hereby accepts for use and benefit to the public the dedications contained therein.

EMERGENCY CLAUSE: It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED this _____ day of _____, 2025.

Doug Sprouse, Mayor

ATTEST:

Sabra Jeffus, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

PARCEL 21-00167-078 DESCRIPTION:

A PART OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND MAG NAIL FOR THE NORTHWEST CORNER OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION 16, THENCE SOUTH 86°52'01" EAST A DISTANCE OF 1084.90 FEET, THENCE SOUTH 03°22'57" WEST A DISTANCE OF 19.54 FEET TO A FOUND 5/8" IRON PIN WITH CAP FOR THE POINT OF BEGINNING, THENCE SOUTH 86°48'54" EAST A DISTANCE OF 50.07 FEET TO A FOUND 1/2" IRON PIN, THENCE SOUTH 02°35'14" WEST A DISTANCE OF 419.63 FEET TO A FOUND 1/2" IRON PIN, THENCE NORTH 87°22'03" WEST A DISTANCE OF 49.86 FEET TO A FOUND 5/8" IRON PIN, THENCE NORTH 02°33'32" EAST A DISTANCE OF 420.11 FEET TO THE POINT OF BEGINNING, CONTAINING 0.48 ACRES, MORE OR LESS, BEING SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAYS, COVENANTS, AND RESTRICTIONS OF RECORD, IF ANY.

PARCEL 21-00167-100 DESCRIPTION:

A PART OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND MAG NAIL FOR THE NORTHWEST CORNER OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION 16, THENCE SOUTH 86°52'01" EAST A DISTANCE OF 496.06 FEET TO A COMPUTED POINT, THENCE SOUTH 02°37'29" WEST A DISTANCE OF 443.54 FEET TO A COMPUTED POINT FOR THE POINT OF BEGINNING, THENCE SOUTH 87°14'46" EAST A DISTANCE OF 588.49 FEET TO A FOUND 5/8" IRON PIN, THENCE SOUTH 87°22'03" WEST A DISTANCE OF 49.86 FEET TO A FOUND 1/2" IRON PIN, THENCE SOUTH 87°04'33" EAST A DISTANCE OF 245.10 FEET TO A FOUND 1/2" IRON PIN, THENCE SOUTH 02°35'38" WEST A DISTANCE OF 452.04 FEET TO A FOUND 1/2" DISTURBED IRON PIN, THENCE NORTH 87°12'01" WEST A DISTANCE OF 883.68 FEET TO A FOUND 5/8" IRON PIN PLS 1181, THENCE NORTH 02°37'29" EAST A DISTANCE OF 451.96 FEET TO THE POINT OF BEGINNING, CONTAINING 0.17 ACRES, MORE OR LESS, AND BEING SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAYS, COVENANTS, AND RESTRICTIONS OF RECORD, IF ANY.

Curve #	Length	Radius	Chord Length	Chord Bearing
C1	4.90'	8.00'	3.02'	S09°42'54"W
C2	46.30'	61.00'	44.32'	S09°42'54"W
C3	54.14'	41.00'	50.29'	S80°17'32"W
C4	4.00'	8.00'	3.97'	N74°42'42"W
C5	9.90'	8.00'	9.40'	S60°50'01"W
C6	109.60'	59.00'	94.51'	S82°20'36"W
C7	109.60'	59.00'	94.50'	S08°54'00"W
C8	96.36'	59.15'	97.98'	N70°58'04"E
C9	9.90'	8.00'	9.40'	S60°50'01"E
C10	44.77'	26.50'	40.31'	N47°33'32"E
C11	78.54'	50.00'	70.71'	N47°33'32"E

SEPTIC NOTES

IN A LETTER DATED 05-04-2021 ADAM PARKER WITH THE ADH GAVE CONDITIONAL LETTER OF THE PLAT SHOWN HERE-ON

STATEMENT OF NON-BUILDABILITY
APPROVAL OF THIS PLAN DOES NOT IN ANY WAY INDICATE THAT ANY OF THE LOTS ON THIS PLAN ARE BUILDABLE ACCORDING TO THE PLANNING REGULATIONS OF THE CITY OF SPRINGDALE, BENTON COUNTY, ARKANSAS, NOR AN ENDORSEMENT BY THE PLANNING BOARD

GENERAL WATER MAIN NOTES
AN "F" PUBLIC WATER MAIN HAS BEEN INSTALLED AS SHOWN ON THE FINAL PLAT.

PER PUD, THERE ARE NO DEVIATIONS, VARIANCES, OR WAIVERS FOR THIS SUBDIVISION

STATEMENT OF NON-ASSURANCE
THE APPROVAL OF THIS PLAT DOES NOT CARRY ANY ASSURANCE THAT THE TRACT OR TRACTS WILL QUALIFY FOR A SEPTIC SYSTEM PERMIT FROM THE ARKANSAS HEALTH DEPARTMENT.

CERTIFICATE OF ACCEPTANCE:

THE UNDERSIGNED HEREBY CERTIFY THAT THIS PLAT MEETS CURRENT REGULATIONS OF THE CITY OF SPRINGDALE AND REGULATIONS OF THE ARKANSAS STATE BOARD OF HEALTH AS EACH PERTAINS TO THIS PLAT AND TO THE OFFICES OF RESPONSIBILITY SHOWN BELOW.

SIGNATURES

ACCEPTANCE OF DEDICATION

DATE

CITY CLERK

DATE

MAYOR, CITY OF SPRINGDALE

COMMISSION

DATE

SECRETARY, PLANNING

DATE

CHAIRMAN, PLANNING COMMISSION

DATE

DIRECTOR, COMMUNITY DEVELOPMENT DIVISION

DATE

ENGINEER, SPRINGDALE WATER UTILITIES

DATE

DIRECTOR, ENGINEERING

DATE

WATER & SEWER

DATE

STREETS & DRAINAGE

DATE

DIRECTOR, ENGINEERING

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STREETS & DRAINAGE

DATE

DIRECTOR, ENGINEERING

DATE

OWNER/DEVELOPER

SCOUT ENTERPRISES LLC
2816 N THOMPSON ST
SPRINGDALE AR 72764
ZONING: PUD

LOT MINIMUMS

MINIMUM LOT WIDTH - 80'
MINIMUM LOT SQ FT - 10,000'

REFERENCE DOCUMENTS:

INSTRUMENT L202019068
LOT SPLIT BK 2012 PG 402
BOUNDARY SURVEY BK 2017 PG 459
SURVEY BK 2016 PG 943

ORIG PARCEL

21-00167-100
9.17 ACRES +/-
PER BOOK 2016, PAGE 32031

100' PIPELINE RIGHT OF WAY

PER BOOK 2016, PAGE 32031

100' PIPELINE RIGHT OF WAY

PER BOOK 2016, PAGE 32031

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100' PIPELINE RIGHT OF WAY

PER BOOK 2016, PAGE 32031

EAST BROWN RD.
(future collector 30' from C/L
Right-of-Way)

SIGNATURES

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MAYOR, CITY OF SPRINGDALE

COMMISSION

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SECRETARY, PLANNING

DATE

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DIRECTOR, ENGINEERING

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S 86°48'54" E
50.07'

SIGNATURES

ACCEPTANCE OF DEDICATION

DATE

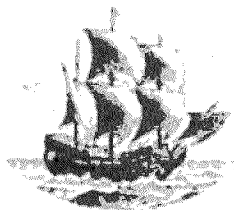
CITY CLERK

DATE

MAYOR, CITY OF SPRINGDALE

COMMISSION

DATE



Plymouth Engineering, PLLC

5714 Walden Street · Lowell, AR 72745
(479) 595-5934 · www.plymoutheng.com

**PUD Development Plan and
Covenants recorded with Rezone
Ordinance #5728 in June of 2022.**

Development Plan for
Hawksview Subdivision
Planned Unit Development
June 20, 2022

This Development Plan for Hawksview Subdivision is hereby submitted per City of Springdale requirements. Portions of this document have been copied from the covenants for Hawksview Subdivision, prepared by others.

The approved Final Development Plan shall be binding on all subsequent owners of the land until revised or repealed as set forth in Springdale's Code of Ordinances, Chapter 130.

General Eligibility and Staging Requirements

1. **Location:** The PUD district covered in this application shall apply to 9.65 acres of land in extreme northwest Springdale identified by Benton County parcel numbers 21-00167-078 and 21-00167-100; located at 8915 East Brown Road. This property lies within the "Karst recharge area" as designated by the United States Fish and Wildlife Service (USFWS). This area is subject to stringent USFWS requirements and other environmental requirements. The area is designated as low-density residential on the City's master land use plan.
2. **Ownership:** The property is owned by Scout Enterprises, LLC, who is also the rezoning applicant and the developer of the property. A copy of the warranty deed has been submitted with the rezoning application.
3. **Project Size:** The property in question is approximately 9.65 acres in size. The entire tract is proposed to be developed as part of this project.
4. **Staging:** All subdivision improvements, including but not limited to streets, water lines, lot pins, and common space, shall be constructed at one time as a single stage. No future stages of the subdivision are proposed. Once the subdivision improvements are installed and the final plat is approved by the City and recorded (all in accordance with existing ordinances,) construction of homes may begin. Homes shall be constructed on the eight lots at various times. It is the developer's intent to construct homes on all eight lots within five years of the commencement of construction, but no definite timeframe for the construction of all eight homes can be established at this time, as the supply of suitable existing structures varies. In the initial construction, the only grading to be performed will be that needed to install the roadway and required utilities. Homesites will be graded as needed. In order to minimize impact on the environment, no mass grading is proposed. This philosophy is in keeping with the Northwest Arkansas Best Management Practices manual and will greatly reduce not only the amount of land disturbance but also the amount of soil exposed at any given

time; and is in keeping with the spirit of the Karst regulations as it will reduce water-borne sediments.

Existing homes represent a significant source of scarce and expensive building materials. Conventional demolition of existing homes not only wastes this resource, but uses up increasingly rare landfill space. A more environmentally-friendly solution is to re-use these resources wisely by moving existing homes onto new homesites, where the homes may be remodeled and updated to meet current styles and building codes. It is the developer's intent to locate existing wood-framed or steel-framed structures which cannot remain on their current sites, move these structures to this subdivision, and remodel them in accordance with all applicable state and local residential building codes. The interiors and exteriors of the homes will be remodeled to bring them up to date, and the homes will then be offered for sale or rent, at the discretion of the developer.

Environmentally friendly ("green") developments provide sustainable progress and growth for cities. Utilizing existing structures, maintaining natural drainage patterns, capturing and reusing roof runoff, and the use of water absorbing native plants are all incorporated into Hawksview subdivision.

It is the developer's intent to construct homes on all eight lots within five years of the commencement of construction, but no definite timeframe for the construction of all eight homes can be established at this time, as the supply of suitable existing structures varies. Furthermore, supply chain difficulties and delays caused by weather must be taken into account. As prospective structures are located and identified, permits must be obtained to move them to the site and to begin construction. Homes will be placed on new foundations and structural components will be brought up to the current codes; then plumbing, mechanical, and electrical systems will be brought up to the current codes and remodeling will begin. During the process, the exterior finishes of the homes will be remodeled or replaced as needed within nine months of the home's arrival on the site. (This applies to external building finishes only, and does not apply to items like fences, landscaping, etc.) The requirements of Springdale ordinance section 22-32 shall be met within the prescribed 90-day timeline, with any extensions that are granted in accordance with the ordinance. From the time of its arrival on the site, each home should be completely remodeled, inside and out, in approximately twelve months, barring circumstances beyond the developer's control.

The developer reserves the right to construct new homes in a conventional manner. The developer reserves the right to retain possession of all lots or to sell any or all of the lots prior to or after construction of a home on said lots, upon completion of the final plat, in accordance with applicable laws. Should any lot be sold with home construction or renovation underway, either new construction or move-in, all applicable timelines from city ordinances and/or this document and/or the Covenants shall be binding on the purchaser. In the event of a move-in, the dates in this document shall apply from the original move-in date, as if no transfer of property had

occurred.

The Owner intends to begin construction of the subdivision improvements as soon as all required approvals can be obtained. Construction of the homes on the lots cannot begin until the final plat is approved by the city and then recorded in accordance with applicable ordinances.

APPLICATION REVIEW PROCEDURES

5. Three phases:

- a. A preapplication conference with planning and community development staff – The Owner and Staff have met several times over the past 2 and a half years to discuss this project. The Engineer and Staff met together on October 4, 2021 to discuss this project and another, unrelated, large-scale development. Another meeting was held on December 14, 2021 and involved the Owner, the Owner's engineer, the Owner's attorney, the City attorney, and members of the Planning staff. Other formal and informal meetings have been held between the Engineer and Planning Staff. On March 15, 2022, the Owner and her attorney, along with the Engineer, met with several members of the Planning Staff and four members of the Planning Commission to discuss this project.
- b. A preliminary development plan has been submitted to the City in the form of a preliminary plat for the development. A number of other supporting documents, including restrictive covenants, construction drawings, and a preliminary drainage report have also been submitted. This PUD was heard by the Planning Commission on April 5, 2022, and by the City Council on May 24. The ordinance to rezone will be considered by the City Council on June 14, 2022.
- c. The final development plan has yet to be developed, as rezoning has not yet been approved by the City Council.
- d. The final development plan shall be approved prior to the issuance of any building permits within the PUD. The final development plan shall be recorded prior to the issuance of any building permits.

6. Civil Engineer: Plymouth Engineering, PLLC; 5714 Walden Street; Lowell, AR 72745; (479) 595-5934; david@plymoutheng.com

Surveyor: A Million Miracles Surveying, PLLC; 129 W. Boles Street, Suite A; Fayetteville, AR 72701; (479) 387-4361; eric@amms-pllc.com

7. Size: The PUD will cover approximately 9.65 acres.

PARCEL 21-00167-100 DESCRIPTION:

A PART OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND MAG NAIL FOR THE NORTHWEST CORNER OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION 16; THENCE SOUTH 86°52'01" EAST A DISTANCE OF 496.06 FEET TO A COMPUTED POINT; THENCE SOUTH 02°37'29" WEST A DISTANCE OF 443.54 FEET TO A COMPUTED POINT FOR THE POINT OF BEGINNING; THENCE SOUTH 87°14'46" EAST A DISTANCE OF 588.49 FEET TO A FOUND 5/8" IRON PIN; THENCE SOUTH 87°22'03" EAST A DISTANCE OF 49.86 FEET TO A FOUND 1/2" IRON PIN; THENCE SOUTH 87°04'33" EAST A DISTANCE OF 245.10 FEET TO A FOUND 1/2" IRON PIN; THENCE SOUTH 02°35'38" WEST A DISTANCE OF 452.04 FEET TO A FOUND 1/2" DISTURBED IRON PIN; THENCE NORTH 87°12'01" WEST A DISTANCE OF 883.68 FEET TO A FOUND 5/8" IRON PIN PLS 1181; THENCE NORTH 02°37'29" EAST A DISTANCE OF 451.96 FEET TO THE POINT OF BEGINNING, CONTAINING 9.17 ACRES, MORE OR LESS, AND BEING SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAYS, COVENANTS, AND RESTRICTIONS OF RECORD, IF ANY.

PARCEL 21-00167-078 DESCRIPTION:

A PART OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A FOUND MAG NAIL FOR THE NORTHWEST CORNER OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION 16; THENCE SOUTH 86°52'01" EAST A DISTANCE OF 1084.90 FEET; THENCE SOUTH 03°22'57" WEST A DISTANCE OF 19.54 FEET TO A FOUND 5/8" IRON PIN WITH CAP FOR THE POINT OF BEGINNING; THENCE SOUTH 86°48'54" EAST A DISTANCE OF 50.07 FEET TO A FOUND 1/2" IRON PIN; THENCE SOUTH 02°35'14" WEST A DISTANCE OF 419.63 FEET TO A FOUND 1/2" IRON PIN; THENCE NORTH 87°22'03" WEST A DISTANCE OF 49.86 FEET TO A FOUND 5/8" IRON PIN; THENCE NORTH 02°33'32" EAST A DISTANCE OF 420.11 FEET TO THE POINT OF BEGINNING, CONTAINING 0.48 ACRES. MORE OR LESS, BEING SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAYS, COVENANTS, AND RESTRICTIONS OF RECORD, IF ANY.

8. Project Name: Hawksview Subdivision PUD
9. Site Plan: A copy of the proposed preliminary plat is attached. As shown on the plat and detailed below, all lots will have minimum setbacks of 30 feet in the front, 8 feet on the sides, and 20 feet in the rear. No maximum setbacks are established. These setbacks are identical to that which would be found in an SF-1 zone. A single residential street will connect to East Brown Road through a 50-foot right-of-way corridor and will pass through the middle of the site, ending in a cul-de-sac. All lots will have access from this street and only from this street. The street within the bulk of the subdivision will have a paved surface 24 feet in width, with gravel shoulders 4 feet in width on each side, as allowed under Springdale Code of Ordinances Section 112-4 in "estate" subdivisions. At the request of Springdale's Public Works Director, the street section north of the north line of lots 1 and 8 (extended) will have the shoulders covered in sod instead of gravel, to reduce transportation of gravel downstream in

extreme events. In a further effort to minimize runoff, gravel driveways and off-street parking will be used on each home. These features, along with other low impact development techniques, are incorporated in order to comply with Appendix A (“Planning”) of the NWA 2014 Stormwater BMP Manual which reads, in part: “Natural drainage patterns that consist of overland flow, swales, and depressions should be used to convey runoff through the site to avoid constructing an artificial drainage system,” and “Preserve the natural drainage patterns on-site as much as possible.” (A2.1, Drainage) The features also comply with Springdale’s Low Impact Development Design Guide which states “Therefore, the most important factor to consider in the application of LID to site design is the preservation of native vegetation and natural drainage features.”

Exact placement of the homes on individual lots cannot be determined at this time, in part due to the fact that existing homes are proposed for up-cycling as they become available; and neither their dimensions nor their exact floor area is known at this time.

A common area consisting of approximately two acres of open pasture with some shade trees is proposed along the southern boundary of the site, and is 100 feet in width. An outdoor grill and picnic table will be placed near the western end of the common area, where existing large trees will provide shade. The common area is covered by a water main easement in favor of Beaver Water District, and no permanent structures may be placed within the easement. The remainder of the site shall remain open space, and will provide space for soccer, football, horseshoes, footraces, family fun, picnics, and other similar recreational activities. This preliminary plat has not yet been considered by the Planning Commission.

The common area will be mowed and maintained by the POA. Grassed areas that are within the right-of-way and adjacent to residential lots that are part of Hawksview Subdivision shall be kept free from tall grass, weeds, debris and other growths, articles, and things by the Occupants of said lots, in accordance with Springdale Code of Ordinances Section 42-77(f). The right-of-way of Hawksview Drive where it is not adjacent to any lot of Hawksview subdivision, from Brown Road southward to the north lines of lots 1 and 8, extended, shall be kept free from tall grass, weeds, debris and other growths, articles and things by the POA.

10. Development Strategy: The Owner’s intent is to create eight lots of varying sizes for single family homes. Lots 1, 7, and 8 will be approximately one acre in size. Lot 2 will contain approximately 0.8 acres. Lots 3 through 5 will contain approximately 0.5 acre. Lot 6 will contain approximately 0.9 acres. Lot 9 will contain common area approximately two acres, or about 21 percent of the total development, and will be adjacent to lots 2 through 6, allowing direct access to the smaller lots. Lots will front on a two-lane public street. The street will be constructed without curbs or gutters, but have 4-foot gravel shoulders within the bulk of the subdivision as allowed under Springdale Code of Ordinances Section 112-4 in “estate” subdivisions. At the request of Springdale’s Public Works Director, the street section north of the north line of lots 1

and 8 (extended) will have the shoulders covered in sod instead of gravel, to reduce transportation of gravel downstream in extreme events. Gravel driveways and off-site parking are also proposed, along with the exclusion of concrete sidewalks which are typically required, all to reduce impervious area and concentration of runoff within the recharge zone of the Cave Springs cave. This will help comply with the Northwest Arkansas Best Management Practices, as developed cooperatively by area municipal governments in light of Karst features in the area which may provide pathways for surface water to pass underground quickly. Of particular interest in this area is the “Karst recharge zone” for the Cave Springs cave which was largely determined by the US Fish and Wildlife Service. It is thought that runoff in this area may pass quickly underground, without the benefit of normal infiltration, through losing streams and other Karst features and might thereby enter the Cave Springs cave. This cave is protected habitat for the Ozark Blind Cave Fish, which is listed as an endangered species, and it is thought that the cave environment is particularly susceptible to contamination. NWA’s BMPs call for preservation of existing drainage modes and avoidance of concentration of runoff wherever possible. This makes any conventional detention approach (even the LID devices, which collect runoff in a few locations and require an underdrain to daylight by Springdale’s rules) contrary to the BMPs. It becomes necessary to compare the benefits to be obtained by conventional detention methods and runoff-concentrating LID measures with the impact to the environment in light of USFWS policy and the NWA BMPs.

Mitigation of runoff is instead proposed by the use of runoff catchment devices commonly referred to as “rain barrels” on each structure. While not specifically approved by Springdale’s LID manual, these devices are recognized by the US Environmental Protection Agency as valid low-impact tools. Information and general design data for the proposed system has been submitted to and reviewed by Springdale’s Engineering Department. It is our understanding that the general concept has been considered appropriate for runoff mitigation by the Engineering Department. In addition, the Developer proposes to install water absorbing vegetation around the foundation of each permanent structure to further reduce runoff. The covenants require that the rain barrels and the vegetation be maintained in perpetuity by the Owner or Occupant, and that the vegetation may not be changed to another type. These measures will help reduce runoff, and will reduce the potential for Karst contamination well beyond what could be accomplished using conventional detention. In addition, the natural flow of runoff in a broad, dispersed pattern will have significantly less impact on surrounding land owners than a concentrated point discharge, where runoff from the entire site would be funneled onto one owner’s property.

11. District Requirements:

Hawksview Subdivision – Planned Unit Development #R22-07

PURPOSE.

Hawksview Subdivision Planned Unit Development #R22-07 is established to accommodate single-family residential and complementary land uses on larger lots. This zone specifically applies to a specific parcel on the fringe area of the city, lying within the Karst recharge zone of the Cave Springs cave.

USES PERMITTED.

Unit 1, city-wide public uses by right.
Unit 8, single-family dwellings.
Unit 29, home office.

CONDITIONAL USES PERMISSIBLE ON APPEAL TO THE PLANNING COMMISSION.

Unit 2, city-wide uses by conditional use permit.
Unit 3, utility facilities.

ACCESSORY USES.

The following accessory structures and land uses shall be permitted only where clearly incidental to the permitted primary use, except as otherwise permitted herein:

- a. Accessory buildings, including private garages, storage facilities, gazeboes, pergolas, and children's playhouses as set forth in article 6, subsection 2.7 of Chapter 130 – Zoning Ordinance.
- b. Private greenhouses and horticultural collections.
- c. Porches, awnings, screen rooms, sun rooms, and pool enclosures.
- d. Flower and vegetable gardens.
- e. Swimming pools, tennis courts and similar recreation facilities shall be permitted on lots with an area exceeding 0.7 acre (1, 2, 6, 7, 8, and 9); but not on smaller lots (3, 4, or 5) due to site limitations.

With the exception of flower and vegetable gardens, none of the above accessory uses shall encroach on building setbacks, utility easements, or septic systems (including primary and alternate drainage field areas as shown on the plat or as determined by the Designated Representative for each individual lot, whichever restriction is greater.

All exterior walls of all Dwellings and accessory buildings erected on the Lots shall be finished with brick, stone, faux stone veneer construction, or concrete composition siding (such as Hardie® siding), vinyl or metal siding. Dormers or gables may be covered with any of the materials, or with wood, or with vinyl siding. Cedar trim may be utilized on windows and corners, or in similar accent roles. Soffits and fascia may be covered with steel, aluminum, PVC, or concrete composition materials. Roofs shall be covered with shingles using architectural composition or better. All street facing (front elevations for corner lots) windows may be true light or divided light. All replacement windows must be approved by the ARC. Any colored or decorative glass on street facing elevations must be approved by the ARC.

On lots 3 through 5, the total area for all accessory buildings shall not exceed 2,000 square feet. On lots 1, 2, 6, 7, and 8 the total area for all accessory buildings, greenhouses, swimming pools, and similar recreational facilities shall not exceed 2,000 square feet; except that the lot owner may petition the Architectural Review Committee (ARC) for an additional area of up to 2,000 square feet (4,000 square feet total) which may be approved or denied at the sole discretion of the ARC.

SITE PLAN REVIEW.

When a conditional use is proposed in Hawksview Subdivision PUD, a site plan review shall be required. See article 2, section 13 of Chapter 130 – Zoning Ordinance for the procedure and requirements of a site plan review.

HEIGHT REGULATIONS.

No building hereafter erected or structurally altered shall exceed a height of two stories. Accessory structures shall not exceed sixteen (16) feet in height for permanent structures and shall not exceed ten (10) feet in height for portable structures.

AREA REGULATIONS.

Lot area. There shall be a lot area of not less 0.47 acre. In addition, there shall be a minimum lot width of not less than one hundred (100) feet on a public street at the front setback line.

Density. The proposed density of the revised development is 8 residential lots plus one, two-acre common area lot on 9.65 acres, or an average residential density of one residential lot per 1.21 acres.

Front setback. There shall be a front setback having a depth of not less than thirty (30) feet. In keeping with the definition of a corner lot, all sides adjacent to streets shall be required to have front setbacks of thirty (30) feet.

Side setback. There shall be a side setback on each side of the lot having a width of not less than eight (8) feet.

Rear setback. There shall be a rear setback having a depth of not less than twenty (20) feet.

OFF STREET PARKING.

Off-street parking shall be provided in accordance with Article 7 of Chapter 130 – Zoning Ordinance, except that neither residential driveways nor provided parking spaces shall be covered with an impervious surface. Driveways and off-street parking spaces shall be surfaced with crushed stone aggregate base and shall be regularly maintained by the occupant and/or landlord so that the surface is firm, stable, and usable; and must remain free of ruts, grass, weeds, and other vegetation. If otherwise surfaced, driveways and off-street parking spaces shall be covered with pervious

material as approved by the Architectural Review Committee. Nothing in this article shall supersede the applicable requirements of the Americans with Disabilities Act or the Fair Housing Act.

STREET CONSTRUCTION STANDARDS.

Consistent with the Northwest Arkansas Best Management Practices, and with special consideration of the Karst recharge zone, no concentration of runoff is proposed. Street sections shall not include curb and gutter, as is allowable under Springdale Code of Ordinances Section 112-4 in “estate” subdivisions. To reduce the amount of impervious area in the Karst recharge zone, sidewalks are not proposed for internal streets; and internal streets shall be twenty-four (24) feet in width unless noted otherwise as needed to provide access for fire suppression apparatus. A four (4) foot gravel shoulder shall be provided adjacent to internal streets. At the request of Springdale’s Public Works Director, the street section north of the north line of lots 1 and 8 (extended) will have the shoulders covered in sod instead of gravel, to reduce transportation of gravel downstream in extreme events. Roadside ditches shall not be provided, as sheet flow is to be maintained wherever possible.

12. Narrative: Scout Enterprises, LLC, the Owner and developer of the proposed Hawksview Subdivision, proposes to create a planned unit district within the City of Springdale in order to develop eight single-family homesites. The property is located at 8915 East Brown Road in extreme northwest Springdale, approximately 1,700 feet northwest of Sharp’s Quarry. This property lies within the Karst recharge area as designated by the US Fish and Wildlife Service to protect endangered species living within the Cave Springs cave. The recharge area is designated in order to place a special emphasis on surface water quality as it impacts losing streams and similar features which are thought to be tied to the cave’s ecosystem. As such, it is subject to special considerations which are not applicable to typical sites within the city.

The site consists of approximately 9.65 acres of open pasture which is currently zoned A-1, as is typical for properties annexed into Springdale. The city’s master land use plan currently shows this site as intended for low-density residential use, which is consistent with this application.

The intent of the development is to provide a neighborhood of single-family homes on lots varying in size from 0.48 to 1.05 acres. The smaller lots, particularly those containing less than one acre in area, will be adjacent to the proposed common space.

Existing homes represent a significant source of scarce and expensive building materials. Conventional demolition of existing homes not only wastes this resource, but uses up increasingly rare landfill space. A more environmentally-friendly solution is to use these resources wisely by moving existing homes onto new homesites, where the homes may be remodeled and updated to meet current styles and building codes. It is the developer’s intent to locate existing wood-framed and steel-framed structures which cannot remain on their current sites, move these structures to this subdivision,

and remodel them in accordance with all applicable state and local residential building codes. The interiors and exteriors of the homes will be remodeled to bring them up to date, and the homes will then be offered for sale or rent, at the discretion of the developer. Environmentally friendly (“green”) developments provide sustainable progress and growth for cities. Utilizing existing structures, maintaining natural drainage patterns, capturing and reusing roof runoff, and the use of water absorbing native plants are all incorporated into Hawksview subdivision.

It is the developer’s intent to construct homes on all eight lots within five years of the commencement of construction, but no definite timeframe for the construction of all eight homes can be established at this time, as the supply of suitable existing structures varies. Furthermore, supply chain difficulties and delays caused by weather must be taken into account. As prospective structures are located and identified, permits must be obtained to move them to the site and to begin construction. Homes will be placed on new foundations and structural components will be brought up to the current codes; then plumbing, mechanical, and electrical systems will be brought up to the current codes and remodeling will begin. During the process, the exterior finishes of the homes will be remodeled or replaced as needed within nine months of the home’s arrival on the site. (This applies to external building finishes only, and does not apply to items like fences, landscaping, etc.) The requirements of Springdale ordinance section 22-32 shall be met within the prescribed 90-day timeline, with any extensions that are granted in accordance with the ordinance. From the time of its arrival on the site, each home should be completely remodeled, inside and out, in approximately twelve months, barring circumstances beyond the developer’s control.

The developer reserves the right to construct new homes in a conventional manner. The developer reserves the right to retain possession of all lots or to sell any or all of the lots prior to or after construction of a home on said lots, upon completion of the final plat, in accordance with applicable laws. Should any lot be sold with home construction or renovation underway, either new construction or move-in, all applicable timelines from city ordinances and/or this document and/or the Covenants shall be binding on the purchaser. In the event of a move-in, the dates in this document shall apply from the original move-in date, as if no transfer of property had occurred.

The Owner intends to begin construction of the subdivision improvements as soon as all required approvals can be obtained. Construction of the homes on the lots cannot begin until the final plat is approved by the city and then recorded in accordance with applicable ordinances.

Setbacks will be consistent with those allowed in an SF-1 district, and will include 30-foot minimum front, 8-foot side, and 20-foot rear setbacks. No maximum setback is proposed. A number of site constraints exist which will not accommodate larger setbacks. These include a large area taken up by a water transmission line easement in

favor of Beaver Water District, and a significant area required to provide septic system drainage fields as required by the Arkansas Department of Health. After numerous discussions with the Planning and Engineering Departments over the past two and a half years, all parties agreed that a Planned Unit Development represented the best choice of zoning for all parties involved, including surrounding homeowners.

Minimum heated floor area for homes within this subdivision is 1,000 square feet. The maximum allowable heated floor area is 4,000 square feet per home. Homes are limited to a maximum of three bedrooms and two bathrooms due to the constraints of the proposed septic systems. Due to the inclusion of common area, the lots vary in size. Lots 1, 7, and 8 are just over one acre. Lot 2 is approximately 0.8 acre. Lots 3 through 5 are approximately one-half acre. Lot 6 is approximately 0.9 acre. Lots 2 through 6, the smaller lots, are immediately adjacent to the proposed common space.

Lot 9 comprises the common space of 2.0 acres, or approximately 21% of the gross land area of this development. An outdoor grill and picnic table will be placed near the western end of the common area, where existing large trees will provide shade. The common area is covered by a water main easement in favor of Beaver Water District, and no permanent structures may be placed within the easement. The remainder of the site shall remain open space, and will provide space for soccer, football, horseshoes, footraces, family fun, picnics, and other similar recreational activities.

As listed above, accessory buildings, private garages, storage facilities, gazebos, pergolas, and children's playhouses as set forth in article 6, subsection 2.7 of Chapter 130 – Zoning Ordinance would be allowed; along with private greenhouses and horticultural collections, porches, awnings, screen rooms, sun rooms, pool enclosures, and flower and vegetable gardens. Swimming pools, tennis courts and similar recreation facilities shall be permitted on lots with an area exceeding 0.7 acre (1, 2, 6, 7, 8, and 9); but not on smaller lots (3, 4, or 5) due to site limitations.

With the exception of flower and vegetable gardens, none of the above accessory uses shall encroach on building setbacks, utility easements, or septic systems (including primary and alternate drainage field areas as shown on the plat or as determined by the Designated Representative for each individual lot, whichever restriction is greater.

All exterior walls of all Dwellings and accessory buildings erected on the Lots shall be finished with brick, stone, faux stone veneer construction, or concrete composition siding (such as Hardie® siding), vinyl or metal siding. Dormers or gables may be covered with any of the materials, or with wood, or with vinyl siding. Cedar trim may be utilized on windows and corners, or in similar accent roles. Soffits and fascia may be covered with steel, aluminum, PVC, or concrete composition materials. Roofs shall be covered with shingles using architectural composition or better. All street facing (front elevations for corner lots) windows may be true light or divided light. All replacement windows must be approved by the ARC. Any colored or decorative glass

on street facing elevations must be approved by the ARC.

On lots 3 through 5, the total area for all accessory buildings and greenhouses shall not exceed 2,000 square feet. On lots 1, 2, 6, 7, and 8 the total area for all accessory buildings, greenhouses, swimming pools, and similar recreational facilities shall not exceed 2,000 square feet; except that the lot owner may petition the Architectural Review Committee for an additional area of up to 2,000 square feet (up to 4,000 square feet total) which may be approved or denied at the sole discretion of the Architectural Review Committee.

Garages and carports conforming to the requirements listed above are optional, and are not mandatory. Off-street parking shall be provided in accordance with Article 7 of Chapter 130 – Zoning Ordinance, except that neither residential driveways nor provided parking spaces shall be covered with an impervious surface. Driveways and off-street parking spaces shall be surfaced with crushed stone aggregate base and shall be regularly maintained by the occupant and/or landlord so that the surface is firm, stable, and usable. If otherwise surfaced, driveways and off-street parking spaces shall be covered with pervious material as approved by the Architectural Review Committee. Nothing in this article shall supersede the applicable requirements of the Americans with Disabilities Act or the Fair Housing Act.

The primary use of the development is single-family residential. The following specific use units would be allowed within the development:

USES PERMITTED.

Unit 1, city-wide public uses by right.

Unit 8, single-family dwellings.

Unit 29, home office.

CONDITIONAL USES PERMISSIBLE ON APPEAL TO THE PLANNING COMMISSION.

Unit 2, city-wide uses by conditional use permit.

Unit 3, utility facilities.

All exterior walls of all Dwellings and accessory buildings erected on the Lots shall be finished with brick, stone, faux stone veneer construction, or concrete composition siding (such as Hardie® siding), vinyl or metal siding. Dormers or gables may be covered with any of the materials, or with wood, or with vinyl siding. Cedar trim may be utilized on windows and corners, or in similar accent roles. Soffits and fascia may be covered with steel, aluminum, PVC, or concrete composition materials. Roofs shall be covered with shingles using architectural composition or better. All street facing (front elevations for corner lots) windows may be true light or divided light. All replacement windows must be approved by the ARC. Any colored or decorative glass on street facing elevations must be approved by the ARC.

All Lots shall be maintained, mowed, and kept free of noxious weeds whether they be improved or unimproved. Further, upon construction of a dwelling, the Owner shall

seed the entire Lot, provided, however, that this section shall not apply to Developer during construction and development of the Development. If Owner allows grass to grow such that it is more than eight (8") inches high, Developer or Association, shall have the right, but not the obligation, to have it mowed without giving notice to the Owner and shall charge a seventy-five dollars (\$75.00) service charge for arranging the mowing in addition to the amount it costs Developer or Association to have it mowed. All lots must include design criteria sufficient to reduce runoff and adhere to Best Management Practices (BMPs) of the Karst Recharge Zone. Plans must be included in final submission review to the ARC.

This development is planned as a small residential subdivision, with single-family homes placed on lots varying in size from approximately one-half acre to approximately one acre. A common area consisting of approximately two acres of open pasture with some shade trees is proposed along the southern boundary of the site, and is 100 feet in width. Those lots that contain less than one acre in area will be adjacent to the common area. An outdoor grill and picnic table will be placed near the western end of the common area, where existing large trees will provide shade. The common area is covered by a water main easement in favor of Beaver Water District, and no permanent structures may be placed within the easement. The remainder of the site shall remain open space, and will provide space for soccer, football, horseshoes, footraces, family fun, picnics, and other similar recreational activities. No community swimming pool, clubhouse, or other common facility is proposed beyond that which is described. The lots vary in size from just under one-half acre to just over one acre, providing sufficient outdoor space and opportunities for private improvements. The development is intended to blend in with surrounding residential uses which, until recently, have been fairly rural in nature, while providing an opportunity to enjoy the setting for those who cannot afford to purchase and/or maintain large tracts of land.

The common area will be mowed and maintained by the POA. Grassed areas that are within the right-of-way and adjacent to residential lots that are part of Hawksview Subdivision shall be kept free from tall grass, weeds, debris and other growths, articles, and things by the Occupants of said lots, in accordance with Springdale Code of Ordinances Section 42-77(f). The right-of-way of Hawksview Drive where it is not adjacent to any lot of Hawksview subdivision, from Brown Road southward to the north lines of lots 1 and 8, extended, shall be kept free from tall grass, weeds, debris and other growths, articles and things by the POA.

The primary street is proposed to be constructed within a 43-foot right-of-way (the entrance street will be partially located within a 50-foot right-of-way), and will consist of a 24-foot wide asphalt section with 4-foot gravel shoulders as allowed under Springdale Code of Ordinances Section 112-4 in "estate" subdivisions in the bulk of the subdivision. At the request of Springdale's Public Works Director, the street section north of the north line of lots 1 and 8 (extended) will have the shoulders covered in sod instead of gravel, to reduce transportation of gravel downstream in extreme events. The roadway will be constructed in a manner which will minimize

concentration of runoff and maintain a sheet-mode of flow per NWA BMP guidelines, and in consideration of the Karst recharge area. The elimination of sidewalk within the development and the use of gravel residential driveways for the homes, is intended to reduce the amount of impervious area within the development for environmental purposes. The proposed street is to be dedicated to the City as a public street within the aforementioned dedicated street right-of-way. Access to the subdivision will be from East Brown Road as shown on the attached preliminary plat.

No vehicles may be parked overnight in the streets of the Development. No parking shall be allowed on the gravel or sod roadway shoulders at any time. Owners shall provide sufficient off-street parking to accommodate the vehicles used by their families and guests. Furthermore, no semi-trailer trucks or commercial vehicles with a rated capacity larger than two tons (4,000 lb) shall be allowed to park in the Development, either on the streets or on the Lots, provided, however, that this restriction shall not apply to Developer during construction and development of the Development. No vehicles may be parked in front yard at any time.

The proposed density of the revised development is 8 residential lots plus one, two-acre common area lot on 9.65 acres, or an average residential density of one residential lot per 1.21 acres.

Rezoning has not yet been approved by the City Council. Construction has not yet started, and cannot begin until all required permits are received.

The proposed development is in harmony with the surrounding uses and the master land use plan. It is not anticipated to cause adverse impact to the existing infrastructure in the area. By developing this property as a planned unit development, the neighbors may rest assured when it comes to what will be built on this property, and the manner in which it will be built.

END OF DOCUMENT

PUD Development Plan and Covenants recorded with Rezone Ordinance #5728 in June of 2022.

**DECLARATION OF COVENANTS OF ASSURANCE AND
RESTRICTIONS OF HAWKSVIEW PLANNED DEVELOPMENT
TO THE CITY OF SPRINGDALE, ARKANSAS**

KNOW ALL BY THESE PRESENTS:

That SCOUT ENTERPRISES, LLC, an Arkansas limited liability company, being the owner and developer (“Developer”) of the property referenced in Exhibit A, said property having been duly platted as Hawksview Planned Development (the “Development”), an Addition to the City of Springdale (the “City”), Benton County, Arkansas, said plat being recorded in the office of the Clerk and Ex-Officio recorder of Benton County, Arkansas, on [date], in Plat Book _____, Page _____, for the purpose of keeping said Development desirable, uniform and suitable in architectural design and use as herein specified, and to provide for the orderly development of the Development, does hereby make this Declaration of Covenants of Assurance and Restrictions (this “Declaration”) setting forth the following limitations, restrictions and uses of the property in the Development.

Developer does hereby state that this Declaration shall establish covenants running with the land for the period of hereinafter set forth, as provided by law, and shall be binding upon all purchasers and owners of the lots of the Development and upon such owners’ heirs, personal representatives, successors and assigns, and upon all persons claiming under them.

It shall be lawful for the Hawksview PD Property Owners’ Association (hereinafter referred to as the “Association” and more particularly defined herein) or for any other person or persons owning real property situated in the Development to initiate any proceedings at law or in equity against parties or persons violating or attempting to violate any of this Declaration. The invalidation of any one provision of this Declaration by a court order shall not invalidate any of the other provisions which shall remain in full force and effect.

ARTICLE I

Property Subject to this Declaration

1.1 Subject Property. The real property which is, and shall be held, transferred, sold, conveyed, and occupied subject to this Declaration, is located, and situated in Benton County, Arkansas, and which the Development is located on the following lands, to-wit:

SEE **EXHIBIT A** ATTACHED HERETO AND MADE A PART HEREOF.

ARTICLE II Definitions

2.1 Definitions. The following words, when used in this Declaration or any amendments or supplements thereto (unless the context shall otherwise clearly indicate or prohibit), shall have the respective concepts and meanings set forth below:

- a. “Addition” or “Development” shall mean and refer to the property described in Exhibit A and as reflected on the plat set out on Exhibit B and any additions thereto.
- b. “ARC” shall mean and refer to the Architectural Review Committee as established herein.
- c. “Association” shall mean and refer to Hawksview PD Property Owners Association, an Arkansas unincorporated association, its successors, and assigns.
- d. “Board” or “Board of Directors” shall mean and refer to the Board of Directors of the Association elected in accordance with the provisions of the Association’s governing documents.
- e. “Builder” shall mean a residential builder licensed under Arkansas law.
- f. “Common Property” shall mean and refer to any and all areas of land together with all improvements located thereon within the Development which are known, described or designated as such on any recorded development plat of the Development or intended for or devoted to the common use and enjoyment of the members of the Association including but not limited to easements and private drives. The Association shall hold such title to the Common Property as shall be consistent with the objectives envisioned herein and subject to the easement rights herein of the members to use and enjoy the Common Property. The Developer reserves the right to affect minor redesigns or reconfiguration of the Common Property.
- g. “Declaration” means this Declaration of Covenants of Assurance and Restrictions of Hawksview Planned Development to the City of Springdale, Arkansas.
- h. “Developer” shall mean and refer to Scout Enterprises, LLC, and its successors and assigns.
- i. “Dwelling(s)” shall mean and refer to a single-family residence on a Lot in the Development that has been issued a certificate of occupancy by the City of Springdale.
- j. “Improvement” shall mean and include all Dwellings, buildings and roofed structures, parking areas, fences, walls, hedges, mass plantings, driveways, swimming pools, signs, changes in any exterior color or shape, glazing or re-glazing of

PUD Development Plan and Covenants recorded with Rezone Ordinance #5728 in June of 2022.

exterior windows with mirrored or reflective glass, and any other new exterior construction or exterior improvement which materially alters the appearance of any Lot and which may not be included in any of the foregoing.

k. “Lot” or “Lots” shall mean and refer to any plot or tract of land which is designated as a lot on the Plat which is attached hereto and labeled Exhibit B. No lot as set forth on Exhibit B may be further subdivided or split; provided however minor adjustments to lot lines or boundaries may be made from time to time to cure title problems or to resolve procedures created by encroachments so long as such adjustments are first approved by the Board and Developer if any lots are unsold and closed.

l. “Member(s)” or “member(s)” shall mean and refer to each owner of a Lot.

m. “Owner(s)” or “owner(s)” shall mean and refer to each and every person or business entity who or which is a record owner or subsequently becomes a record owner of a fee or undivided fee interest in any Lot subject to these covenants.

n. “Plat” shall refer to the Hawksview Planned Development Final Plat set out in Exhibit B attached hereto, as well as any amended plats or additional recorded plats of future approved phases of the Development.

o. “Property” means Hawksview Planned Development to the City of Springdale, Arkansas, as the same may be shown on the plat referenced hereinabove and recorded in Benton County, Arkansas.

ARTICLE III

Rights Reserved for Developer

3.1 Association board membership. Until all Lots are sold by Developer to third parties, the Board shall consist solely of members appointed and determined by Developer and Developer reserves the right, in its sole discretion, to appoint and remove members of the Board for any reason. Once all Lots are sold, new members of the Board will be selected in accordance with the governing documents of the Association.

3.2 Amendments.

a. Developer reserves the right to amend or supplement this Declaration in any manner necessary:

i. to establish the validity and enforceability of this Declaration or to bring this Declaration into compliance with federal law, the laws of the State of Arkansas or any common law principle or judicial decision that may affect the validity and enforceability of this Declaration;

ii. to carry out the purposes of the Development established in this Declaration;

iii. to correct an error or omission, or to address and/or correct any matter required by any lending institution, public body or title insurance company;

iv. to facilitate the operation and management of the Development and the Association, or the sale of Lots.

b. In order to become effective, however, any amendment by the Developer must be approved by the City of Springdale, and shall become effective upon the recording of an instrument executed by the Developer in the real estate records of Benton County, Arkansas, setting forth the amendment.

ARTICLE IV Restrictions on Residential Lots

4.1 Fences. Fences shall be constructed of wood, metal, PVC, or other similarly approved materials. All privacy fences shall be constructed so that the framing shall be toward the inside of the Owner's Lot and shall be constructed at a height of six (6) feet to maintain uniformity. Any fence, once constructed, must be maintained by the property owner who had it constructed or their successor-in-interest. There shall be an access gate upon each of said approved fences for the purpose of allowing utility personnel and other public employee's access to the Lots in the performance of their respective public duties.

4.2 Nuisances. No noxious or offensive activities or nuisances shall be permitted on any Lot.

4.3 Animals. No animals shall be kept or maintained on any Lot except the usual household pets. All Owners shall comply with applicable laws, ordinances and regulations concerning animals.

4.4 Garbage and Refuse Disposal. No Owner shall accumulate on his or her Lot litter, refuse or garbage, except in approved receptacles. All Owners shall be required to have a mandatory trash pick-up as provided or required by the City of Springdale, Arkansas.

4.5 Limited Access. There shall be no access to any Lot on the perimeter except from designated streets or roads within the Development.

4.6 Communication Towers and Satellite Dishes. No communications mast, tower, or structure may be installed on any Lot, except that satellite dishes may be installed only on the rear roof of a dwelling and shall not exceed the height of the lowest roof ridge line of such dwelling.

4.7 Parking on the Streets. Owners shall provide sufficient off-street parking to accommodate the vehicles used by their families and guests. No vehicles may be parked in front yard at any time. Similarly, there shall be no parking on any gravel or sod roadway shoulders in the Development.

4.8 Structures other than Dwellings. No trailer, mobile home, tent, shack, or other unsightly building or structure, temporary or permanent, shall be erected or used on said lots. However, it is permissible to have a storage building in the rear or side yard of a Dwelling provided that the plans are submitted to the Association's ARC for its approval. The restrictions contained in this section shall not apply to the Developer during construction and development of the Development.

4.9 Recreational Vehicles and Boats. Recreational and camping vehicles, trailers and boats may not be stored and parked on the Lots except behind the Dwelling . On lots with two front yards, recreational vehicles and boats shall be kept behind the dwelling as viewed from the front of the dwelling approved by the ARC.

4.10 Minimum and Maximum Square Footage. All Dwellings in the Development shall have a minimum of one thousand (1,000) square feet of heated area on the first floor, regardless of whether the dwelling is single story or two story. The minimum square footage requirement is exclusive of garages, porches, patios, and decks. Irrespective of other provisions regarding amendments of these covenants, the minimum square footage requirements cannot be amended except with the express approval of the Developer. No dwelling shall be larger than four thousand (4,000) square feet, exclusive of garages, porches. Each dwelling shall be a 3 bedroom and 2 bath design.

4.11 Restriction of Type of Dwelling. There shall be no Dwellings erected on any Lot other than a detached single-family dwelling.

4.12 Garages and Accessory Structures. Garages are not required. Developer reserves the right to review and approve garages that are both attached and unattached. No garage or accessory structure shall be taller than sixteen feet (16'). Exteriors of garages and accessory structures should match and/or complement the dwelling in both appearance and materials used. Nonattached garages must be reviewed and approved by the ARC.

4.13 Approval of Plans by ARC. All plans for improvements to be constructed on each Lot shall be first submitted for review and approval by the ARC. Approval by the ARC must be obtained in writing before construction of any improvement on any Lot begins and any variances to the improvement initially approved must be authorized in writing by the ARC. All improvements must meet all applicable city codes, ordinances and procedures. Developer is exempt from this requirement to obtain written approval from the ARC.

4.14 Exterior of Dwellings. All exterior walls of all Dwellings constructed or moved on the Lots shall be finished with brick, stone, faux stone veneer construction, or concrete composition siding (such as Hardie® siding), vinyl, wood or metal siding. Dormers or gables may be covered with any of the materials or vinyl siding. Soffits and fascia may be covered with steel, aluminum, PVC, or concrete composition materials. Roofs shall be covered with shingles using architectural composition or better. All street facing (front elevations for corner lots) windows may be true light or divided light. All replacement windows must be approved by the ARC. Any colored or decorative glass on street facing elevations must be approved by the ARC.

PUD Development Plan and Covenants recorded with Rezone Ordinance #5728 in June of 2022.

4.15 Lot Maintenance. All Lots shall be maintained, mowed, and kept free of noxious weeds whether they be improved or unimproved. Further, upon construction of a dwelling, the Owner shall seed the entire Lot, provided, however, that this section shall not apply to Developer during construction and development of the Development. If Owner allows grass to grow such that it is more than eight (8") inches high, Developer or Association, shall have the right, but not the obligation, to have it mowed without giving notice to the Owner and shall charge a seventy-five dollars (\$75.00) service charge for arranging the mowing in addition to the amount it costs Developer or Association to have it mowed. All lots must include design criteria sufficient to reduce runoff and adhere to Best Management Practices (BMPs) of the Karst Recharge Zone.

4.16 Landscaping. Landscaping shall be installed in accordance with Best Management Practices for the karst. Proposed changes to the landscaping that shall affect or alter more than 10% of the lot must be reviewed by the ARC. Owner is responsible for the maintenance of all LID techniques used including but not limited to the maintenance of rain barrels, guttering, plants, and driveways. Plants that die must be replaced with similar plants. This is in keeping with the BMPs for the karst and LID techniques that are unique to this subdivision.

4.17 Platted easements. All Lots are subject to easements that are shown on the Plat, including, but not limited to, easements for fences and entry signs.

4.18 Covenants to Run with the Land. All covenants and restrictions set forth in this Declaration are to run with the land and shall be binding on all parties, their successors, heirs and assigns, for a period of thirty (30) years from the date this Declaration is recorded; provided, however, that any time after the date this Declaration is recorded, the covenants and restrictions may be amended at any time by the record owners of at least sixty percent (60%) of the votes entitled to be cast by owners of Lots. The Developer shall have four (4) votes per Lot which Developer owns. All other Lot owners shall have one (1) vote per Lot. Such amendments shall be made and executed by said record owners so as to be recorded with the registrar of deeds of Benton County, Arkansas.

Provided, further, that after the expiration of the thirty (30) year period set forth above and any time within six (6) months from said expiration, a majority of the Lots, through their record owners, may express their intention, in writing, so drafted and executed as to be recorded with the registrar of deeds in Benton County, Arkansas, that they no longer care for the covenants, and the same shall then be terminated. In the event that no action is taken within the prescribed time, this Declaration shall continue for additional periods of ten years, and for any such ten-year period, said covenants may be terminated in accordance with the terms for the original termination

4.19 Sex Offender Restriction. No person who is required to register as a sex offender pursuant to the Sex Offender Registration Act of 1997, Ark. Code Ann. 12-12-901, et seq., as amended from time to time or any other similar federal, state, or local law, regulation, or ordinance may rent, reside in, own or occupy any Lot or Dwelling in the development either permanently or temporarily.

4.20 Driveways. Access driveways and parking areas for vehicular use on a Lot shall have a base of compacted gravel, crushed stone, or other approved base material. Lot owners are responsible for the maintenance of driveways and yard maintenance around driveways. Driveways and off-street parking spaces shall be surfaced with crushed stone aggregate base and shall be regularly maintained by the occupant and/or landlord so that the surface is firm, stable, and usable; and must remain free of ruts, grass, weeds, and other vegetation.

4.21 Building Height. No Dwelling shall be erected, altered, or placed on a Lot which shall contain more than two (2) stories.

4.22 Conflicts. If any covenant or restriction in this Declaration conflicts with a provision of any planned unit development ordinance (the "PUD Ordinance"), which includes the development plan, the terms of the PUD Ordinance (and by extension, the development plan) shall control.

ARTICLE V

Property Owners' Association

5.1 Association. The Association has been or will be formed as an unincorporated association. All Lot Owners must be members of the Association, and each shall automatically become a member of the Association upon the conveyance of a Lot to him or her. The Association shall be governed by By-Laws accepted and approved by the Association. All association memberships will pass with Lot ownership in the Development. All Lots will carry one (1) vote in the Association, except that the Developer shall have four (4) votes per Lot which Developer owns.

5.2 Creation of Lien: Each Owner of any Lot of the Development, by acceptance of a deed therefore, whether or not it shall be so expressed in any such deed, contract of purchase, or other conveyance, shall be deemed to covenant and agree to pay to the Association annual assessments or charges; and special assessments for capital improvements and other purposes. The annual and special assessments, together with such interest thereon and costs of collection thereof as hereinafter provided, shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made. In no event shall an annual or special assessment be applicable at any time to any Lot owned by the Developer and the Developer shall not be obligated to pay any annual or special assessment.

5.3 Purpose of Assessments. The assessments levied pursuant hereto by the Association shall be used for the purposes of acquisition, improvement and maintenance of the Common Properties, services and facilities devoted to this purpose and related to the use and enjoyment of the common properties, insurance thereon, and repair, replacement, and modifications thereto, and for the cost of labor, equipment, materials, management and supervision thereof. In addition, assessments may also be used for expenses related to the necessary and reasonable operation of the Association, including, but not limited to, collection of assessments and related costs and enforcement of the covenants and restrictions of the Development.

5.4 Basis and Maximum of Annual Assessments: The annual assessment for each lot shall be \$200.00. An Owner's first such assessment shall be prorated and paid to the Association at closing according to time of conveyance of a Lot to the Owner. The annual assessment may be increased, as hereinafter provided, by a majority vote of the votes entitled to be cast by the members of the Association for the next succeeding "assessment year" (beginning January 1) and at the end of each such period of one year for each succeeding period of one year. At no time shall the annual assessment per lot be increased more than twenty-five percent (25%) above the prior year's annual assessment. Said annual assessment shall be payable in advance on the 1st day of January each year. The Board of Directors may, after consideration of current maintenance costs and future needs of the Association, fix the actual assessment for any year at a lesser amount.

5.5 Special Assessments for Capital Improvements. In addition to the annual assessments authorized hereinabove, the Association may levy in any assessment year a special assessment, applicable to that year only, for the purpose of defraying, in whole or in part, the cost of any construction or reconstruction, unexpected repair or replacement of a described capital improvement upon the common properties, including the necessary fixtures and personal property related thereto, provided that any such assessment shall have the assent of 2/3 of the votes entitled to be cast by members of the Association who are voting in person or by proxy at a meeting duly called for this purpose, written notice of which shall be mailed to all members at the last known address of each member at least fifteen (15) days in advance and shall set forth the purpose of the meeting.

5.6 Quorum for any Action Authorized Under This Article. The quorum of any action authorized by this Article, the presence at the meeting of members, or of proxies, entitled to cast fifty percent (50%) of all votes of the membership shall constitute a quorum. If the required quorum is not forthcoming at any meeting, another meeting may be called, subject to the notice requirement set forth in this Article.

5.7 Late Payment of Assessments. As hereinabove provided, each annual assessment shall be due and payable on the 1st day of January of each year. In the event of default as to any payment (annual or special), and if the default is not remedied within ninety (90) days, the Association shall have the option of taking such action as permitted by law or equity and by this Declaration and the By-laws of the Association. An additional late charge of ten percent (10%) shall be assessed on any payment which is more than ninety (90) days delinquent. Costs of collection of the assessment, including reasonable attorneys' fees therefor, shall also be assessed.

5.8 Duties of the Board of Directors. In addition to the other duties of the Board of Directors as may be set forth herein or in the By-laws of the Association, the said Board of Directors shall fix the date of any special assessment against each lot for any special assessment period at least thirty (30) days in advance of such special assessment, written notice of the special assessment shall thereupon be sent to every member subject thereto at the last known mailing address of such member.

5.9 Effect of Non-Payment of Assessment and the Lien Remedies of the Association. If the assessments (annual or special) are not paid on the date when due, then such assessment shall become delinquent as provided in this Article and shall, together with such interest, late charges thereon and costs of collection thereof as herein provided, thereupon become a continuing lien on the lot which shall bind such lot in the hands of the then owner, its successors, heirs, devisees, personal representatives and assigns. If the assessment is not paid as provided herein, it shall bear interest from date of delinquency at the maximum rate of interest allowed by law, not to exceed ten percent (10%) per annum, and the Association may foreclose the lien against said lot, and there shall be added to the amount of such assessment the cost of attorney fees in connection with any court proceedings arising therefrom, together with all court costs, late charges and expenses incurred by the Association.

5.10 Subordination of the Lien or Mortgages: The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage or first deed of trust now or hereafter placed upon the lots subject to assessment; provided however, that such subordination shall apply only to the assessments which have become due and payable prior to a sale or transfer of such lot pursuant to a Decree of Foreclosure, or any other proceeding in lieu of foreclosure. Such sale or transfer shall not relieve such lot from liability for any assessments thereafter becoming due, nor from the lien of any such subsequent assessment.

5.11 Suspension of Rights of Membership: Prior to the foreclosure of any lien upon any lot subject to this Declaration, the Board of Directors of the Association may elect to suspend all membership rights of any member or members of the Association who are delinquent in any payment due to the Association for more than thirty (30) days, with such suspension to continue for so long as any such delinquency exists. Further, the Board of Directors may suspend membership rights for a period not to exceed thirty (30) days for the infraction of any rules or regulations by the member, family of the member or guest of the member, relating to the use of any of the common properties. Suspension of membership rights shall be effective from the date that notice of suspension is mailed to the member via U.S. Certified mail, return receipt requested, postage prepaid, to the last known address of the said member.

5.12 Cancellation and Hearing. The said Board of Directors may elect to permanently cancel the membership and all membership rights of any member who is delinquent in any payment due to the Association for more than ninety (90) days or when such member, family of the member, or guest of the member are guilty of repeated or flagrant violation(s) after a hearing conducted by said Board of Directors, which notice of such hearing mailed to such member at least thirty (30) days in advance of said hearing date, and further provided that such member may appeal any such decision of said Board of Directors to the membership of the Association by such affected member calling a special meeting of the membership of the Association by notice mailed to each member at least ten (10) days in advance of the desired special meeting date, and said notice setting forth the time, date, place and purpose of said meeting. A majority vote of the votes entitled to be cast by the members of the Association attending such special meeting shall be necessary to override the decision of the Board of Directors, and all votes shall be by secret ballot. Notice shall be mailed by the member via U.S. Certified mail, postage prepaid, return receipt requested.

5.13 Powers and Duties. The affairs of the Association shall be conducted by its Board of Directors (sometimes referred to as the "Board"). The Board, for the benefit of the Association, the Development, and the Owners, may provide and may pay for, out of the assessment fund(s) provided above, any or all of the following:

- a. Care, preservation and maintenance of the Common Property and any property in the road right-of-way leading to the Property;
- b. Taxes, insurance, and (including, without limitation, electricity, gas, water, and sewer charges), if any, which pertain to the Common Property only;
- c. The services of any person or firm (including the Developer and any affiliates of the Developer) to manage the Association or any separate portion thereof, to the extent deemed advisable by the Board, and the services of such other personnel as the Board shall determine to be necessary or proper for the operation of the Association, whether such personnel are employed directly by the Board or by a manager hired by the Board;
- d. Legal and accounting services; and
- e. Any other materials, supplies, equipment, labor, services, maintenance, repairs, structural alterations, taxes, or assessments which the Board is required to obtain or pay for pursuant to the terms of Declaration or which in its opinion shall be necessary or proper for the operation or protection of the Association and the Development or for the enforcement of this Declaration.

5.14 Other Powers. The Board shall have the following additional rights, powers, and duties:

- a. To enter into contacts, maintain one or more bank accounts and, generally, to have all the powers necessary or incidental to the operation and management of the Association;
- b. To make reasonable rules and regulations for the operation of the Common Property and, subject to the limitations herein, to amend this Declaration from time to time; and
- c. To contract with any Owner (including, without limitation, the Developer) for performance, on behalf of the Association, of services which the Association is otherwise required to perform pursuant to the terms hereof, such contracts to be upon such terms and conditions and for such consideration as the Board may deem proper, advisable, and in the best interests of the Association.

5.15 Liability Limitations. Neither any member or Owner nor the directors and officers of the Association shall be personally liable for debts contracted for or otherwise incurred by the Association or for any torts committed by or on behalf of the Association or

otherwise. The Developer and the Association and their respective directors, officers, agents, and employees, shall not be held liable for any incidental or consequential damages for failure to inspect any premises, improvements or portion thereof, or for failure to repair or maintain the same.

5.16 Reserve Funds.

a. The Board may establish reserve funds which may be maintained and accounted for separately from other funds maintained for annual operating expenses.

b. The Board shall establish and maintain a Legal Reserve Fund that shall be funded initially with \$2,500 from the Developer. Additional amounts may be deposited to the fund at the discretion of the Board.

ARTICLE VI

Architectural Review Committee

6.1 Designation of ARC. The ARC shall be comprised of at least two (2) and not more than five (5) members who shall be natural persons. Initially, the ARC shall consist of Cammie Scott, Tim Scott, Toni Fitzpatrick, or their assigns, who shall serve until their resignation. Should any of the initial ARC members resign, the non-resigning members shall appoint the successor. Upon the resignation of all the initial ARC members or after all Lots are sold by the Developer to third-parties, the Association may change the number and composition of the ARC in accordance with the Association's governing documents.

6.2 Function of the ARC. No dwelling, building, structure or other improvement shall be constructed or maintained upon any Lot and no alteration or repainting to the exterior of a dwelling, building, structure or other improvement shall be made and no landscaping performed unless complete plans, specifications, and site plans showing the exterior design, height, building material and color scheme, the location of the structure plotted horizontally and vertically, the location and size of driveways, the general plan of landscaping, fencing walls and windbreaks, sewage systems and the grading plan shall have been submitted in writing to and approved in writing by the ARC prior to the commencement of construction. Once the ARC has approved the plans and specifications, the ARC shall issue a permit to the Owner authorizing to commence the construction ("Permit"). A copy of the plans, specifications, and Lot plans as finally approved shall be deposited with the ARC. The ARC shall have the power to employ professional consultants to assist it in discharging its duties. The decisions of the ARC shall be final, conclusive, and binding upon the applicant. It is the responsibility of the owner to ensure they are following all codes, ordinances and guidelines set forth in the City of Springdale. ARC approval shall be obtained before seeking a building permit from the City of Springdale.

6.3 Content of Plans and Specifications. The plans and specifications to be submitted and approved shall include the following:

a. A statement by the Owner and his architect, designer or other qualified person undertaking the design of the proposed improvements that such parties have

visited the site and have reviewed and are familiar with the applicable provisions of this Declaration, including the following design guidelines.

b. Floor plans for all floors indicating interior room dimensions and use, the location and size of exterior windows, doors and other openings, the location of mechanical and electrical systems, or any other conceptual plans for which a review is requested by the ARC.

c. Exterior elevations providing the exterior views of all structures, fences, signs, and similar improvements. The elevations shall include a brief description of all exterior materials, colors, and finishes, including without limitation those of the walls, roofs, trim, chimneys, doors, and windows. Building elevations shall be provided for all sides of the dwelling.

d. A site plan drawn to scale indicating (i) Property lines, including streets, rights-of-way, easements, set back lines and all dimensions; (ii) Existing grade and location of proposed cut and/or fill, indicating approximate slope and height or depth of each (2' minimum interval); (iii) Proposed sewer system footprint; (iv) Drainage plans indicating drainage patterns away from building to swales, culverts and other drainage facilities; (v) location of contractor's temporary facility, outhouses and other temporary structures and items, to be used during construction; and (vi) Any temporary access to the site.

e. Specifications or color boards as necessary to describe the (i) exterior wall materials and colors; (ii) roof materials and colors; (iii) door materials and colors; (iv) chimney materials; (v) stained or colored pavement materials; (vi) fencing and screening material; and (vii) any other exterior site improvements. Color and material descriptions shall be keyed to the exterior elevations, differentiating between general wall colors, fascia, railing, structural elements, door, trim and accent colors, and other elements of the structure.

f. A fee in the amount of \$200.00 (checks are to be made payable to the Association) for costs or expenses the ARC may incur in reviewing, or having professionals review, the plans and specifications as submitted. Such fee shall be non-refundable. The ARC reserves the right to waive all of or a portion of this fee. The Developer is exempt from this fee requirement.

ARTICLE VII

Rights Involving Common Properties

7.1 Members' Easement for Enjoyment. Subject to the provision of this article and related provisions set forth elsewhere herein, every member shall have a right of enjoyment in and to the Common Properties, subject to the rules and regulations governing such use as promulgated, from time to time, by the Association. Such right and easement shall be appurtenant to and shall pass with the conveyance of title to every lot.

7.2 Extent of Members' Rights of Enjoyment. The rights of easements of enjoyment created hereby shall be subject to the following:

- a. The right of the Association to borrow money for the purpose of acquiring, constructing, improving, and maintaining the Common Properties and in aid thereof to mortgage said properties or execute a deed of trust or other instrument covering said properties. In the event of default upon any such mortgage, the lender shall have a right, after taking possession of such properties, to charge service or use charges, admission and other fees as a condition to continued enjoyment by the members, and if necessary to have other relief as permitted by law;
- b. The right of the Association to take such steps as are reasonably necessary to protect the above-described properties against foreclosure;
- c. The right of the Association to suspend or permanently cancel the rights of any member and membership in the Association;
- d. The right of the Association to charge reasonable service or use charges, admission and other fees for the use, service and enjoyment of the common properties;
- e. The right of the Association to limit the number of members per lot who may be entitled to the benefit of the easement of enjoyment as to the common properties by reason of ownership of a lot;
- f. The right of individual members to have exclusive use of any of the common properties as from time to time as may be granted by the Board or its designate; and
- g. The right of the Association to pass and enforce rules and regulations related to use, control and maintenance of the common properties and the areas situate thereon.

ARTICLE VIII

Miscellaneous

8.1 Violations. If the parties hereto, or their heirs, successors or assigns or any other person shall violate or attempt to violate any of the covenants or restrictions herein while said covenants or restrictions are still in force, it shall be lawful for any person or persons owning any interest in any Lot or Lots in the Development, as well as the Association and the City of Springdale, to prosecute any violation or attempted violation of any such covenant or restriction, either to prevent the person from doing so or to recover damages or other penalties and costs, including reasonable attorney's fees for such violation.

8.2 Notices. Any notice required to be sent to any Owner under the provisions of this Declaration shall be deemed to have been properly sent when mailed, postpaid, to the last known

PUD Development Plan and Covenants recorded with Rezone Ordinance #5728 in June of 2022.

address of the person who appears as Owner on the records of the Association at the time of such mailing.

8.3 Severance. If any provision of this Declaration or any section, clause, phrase, word or the application thereof in any circumstances is held to be invalid, the validity of the remainder of this Declaration and of the application of the remaining provision shall not be affected thereby.

8.4 Waiver. Failure of any of the parties, their heirs, successors or assigns, to exercise any of the options contained herein upon breach by the other party, its heirs, successors or assigns, subject to this Declaration, shall not constitute a waiver of that party's right to exercise such option upon future breach

IN WITNESS WHEREOF, Scout Enterprises, LLC, has caused this Declaration for Hawksview Planned Development, an Addition to the City of Springdale, Arkansas, to be duly executed by the undersigned in accordance with its governing documents.

IN WITNESS WHEREOF, the undersigned have set their hand and seal this ____ day of _____, 2022.

DEVELOPER:

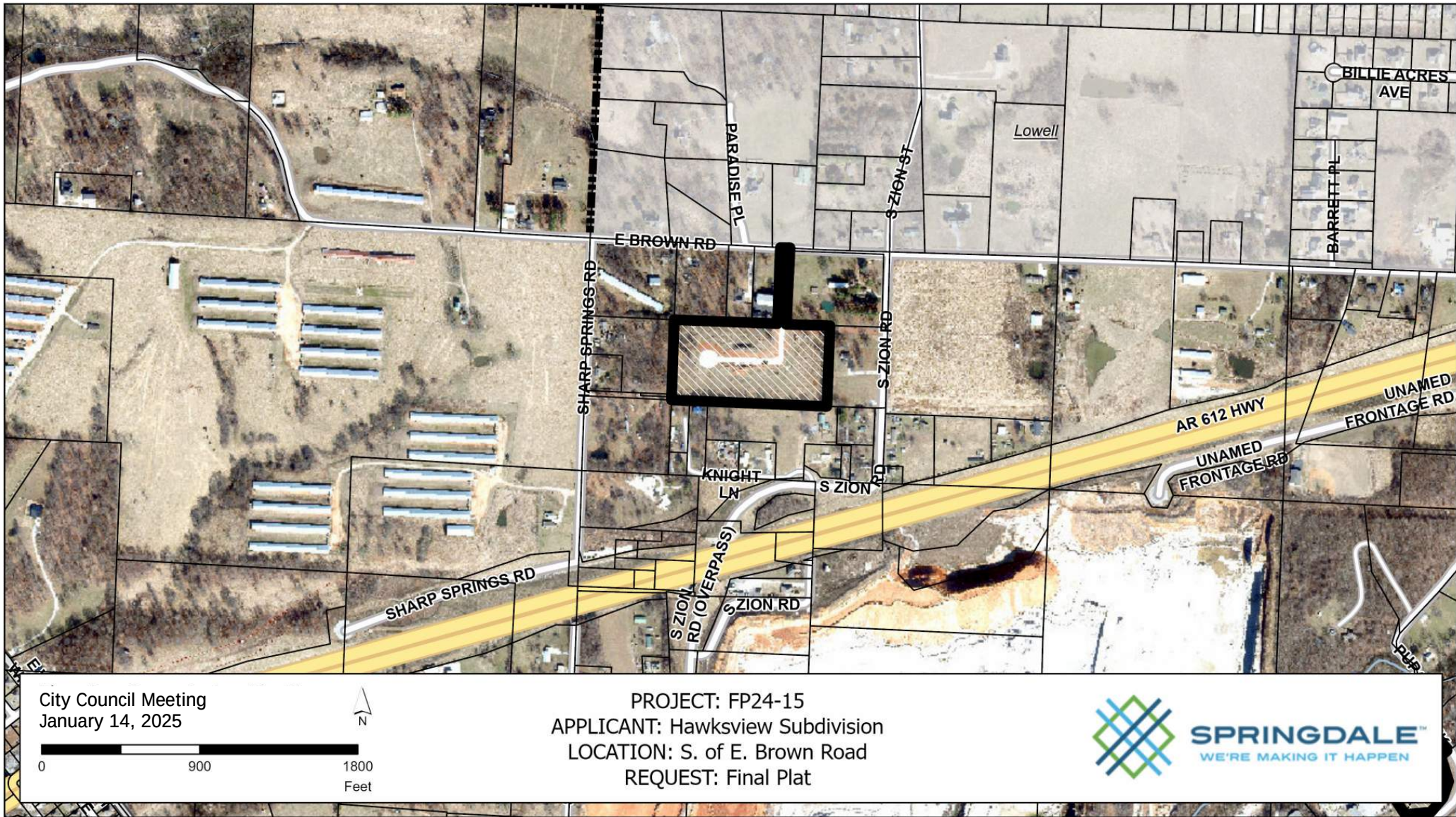
SCOUT ENTERPRISES, LLC

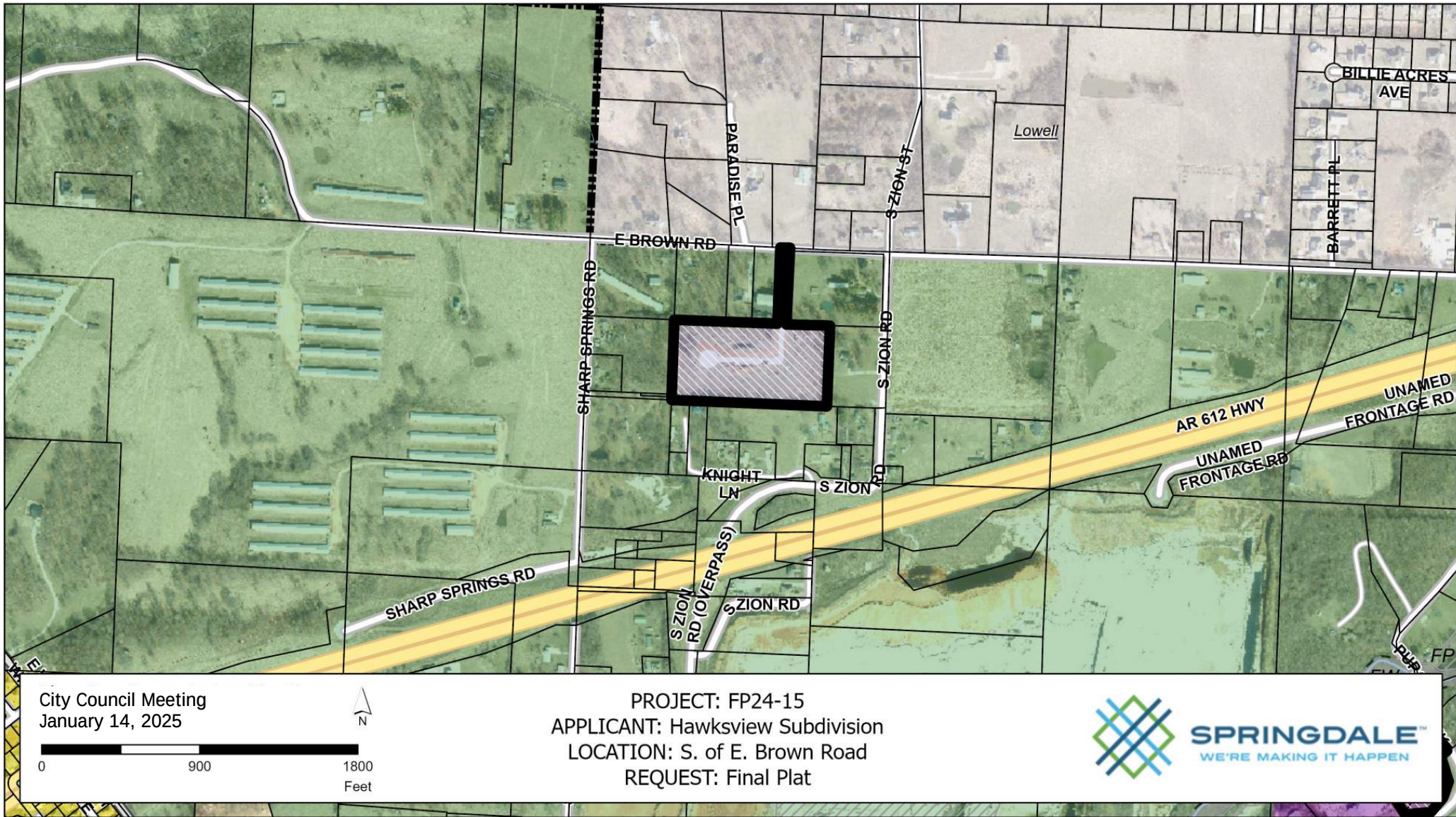
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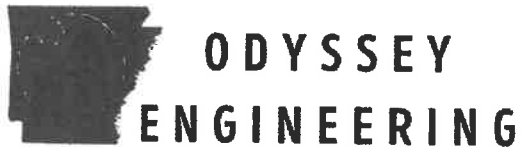
Cammie Scott, Manager



CERTIFICATE OF RECORD
STATE OF ARKANSAS, COUNTY OF BENTON
I hereby certify that this instrument was
Filed and Recorded in the Official Records
in **Doc Num L202241680**
08/23/2022 02:19:53 PM
Brenda DeShields
BENTON COUNTY Circuit Clerk & Recorder

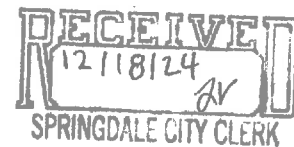






December 17, 2024

Attn. Denise Pearce, City Clerk
City of Springdale
201 Spring Street
Springdale, AR 72764



RE: OC-Springdale, LLC Rezoning [R24-58]

Ms. Pearce,

Odyssey Engineering respectfully submits this letter to formally request an appeal of the Springdale Planning Commission's December 3, 2024 decision to deny the rezoning application for the OC-Springdale property [R24-58]. We kindly ask that this appeal be added to the agenda for the next City Council meeting.

Rezoning Request:

The rezoning application seeks to rezone the property from A-1 (Agricultural) to MHP (Manufactured Home Park). The immediate goal of this rezoning is to expand and enhance the existing RV park located directly east of the subject property.

Consistency with Future Land Use Plan:

The Springdale Future Land Use Plan designates this area as a mix of Regional Commercial and Commercial, with Medium Density Residential to the west. The proposed high-end RV park aligns with these designations by blending commercial activity with residential functionality, creating a transitional use that complements adjacent zones. Operated as a commercial business while providing residential accommodations, the RV park offers an optimal buffer between commercial and residential areas, meeting the intent of the Future Land Use Plan.

Commitment to Infrastructure Improvements:

We understand that W. Morris Avenue has been identified as a concern due to its narrow width, which impacts local residents and emergency services. To address this, the developer is committed to making street improvements to W. Morris Avenue along the property's frontage, as well as off-site improvements extending to the intersection with N. Thompson Street. These upgrades will improve traffic flow, reduce congestion, and enhance emergency service accessibility, directly benefiting the community.

Community Enhancements:

The developer has already made significant upgrades to the existing RV park to elevate its quality and appeal. These improvements include:

- Implementation of strict tenant policies and screening processes
- Launch of a new website with an online tenant portal
- RV standards requiring tenants to meet specific criteria before approval
- Installation of eight security cameras
- Establishment of an on-site office with a full-time manager residing on-site and available daily
- Installation of a new privacy fence
- New entry signage and signage throughout the property
- Gravel upgrades with railroad ties to delineate lots
- WiFi access for tenants
- Extensive clean-up, including tree trimming and landscaping
- Upgraded plumbing and electrical systems

☎ 479.480.3330
🌐 OdysseyNWA.com
📍 124 Grant Place, Suite E, Lowell, AR 72745

These upgrades demonstrate the developer's commitment to creating a high-quality, well-managed RV park that addresses community concerns about safety, enhances the property's aesthetics, and ensures responsible tenant behavior, making it a valuable asset to the community.

Screening and Compatibility:

The proposed RV park will provide screening in accordance with City code to protect neighboring properties to the north, south, and east. This will ensure that the development is visually compatible with the surrounding area and respects adjacent property owners.

Planning Commission Decision:

We believe the Planning Commission's decision to deny the rezoning request stemmed from a misunderstanding of the proposed use. The commissioners assumed the project would resemble a traditional "Mobile Home Park," when in fact the intent is to develop a high-end RV park operated as a commercial business.

Appeal Summary:

Given the alignment of this project with the Future Land Use Plan, the proposed infrastructure improvements that will enhance safety and accessibility, and the demonstrated commitment to increasing property value and community appeal, we respectfully request that the Springdale City Council overturn the Planning Commission's decision and approve the rezoning to MHP.

Thank you for your time and consideration. We look forward to the opportunity to present this appeal at the upcoming City Council meeting.

Sincerely,

Jake Chavis
Owner-Project Engineer
Odyssey Engineering
O. 479.480.3330 | C. 501.538.5281
jchavis@odysseynwa.com



Derek Gibson
Manager/Member
OC-Springdale LLC
C. 479-936-4623

Springdale Planning Commission met in regular session on Tuesday, December 3, 2024 at 5:00 pm in Council Chambers. The following presents verbatim minutes for the rezone request R24-58.

R24-58 OC-Springdale, LLC

West of N. Thompson Street & North of W. Morris Avenue

From A-1 to MHP

Presented by Jake Chavis, Odyssey Engineering, LLC

Mr. Chavis: Yeah, this is Jake Chavis with Odyssey Engineering. We are proposing this rezoning from A-1 to MHP to expand the existing business that's on site. I do want to clarify with staff that we are intending to rezone the entire A-1 portion like it says in the staff memo. And then I just want to clarify that we're happy to screen the project from any neighboring properties as required by code. And I'm here for any questions if you have any.

Mrs. Christie: Do you want my comments?

Mr. Cloud: Yes.

Mrs. Christie: The rezoning request is not in keeping with the Comprehensive Land Use Plan. However, some commercial uses are permitted by right in the Mobile Home District, and the rezone request meets the minimum area requirements for a mobile home park. Now, if this is approved, they will have to come back with a large-scale development plan that shows how this is going to be laid out to meet the Mobile Home Park supplemental district requirements that includes the lighting, the spacing, the paving, all that kind of stuff. This just lets them move forward with setting out how the Mobile Home Park is going to be put in there if it's approved.

Mr. Cloud: Any public comment? Please come to the mic, state your name and address.

Mr. Lee: My name is John Lee. I live at 1301 West Morris Avenue. With this proposed revision to going to a Mobile Home Park to expand it, I live on West Morris, which is the entrance to that Mobile Home Park right now. And currently that is a single lane road. I don't know what the engineers have planned for this development, but right now, our biggest concern, and I know a lot of residents with me have the same one is that the infrastructure can't support with that road. Fire, police, for example, we've had police cars that have to park on my property because there's no access. I don't know if the proposed development is going to have entrance on West Morris Avenue but if so, with that road right there right now being as narrow as it is, getting say a fire engine or a fire truck, right now there is no way that can make a 90-degree turn and I believe that's what we were told the entrance is planned on being built. Like I said, if you know, the developers plan to widen that road onto their property which they're proposing a rezone, you know, we'd love to hear about that. But I mean so, that's our main concern. Right now on the corner of Brunswick and Morris is a school bus stop. That's right where the road widens. That's

the only accessible place for a school bus to drop kids off, and I know with a bunch of new residencies or mobile homes, you know, is that going to affect how many kids are there, which way they're going, you know that road kind of funnels as is. I'd be interested to hear from the fire department on their response times because, I mean, right now the the accessibility into that. I mean, I worked for one of the largest fire departments in this country for a long time and I know for a fact there's no way I could get a ladder truck into that area right now with that street as is. I would be interested to hear, you know, before this gets passed what are the ideas on our safety concerns.

Mrs. Christie: Right now, we're just talking about the use of the property as a mobile home park. They would have to come back with a plan that shows how they're widening out the street to meet city of Springdale Street standards.

Mr. Lee: Okay.

Mrs. Christie: Widen half the street, the full distance of that piece of property so, that's the next step if it gets rezoned to Mobile Home Park.

Mr. Lee: Okay so that'll be.

Mr. Cloud: You'll get another notification.

Mr. Lee: Okay.

Mr. Cloud: Yeah.

Mr. Lee: Thank you.

Mr. Cloud: Thank you.

Ms. Blake: Good evening my name is Bernice Blake and I live at 1149 Sunrise Avenue which is on the other side of that property. My property has a... my back of my property zones on onto that trailer park. It is not a mobile home park; it is a trailer park. My issues are that they use Sunrise Avenue up and down for school buses, for police, for fire departments, because they cannot get down Morris Road. My other issue is, my property, the back end of my property is zoned with that trailer park. I have had three break-ins this year. I have had drunks; I have had people doing drugs on the back end of my property from that trailer park. My dogs run up and down that line, all night barking because they have basically drunks and alcoholics laying down around there. The other issue that I have is that Morris Road is unable to handle the current flow of traffic. It's a small farm road. It's a flood zone, it's an agricultural zone, and when that property was bought, that was grandfathered in as an agricultural zone. When it rains, that is just a big mud flow.

My other issue, I work at the hospital, and when I come home at nighttime, there's no street lights up and down that road that these trailers and these cars just pull out, and there have been multiple accidents up on Thompson Road being a very dark area. This is another issue that I have, that I'm having is that I've nearly been T-boned three times coming home from work, especially in the wintertime trying to get to Sunrise Avenue. Let me see what else. Basically, they trying to zone this as a Mobile Park, as a Mobile Home Park, but it's not a Mobile Home Park, it's a trailer park, and these trailers are being pushed further and further down to areas that aren't even zoned for them right now. My other issue is that there is a huge amount of debris, three areas of debris on this property, that have been sitting there for three years. When I was trying to redecorate my home and had some construction, bathtubs, and drywall, and stuff sitting on a trailer in front of my yard, I was told that I had seven days to move that, yet for three years I have trash sitting on that trailer park that is just growing on a monthly basis, and nothing's being done about it. So, I'm actually asking that this be kept as an agricultural area. A lot of the residents use that area for their dogs, they use it like a dog park, they run the dogs around there, it's an area that the kids play in, it's a safe area, and I'm asking that this be denied because, unless they show trailer parks that are mobile homes that are actually fitting and stabilizing, stable an RV park with mobile trailers is not what we need in this neighborhood. Thank you.

Mr. Cloud: Thank you. Anyone else? Commissioners? This is a call for the vote.

Ms. Keith: Call for the vote.

Mr. Cloud: Ms. Keith.

The rezone request is voted on electronically.

VOTE:

YES: None.

NO: Couch, Hussein, Ogunyemi, Tyler, Austin, Keith, Cloud, Cardiel, Reynolds.

Mr. Cloud: The rezone request fails 9 to zero.

Mrs. Christie: You have the right to appeal the Planning Commission's decision. You have to notify the City Clerk's office within 15 days after today's meeting and indicate why you think the planning Commission has made an error, and you have to notify the adjacent property owners by certified mail again.

**Notice of Public Hearing before the
Springdale City Council on an
Appeal to Rezone Property**

To all owners of land lying adjacent to the property at:

Location: Morris Ave (Parcel No. 21-00213-000)

Owned by: OC-Springdale LLC

NOTICE IS HEREBY GIVEN THAT a petition has been filed for zoning of the above property requesting
a change of zone classification from: A-1, which permits

use of the property as: Agriculture

to: MHP which permits use of the property as: RV Park

If approved, the rezoning will occur only upon the property described above.
It will not change the zoning or permitted uses on neighboring properties.

The purpose of this request is to: ☒ **Build**, ☐ **Develop**, ☐ **Sell after rezoning**

Explanation: A rezoning appeal to City Council regarding a rezoning that would
allow for an expansion of the existing RV Park.

A public hearing on said appeal to rezone will be held by the Springdale City Council in the
Council Chambers of the City Administration Building at 201 Spring Street, Springdale, AR 72764 on:

January 14, 2025 at 6:00 p.m.

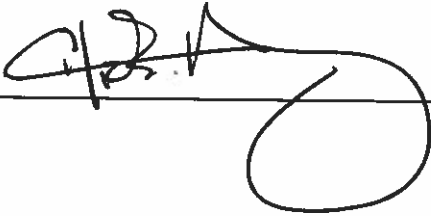
All parties interested in this matter may appear and be heard at said time and place or may notify the
City Council of their views on this matter by letter or email. All persons interested in this request
are invited to call or visit the Planning Office, City Administration Building to review and discuss the
petition with the Planning Staff.

Affidavit of Mailing

This document is to be submitted to the Springdale Planning & Community Development Division via planningapplications@springdalear.gov, or in person at 201 Spring Street, Springdale, AR.

I hereby certify that I, (printed name) Chris Tiley acting as agent/owner, have provided notice to affected parties in accordance with the requirements set forth in Chapter 130, Article 2, Sec. 11 (f) Appeal by petition to the city council.

Signature



12/20/24

Date

Memo

To: PLANNING COMMISSION MEMBERS
From: Patsy Christie, Planning Director
Date: December 3, 2024
Re: **R24-58 Rezone**

A request by OC-Springdale, LLC for Planning Commission approval of a zone change from Agricultural District (A-1) to Manufactured Home Park District (MHP) for a tract of land containing 7.5-acre.

LOT LOCATION AND SIZE

The 7.5-acre tract is located at 3348 W. Morris Avenue, adjacent to Hwy 71B, north of County Line Road and south of Bulldog Avenue. A vicinity map is attached.

EXISTING ZONING

[Agricultural District \(A-1\)](#)

REQUESTED ZONING

[Manufactured Home Park \(MHP\)](#)

SURROUNDING ZONING AND LAND USE

Zoning of the surrounded area is shown on the attached map. Most of the tract is undeveloped, with a nonconforming RV Park on the eastern side. The tract to the east contains the remainder of the nonconforming RV Park in a C-2 zone. The area to the west is Savannah Ridge Subdivision, sing-family development in a SF-2 zone. The area to the north is Sunrise Subdivision, including single-family lots in a SF-2 zone and four commercial lots in a C-2 and C-5 zone. The area to the south contains four tracts, each with single-family dwelling in a MF-12 zone and a large commercial development in a C-2 zone.

LAND USE PLAN AND MASTER STREET PLAN

The adopted Comprehensive Land Use Plan indicates Neighborhood Commercial and Medium Density Residential. The Master Street Plan indicates W. Morris Avenue as a local street. (west side of 71B reflects Morris as a local street, east side of 71B reflects Morris as a collector street).

STAFF COMMENTS AND RECOMMENDATIONS

The rezoning request is not in keeping with the Comprehensive Land Use Plan; however, some commercial uses are permitted by right in the MHP district. This rezone request meets the minimum area regulations for a MHP zoning.



ODYSSEY ENGINEERING

November 19, 2024

Planning Department
City of Springdale
201 Spring Street
Springdale, AR 72764

RE: Ozark Canopy-Springdale Rezoning

City of Springdale Planning Staff:

Odyssey engineering is requesting a Rezoning of behalf of our client OC-Springdale, LLC.

We request that this property be rezoning from A-1 (Agriculture) to MHP (Manufactured home park district). There currently exists both public water and sewer infrastructure on site, but there is a chance Morris Ave will need to be improved along the frontage of the development area.

Much of this property is already currently occupied by an RV park There exists SF-2 zonings to the west and north, C-2 to the east and south, and C-5 zonings to the north. My Client intends to expand the existing RV park and provide screening per Springdale's landscape code.

On site, there exists two parcels owned by OC-Springdale as reflected in the recorded lot split submitted along with the rezoning package. We are only proposing to rezone the west parcel since the east parcel is an existing use in an A-1 and C-2 zones.

Should you have any questions regarding this submittal, please contact us at **479-480-3330** or **jchavis@odysseynwa.com**. We appreciate your time and review of this project and look forward to hearing from you.

Respectfully,

Jake Chavis
Project Engineer



479.480.3330



facebook.com/odysseynwa



117 Parkwood St., Suite 101, Lowell, AR 72765



11.25.24

Opposition Letter for R24-58 OC Springdale

Anonymous Adjacent Property Owner called to voice their opposition to OC Springdale LLC rezoning to a mobile home park. They reasoned that the resulting RV park would lower property values, and did not want short term rentals or RVs within their property's proximity.

Springdale Planning and Community Development



SPRINGDALE
WE'RE MAKING IT HAPPEN

www.SpringdaleAR.gov

Rezoning Petition

This document is to be submitted to the Springdale Planning & Community Development Division via iWorQ, planningapplications@springdalear.gov, or in person at 201 Spring Street, Springdale, AR.

Petitioner (Property Owner) Name: <u>OC-Springdale LLC</u> E-mail: <u>bryan@genesiscrc.com</u> Address: <u>6516 WELLS CIR</u> <u>SPRINGDALE AR 72762</u> Phone: <u>479-414-0211</u>	Site/ Location: <u>Marvin Ave</u> Assessor's Parcel Number(s): <u>21-00213-000</u> Current Zoning: <u>A-1</u> Proposed Zoning: <u>MHP</u> Total Acreage: <u>6.03</u>
---	--

All submissions must meet the requirements as displayed in the City of Springdale Code of Ordinances.

Petition Requirements:

- ☒ A copy of the warranty deed indicating ownership of the property.
- ☒ A site plan in conformance with Chapter 130, Article 2, Section 13.
- ☒ A brief statement explaining the reason for the rezoning request, the intended use of the property, and the effect of property changes upon surrounding land uses.
- ☒ A layman's description of the property (physical address if possible).
- ☒ A list of all adjacent property owners certified by a licensed abstractor or surveyor in the past sixty (60) days.
- ☒ An accurate legal description if the property to be rezoned is only a portion of the land.
- ☒ A scaled drawing of the property to be rezoned showing accurate lot lines, surrounding zoning, adjacent owners and a north arrow.
- ☒ Once the petition has been accepted and date of public hearing is confirmed, a notification must be sent to all adjacent property owners.
- ☒ Provide the required affidavit and supporting exhibits (mailing receipts, list of property owners of record and copy of notice) to the Planning Office no later than seven (7) days prior to the meeting date.
- ☒ Submit an authorization of representation to staff if the record property owner will not be present at the Planning Commission meeting.

Review Fee:

☐ \$175.00

STAFF USE ONLY

Date Application Submitted: 11.14.2024 Project Number: R24-58
 Date Accepted as Complete: 11.20.2024 Receipt Number: 9291

Petition for Rezoning

This document is to be submitted to the Springdale Planning & Community Development Division via iWorQ, planningapplications@springdalear.gov, or in person at 201 Spring Street, Springdale, AR.

Petition is hereby made to the City Council of the City of Springdale, through the Springdale Planning Commission, pursuant to the provisions of Act 186 of 1957, as amended, and Chapter 130 of the City of Springdale Code of Ordinances, as amended, by

Indicate person of contact for this petition: Petitioner ☐ Representative ☒

Record Property Owner(s): OC-Springdale LLC

The record property owner(s), petitioning to rezone the following described area:

Legal Description:

SURVEY DESCRIPTION TRACT 1:

PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION TWENTY-THREE (23), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTY (30) WEST, OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF SPRINGDALE, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NE 1/4 OF THE SE 1/4 OF SAID SECTION 23, SAID POINT BEING A FOUND "MAG" NAIL WITH WASHER IN MORRIS AVENUE (50' RW); THENCE ALONG THE WEST LINE OF SAID NE 1/4 OF THE SE 1/4, N02°21'04"E A DISTANCE OF 335.93 FEET; THENCE LEAVING SAID WEST LINE, S86°22'32"E A DISTANCE OF 785.10 FEET TO A FOUND 5/8 INCH REBAR; THENCE S03°43'39"W A DISTANCE OF 337.25 FEET TO A POINT IN MORRIS AVENUE; THENCE N86°16'21"W A DISTANCE OF 777.03 FEET TO THE POINT OF BEGINNING, CONTAINING 6.03 ACRES, MORE OR LESS, AND SUBJECT TO THE RIGHT OF WAY OF MORRIS AVENUE ON THE SOUTH SIDE THEREOF AND ALL RIGHTS OF WAY, EASEMENTS, AND RESTRICTIVE COVENANTS OF RECORD AND FACT.

Layman's Description: 6 acres of property between 71b and Brunswick st, along morris Ave.

The **petitioner** hereby states by oath that:

1. The petitioner is the record title holder of the above-described property evidenced by the attached copy of a **warranty deed** as Exhibit A.
2. A **scaled drawing** showing accurate dimensions, lot lines, surrounding zoning, adjacent owners, north arrow and graphic scale is attached as Exhibit B.
3. The names and address of all adjacent owners of the above-described property **certified by a licensed abstractor or licensed land surveyor** within the past sixty (60) days are attached as evidenced by Exhibit C.

The **petitioner** requests the following zoning classification:

FROM (current zoning): A-1

TO (proposed zoning): MHP

Verification

This document is to be submitted to the Springdale Planning & Community Development Division via iWorQ, planningapplications@springdalear.gov, or in person at 201 Spring Street, Springdale, AR.

I/We, the undersigned, herewith state on solemn oath that we have read the attached petition for Rezoning request and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief that complete disclosure of all material facts have been made.

Printed Name of Record Property Owner(s)

Derek Gibson

Printed Name of Applicant(s)

Jake Chavis

Signature of Record Property Owner(s)

Derek Gibson

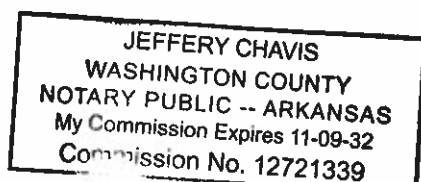
Signature of Applicant(s)

John Chen

Date: 11/14/24

Date: 11.13.24

State of Arkansas)
) ss.
County of)



SUBSCRIBED AND SWORN TO before me, a Notary Public, this the 17 day of Nov, 2014

Notary Public

My commission expires: 11-29-32

The **petitioner's** immediate intentions are to:

1. Sell the property YES / **NO** and if so, is the property subject to an offer and acceptance, escrow contract, option agreement, other contract for conveyance of title YES / **NO**.
2. Develop the property **YES** / NO , and if so, the proposed use is RV-Park.
3. Effect of the proposed zoning upon the adjacent property and neighborhood is anticipated to be as follows:

None, there is already an existing RV Park on site. Developer proposes public infrastructure improvements as a result of this project.

The **petitioner** understands that he/she is responsible to send a notice of the public hearing to owners of adjacent properties in accordance with the requirements set forth in the instruction given with this petition and that an affidavit must be submitted with supporting documents no later than seven (7) calendar days prior to the meeting date. It is further understood that the cost of such notice(s) is borne by the petitioner.

Authorized Representative: Jake Chavis-Odyssey Engineering

Mailing Address: 124 Grant PI STE E Lowell, Ar 72745

Phone Number: 501-538-5281 Email: jchavis@odysseynwa.com

November 13, 2024

Planning Commissioners & Staff
City of Springdale
201 Spring Street
Springdale, AR 72764

SUBJECT: Ozark Canopy-RV—Rezone; List Adjacent Owners

Dear Planning Staff,

Please see below for the Parcel Map and list of Adjacent Property Owners for the rezoning at Morris, Ave., Springdale, Arkansas: (Benton County Parcel No. 21-00213-000).

ADJACENT PROPERTY OWNERS:

ObjectID	Owner	Parcel Id	Owner Address
	LIANOS REYES, AMALIA ROSA	21-00390-000	1261 SUNRISE AVE SPRINGDALE AR 72764-7947
	THOMPSON, BARBARA L	21-00238-000	1091 W MORRIS AVE SPRINGDALE AR 72764-7953
	BLAKE, FRANK L & BERNICE	21-00385-000	1149 SUNRISE AVE SPRINGDALE AR 72764
	BLAKE, FRANK L & BERNICE	21-00386-000	1149 SUNRISE AVE SPRINGDALE AR 72764
	GUNNISON RENTALS LLC	21-01700-000	1204 E JOYCE BLVD SUITE 102 FAYETTEVILLE AR 72703-5375
	CITY OF SPRINGDALE	21-01703-000	201 SPRING ST SPRINGDALE AR 72764
	GONZALEZ, MARGARITO & EMMA	21-00235-002	1245 W MORRIS AVE SPRINGDALE AR 72764
	STRAIGHT TRUST, O & S	21-00236-000	3218 N THOMPSON ST SPRINGDALE AR 72764
	WEST, EMILY KAYE	21-00387-000	1175 SUNRISE AVE SPRINGDALE AR 72764-7945
	BAILEY, KELLI ANN	21-00391-000	1287 SUNRISE AVE SPRINGDALE AR 72764
	RAMOS, ALBERTO & SALINAS, SONIA	21-01698-000	3321 BRUNSWICK ST SPRINGDALE AR 72764-7919
	MYERS, VIRGINIA & BUSH, MELITA D	21-00389-000	1233 SUNRISE AVE SPRINGDALE AR 72764-7947
	GARZA, HEATHER THOMPSON & ROBERT	21-00235-005	1165 W MORRIS AVE SPRINGDALE AR 72764-7952

	SWEPCO	21-00240-000	% AMERICAN ELECTRIC POWER COLUMBUS OH 43216-6428
	RUEDA, TIM & JO ANNA	21-00212-000	400 LINWOOD AVE LOWELL AR 72745-8303
	NORTHWEST ARKANSAS DREAM HOMES LLC	21-01699-000	PO BOX 10557 FAYETTEVILLE AR 72703
	MCNEILL, WESLEY & OLIVIA	21-00235-006	1147 W MORRIS AVE SPRINGDALE AR 72764
	BAYYARI REVOCABLE TRUST, FADIL H	21-00393-000	PO BOX 6250 SPRINGDALE AR 72766-6250
	BLUE ROCK PROPERTIES LLC	21-00388-000	9838 PINTAIL LN SPRINGDALE AR 72762
	NORTHWEST ARKANSAS DREAM HOMES LLC	21-01701-000	PO BOX 10557 FAYETTEVILLE AR 72703
	ANDERSON REVOCABLE TRUST, RANDALL	21-00230-000	406 COMPTON CT ALLEN TX 75013-3650
	OC - SPRINGDALE LLC	21-00213-000	6516 WELLS CIR SPRINGDALE AR 72762
	ROBERTS, DOUGLAS G & PENNY D	21-00384-000	1101 SUNRISE AVE SPRINGDALE AR 72764-7945
	RAMIREZ, SIOMARA YAMALI HERNANDEZ	21-00383-000	1075 SUNRISE AVE SPRINGDALE AR 72764
	BAYYARI 2020 IRREVOCABLE TRUST-SARAH R	21-00392-000	PO BOX 6250 SPRINGDALE AR 72766
	MAYSE REVOCABLE TRUST, IMOGENE - MURPHY, VICKIE LYNN & MAYSE, RODERICK D	21-00252-025	3719 N THOMPSON ST SPRINGDALE AR 72764-8040
	GONZALEZ, PANFILO RUEDA & RODRIGUEZ, JAZMIN I	21-00253-000	1832 S ASHWOOD AVE FAYETTEVILLE AR 72701
	DELOZIER, DIANA	21-00254-000	121 GREENWOOD HOLLOW RD EUREKA SPRINGS, AR 72632
	3265 N THOMPSON LLC	21-00259-001	4100 WAGON WHEEL RD SPRINGDALE AR 72762

Please feel free to contact me at your convenience.

Jake Chavis and Molly Robb
Odyssey Engineering
479-480-3330
jchavis@odysseytnwa.com
124 Grant Pl STE E
Lowell, Ar 72745



Molly Robb

11/13/2024

**Notice of Public Hearing before the
Springdale Planning Commission on a
Petition to Rezone Property**

To all owners of land lying adjacent to the property at:

Location: Morris Ave (Parcel number 21-00213-000)

Owned by: Oc-Springdale LLC

NOTICE IS HEREBY GIVEN THAT a petition has been filed for zoning of the above property requesting a change of zone classification from: A-1, which permits

use of the property as: Agriculture

to: MHP which permits use of the property as: RV Park

If approved, the rezoning will occur only upon the property described above.
It will not change the zoning or permitted uses on neighboring properties.

The purpose of this request is to: ☒ **Build**, ☐ **Develop**, ☐ **Sell after rezoning**

Explanation: We intend to expand the existing Rv park on site.

A public hearing on said petition to rezone will be held by the Springdale Planning Commission in the Council Chambers of the City Administration Building at 201 Spring Street, Springdale, AR 72764 on:

December 3rd, 2024 at 5:00 p.m.

All parties interested in this matter may appear and be heard at said time and place or may notify the Planning Commission of their views on this matter by letter or email. All persons interested in this request are invited to call or visit the Planning Office, City Administration Building to review and discuss the petition with the Planning Staff.

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Sent To MAYSE REVOCABLE TRUST,
IMOGENE - MURPHY, WICKIE LYNN &
MAYSE, RODERICK D

Street and Apt. 3719 N THOMPSON ST

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RODRIGUEZ, JAZMIN IS

Street and Apt. 1832 S ASHWOOD AVE

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Sent To THOMPSON, BARBARA L

Street and Apt. 1091 W MORRIS AVE SPRINGDALE

City, State, ZIP+4 AR 72764-7953

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Sent To ROBERTS, DOUGLAS G & PENNY D

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City, State, ZIP+4 72764-7945

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Sent To BAILEY, KELLI ANN

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City, State, ZIP+4 72764

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Total Postage \$9.68

Sent To WEST, EMILY KAYE

Street and Apt. 1175 SUNRISE AVE SPRINGDALE AR

City, State, ZIP+4 72764-7945

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Sent To OC - SPRINGDALE LLC

Street and Apt. 6516 WELLS CIR SPRINGDALE AR

City, State, ZIP+4 72762

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Total Postage \$9.68

Sent To GARZA, HEATHER THOMPSON & ROBERT

Street and Apt. 1165 W MORRIS AVE SPRINGDALE

City, State, ZIP+4 AR 72764-7952

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Postage \$0.73

Total Postage \$9.68

Sent To LIANOS REYES, AMALIA ROSA

Street and Apt. 1261 SUNRISE AVE SPRINGDALE AR

City, State, ZIP+4 72764-7947

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

LOWELL AR 0745 04
NOV 18 2024
Postmark Here

9589 0710 5270 0502 6859 79

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Springdale, AR 72762

Certified Mail Fee \$4.85

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☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.73

Total Postage \$9.68

Sent To BLUE ROCK PROPERTIES LLC

Street and Apt. 9838 PINTAIL LN SPRINGDALE AR

City, State, ZIP+4 72762

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

LOWELL AR 0745 04
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☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00

Postage \$0.73

Total Postage \$9.68

Sent To BLAKE, FRANK L & amp; BERNICE

Street and Apt. 1149 SUNRISE AVE SPRINGDALE AR 72764

City, State, ZIP

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

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☐ Adult Signature Restricted Delivery	\$0.00

Postage \$0.73

Total Postage \$9.68

Sent To MYERS, VIRGINIA & amp; BUSH, MELITA D

Street and Apt. 1233 SUNRISE AVE SPRINGDALE AR 72764-7947

City, State, ZIP

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

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Allen, TX 75013

Certified Mail Fee \$4.85

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☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00

Postage \$0.73

Total Postage \$9.68

Sent To ANDERSON REVOCABLE TRUST, RANDALL

Street and Apt. 406 COMPTON CT ALLEN TX 75013-3650

City, State, ZIP

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

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Springdale, AR 72766

Certified Mail Fee \$4.85

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy)	\$0.00
☐ Return Receipt (electronic)	\$0.00
☐ Certified Mail Restricted Delivery	\$0.00
☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00

Postage \$0.73

Total Postage \$9.68

Sent To BAYYARI 2020 IRREVOCABLE TRUST- SARAH R

Street and Apt. PO BOX 6250 SPRINGDALE AR 72766

City, State, ZIP

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

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Lowell, AR 72745

Certified Mail Fee \$4.85

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy)	\$0.00
☐ Return Receipt (electronic)	\$0.00
☐ Certified Mail Restricted Delivery	\$0.00
☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00

Postage \$0.73

Total Postage \$9.68

Sent To RUEDA, TIM & amp; JO ANNA

Street and Apt. 400 LINWOOD AVE LOWELL AR 72745-8303

City, State, ZIP

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

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Springdale, AR 72764

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☐ Certified Mail Restricted Delivery	\$0.00
☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00

Postage \$0.73

Total Postage \$9.68

Sent To RAMIREZ, SIOMARA YAMALI HERNANDEZ

Street and Apt. 1075 SUNRISE AVE SPRINGDALE AR 72764

City, State, ZIP

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☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00

Postage \$0.73

Total Postage \$9.68

Sent To BLAKE, FRANK L & amp; BERNICE

Street and Apt. 1149 SUNRISE AVE SPRINGDALE AR 72764

City, State, ZIP

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

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☐ Certified Mail Restricted Delivery	\$0.00
☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00

Postage \$0.73

Total Postage \$9.68

Sent To BAYYARI REVOCABLE TRUST, FADIE H

Street and Apt. PO BOX 6250 SPRINGDALE AR 72766-6250

City, State, ZIP

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

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Springdale, AR 72764

Certified Mail Fee \$4.85

Extra Services & Fees (check box, add fee as appropriate)

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☐ Return Receipt (electronic)	\$0.00
☐ Certified Mail Restricted Delivery	\$0.00
☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00

Postage \$0.73

Total Postage \$9.68

Sent To GONZALEZ, MARGARITO & amp; EMMA

Street and Apt. 1245 W MORRIS AVE SPRINGDALE AR 72764

City, State, ZIP

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 0502 6860 13

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Columbus, OH 43215

Certified Mail Fee	\$4.85
Extra Services & Fees (check box, add fee as appropriate)	\$4.10
☐ Return Receipt (hardcopy)	\$0.00
☐ Return Receipt (electronic)	\$0.00
☐ Certified Mail Restricted Delivery	\$0.00
☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00
Postage	\$0.73
Total Postage	\$9.68

Sent To: SWPECO 1 RIVERSIDE BLVD
% AMERICAN ELECTRIC POWER
COLUMBUS OH 43215-6428

City, State, Zip: COLUMBUS, OH 43215

Postmark: NOV 18 2024

PS Form 3800, January 2024 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 0502 6859 86

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

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For delivery information, visit our website at www.usps.com®.

Fayetteville, AR 72703

Certified Mail Fee	\$4.85
Extra Services & Fees (check box, add fee as appropriate)	\$4.10
☐ Return Receipt (hardcopy)	\$0.00
☐ Return Receipt (electronic)	\$0.00
☐ Certified Mail Restricted Delivery	\$0.00
☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00
Postage	\$0.73
Total Postage	\$9.68

Sent To: NORTHWEST ARKANSAS DREAM
HOMES LLC
PO BOX 10557 FAYETTEVILLE AR
72703

City, State, Zip: FAYETTEVILLE, AR 72703

Postmark: NOV 18 2024

PS Form 3800, January 2024 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 0502 6860 06

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Springdale, AR 72764

Certified Mail Fee	\$4.85
Extra Services & Fees (check box, add fee as appropriate)	\$4.10
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☐ Return Receipt (electronic)	\$0.00
☐ Certified Mail Restricted Delivery	\$0.00
☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00
Postage	\$0.73
Total Postage	\$9.68

Sent To: MCNEILL, WESLEY & ORMA
1147 W MORRIS AVE SPRINGDALE
AR 72764

City, State, Zip: SPRINGDALE, AR 72764

Postmark: NOV 18 2024

PS Form 3800, January 2024 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 0502 6860 44

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Fayetteville, AR 72703

Certified Mail Fee	\$4.85
Extra Services & Fees (check box, add fee as appropriate)	\$4.10
☐ Return Receipt (hardcopy)	\$0.00
☐ Return Receipt (electronic)	\$0.00
☐ Certified Mail Restricted Delivery	\$0.00
☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00
Postage	\$0.73
Total Postage	\$9.68

Sent To: GUNNISON RENTALS LLC
1204 E JOYCE BLVD SUITE 102
FAYETTEVILLE AR 72703-5375

City, State, Zip: FAYETTEVILLE, AR 72703

Postmark: NOV 18 2024

PS Form 3800, January 2024 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 0502 6859 93

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Fayetteville, AR 72703

Certified Mail Fee	\$4.85
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☐ Certified Mail Restricted Delivery	\$0.00
☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00
Postage	\$0.73
Total Postage	\$9.68

Sent To: NORTHWEST ARKANSAS DREAM
HOMES LLC
PO BOX 10557 FAYETTEVILLE AR
72703

City, State, Zip: FAYETTEVILLE, AR 72703

Postmark: NOV 18 2024

PS Form 3800, January 2024 PSN 7530-02-000-9047 See Reverse for Instructions

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Springdale, AR 72764

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☐ Certified Mail Restricted Delivery	\$0.00
☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00
Postage	\$0.73
Total Postage	\$9.68

Sent To: STRAIGHT TRUST, O & S
3218 N THOMPSON ST SPRINGDALE
AR 72764

City, State, Zip: SPRINGDALE, AR 72764

Postmark: NOV 18 2024

PS Form 3800, January 2024 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 0502 6860 20

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Springdale, AR 72764

Certified Mail Fee	\$4.85
Extra Services & Fees (check box, add fee as appropriate)	\$4.10
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☐ Certified Mail Restricted Delivery	\$0.00
☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00
Postage	\$0.73
Total Postage	\$9.68

Sent To: RAMOS, ALBERTO & SALINAS,
SONIA
3321 BRUNSWICK ST SPRINGDALE
AR 72764-7919

City, State, Zip: SPRINGDALE, AR 72764

Postmark: NOV 18 2024

PS Form 3800, January 2024 PSN 7530-02-000-9047 See Reverse for Instructions

Affidavit of Mailing

This document is to be submitted to the Springdale Planning & Community Development Division via iWorQ, planningapplications@springdalear.gov, or in person at 201 Spring Street, Springdale, AR.

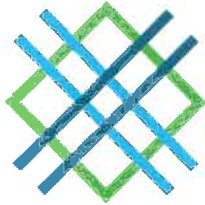
I hereby certify that I, (printed name) Jake Chavis acting as agent/owner, have provided notice to affected parties in accordance with the requirements set forth in the instruction given with the application and that the notice information provided is to the best of my knowledge true and factual. I am hereby enclosing the following supporting documents: copies of the notice, mailing receipts, return cards and any notices that were undeliverable.



Signature

11.18.24

Date



SPRINGDALE™
WE'RE MAKING IT HAPPEN

www.SpringdaleAR.gov

December 4, 2024

Odyssey Engineering, LLC
124 Grant Pl
Lowell, AR 72745

Attn: Jake Chavis

RE: R24-58 Rezone W. of N. Thompson St. & N. of Morris Ave.

At the December 3, 2024 meeting of the Springdale Planning Commission, your request of rezoning the property from Agricultural District (A-1) to Manufactured Home Park (MHP) at the above location was denied.

The Planning Commission's decision may be appealed in writing to the City Clerk's office within fifteen (15) days provided that the petitioner explains why it's felt that the Planning Commission erred in its decision. It is required that adjacent property owners are notified of the appeal to the City Council.

Respectfully,

Patsy Christie, Director
Planning and Community Development Division

/jn

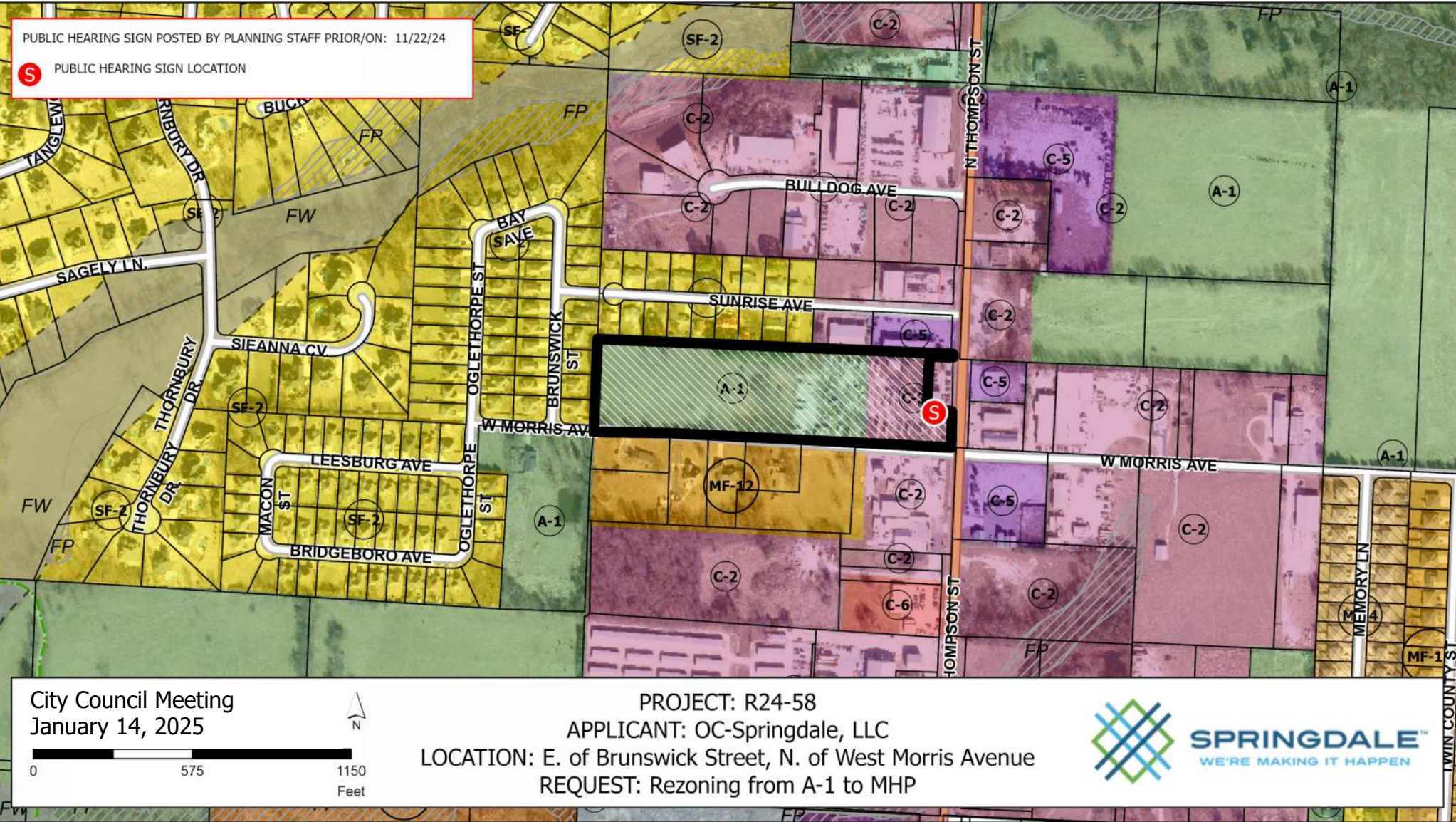
Cc: File

Patsy Christie Director

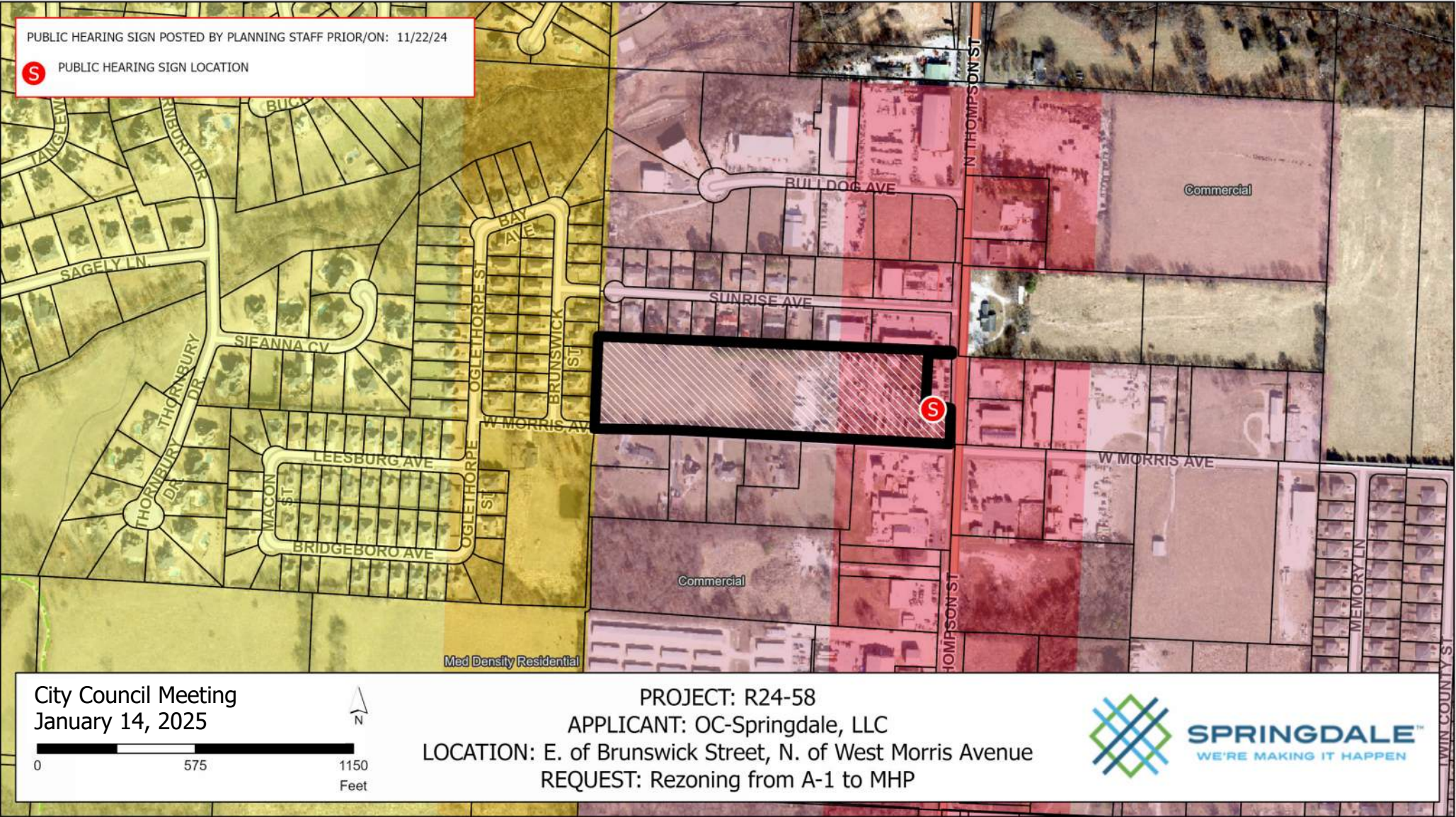
Planning and Community Development Division

(479) 750.8550 phone | (479) 750.8539 fax | 201 Spring Street | Springdale, Arkansas 72762 Page 73

Zoning Map - reflecting the subject property as A-1 and C-2 currently



Land Use Map - reflecting the subject property as Regional and Neighborhood Commercial.



RESOLUTION NO. _____

A RESOLUTION RECOGNIZING THE LEGACY OF DR. MARTIN LUTHER KING, JR. BY NAMING AND DESIGNATING A HIGHWAY OVERPASS TO BE NAMED FOR DR. MARTIN LUTHER KING, JR.

WHEREAS, Dr. Martin Luther King, Jr., is widely recognized as the leader of the modern American Civil Rights Movement, and espoused a non-violent philosophy striving for freedom, justice, and equality;

WHEREAS, on November 2, 1983, President Ronald Reagan signed the King Holiday Bill into law, designating the third Monday in January a federal holiday in observance of Dr. King’s legacy;

WHEREAS, in 2011, the Martin Luther King Memorial in Washington, D.C., was dedicated, which was the first Memorial to honor an African American individual on the National Mall, and was designed as a space to contemplate Dr. King’s legacy;

WHEREAS, Dr. King’s life was tragically cut short in 1968, but his vision for freedom, justice, and equality lives on; and,

WHEREAS, the City Council for the City of Springdale, Arkansas, wishes to recognize Dr. King and his legacy by naming the Watkins Avenue bridge/overpass, which spans Interstate Highway 49, after Dr. Martin Luther King, Jr.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Watkins Avenue bridge/overpass which spans Interstate Highway 49, running east and west, is hereby named after “Dr. Martin Luther King, Jr.” in recognition of Dr. King’s legacy and vision for freedom, justice, and equality.

PASSED AND APPROVED this ____ day of _____, 2025.

Doug Sprouse, Mayor

ATTEST:

Sabra Jeffus, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

ORDINANCE NO. _____

**AN ORDINANCE ESTABLISHING THE EMPLOYEE
PERFORMANCE COMPENSATION FUND, DECLARING AN
EMERGENCY, AND FOR OTHER PURPOSES.**

WHEREAS, the city administration has determined that merit-based bonuses, based on outstanding performance, plays a significant role in employee production and motivation, and

WHEREAS, the city values high performance and effectiveness, and

WHEREAS, the Employee Performance Compensation Fund should be a restricted fund operating within the General Fund, and

WHEREAS, the Employee Performance Compensation Fund should be funded based on 10% of the previous year's General Fund surplus unless additional funding is approved by the city council, and

WHEREAS, the Mayor is authorized to award bonuses from the Employee Performance Compensation Fund throughout the year based on outstanding performance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Employee Performance Compensation Fund be established as a restricted fund within the General Fund.

EMERGENCY CLAUSE: It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED this 14th day of January, 2025.

Doug Sprouse, Mayor

ATTEST:

Sabra Jeffus, City Clerk

APPROVED AS TO FORM

Ernest B. Cate, City Attorney

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE GRANT OF A
WATER/SEWER EASEMENT ACROSS PROPERTY
OWNED BY THE CITY OF SPRINGDALE, BENTON
COUNTY, ARKANSAS.**

WHEREAS, the City of Springdale, Arkansas, owns property known as Parcel No. 21-00167-470, Parcel No. 21-00167-471, and Parcel No. 21-00167-545, Benton County, Arkansas, more commonly known as Shaw Family Park ("the Property");

WHEREAS, the City of Springdale is undertaking certain improvements on the Property, and the Springdale Water and Sewer Commission is in need of a water/sewer easement across the Property for water/sewer improvements related thereto, as shown on the attached Exhibit "A";

WHEREAS, the water/sewer easement is necessary for the construction and improvement of water/sewer facilities to enhance capacity in the area of the Properties, including Shaw Family Park, and will be beneficial to future growth and development of the area;

WHEREAS, Ark. Code Ann. §14-54-302 provides that the Mayor and City Clerk may execute the attached easement document (Exhibit "B") when authorized to do so by Resolution approved by the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS that the Mayor and City Clerk are hereby authorized to execute the attached easement document granting a water/sewer easement across the Property to the Springdale Water and Sewer Commission.

PASSED AND APPROVED this ____ day of _____, 2025.

Doug Sprouse, Mayor

ATTEST:

Sabra Jeffus, City Clerk

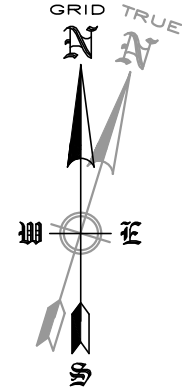
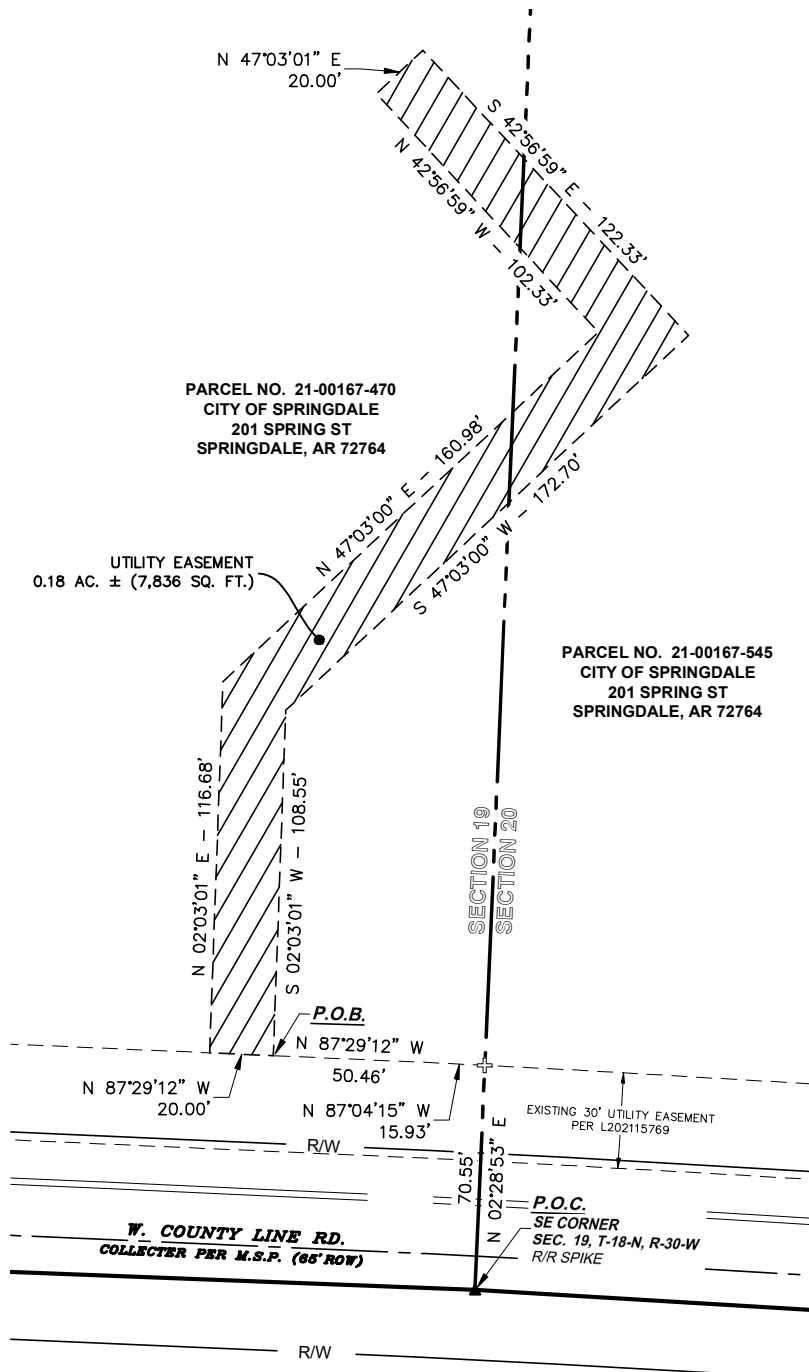
APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

NOTES:

* NOT A BOUNDARY SURVEY

UTILITY ESMT. AREA: 7,836 SQ.FT. (0.18 AC.)



GRAPHIC
REPRESENTATION
ONLY

BASIS OF BEARINGS:
ARKANSAS STATE PLANE COORDINATE
SYSTEM NORTH ZONE 0301

UTILITY EASEMENT DESCRIPTION:

A PART OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION NINETEEN (19), AND A PART OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 20, ALL IN TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF SPRINGDALE, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 19, SAID POINT BEING A RAILROAD SPIKE; THENCE ALONG THE EAST LINE OF SAID SECTION 19, N02°28'53"E A DISTANCE OF 70.55 FEET TO A POINT ON THE NORTHERLY LINE OF AN EXISTING UTILITY EASEMENT AS SHOWN ON INSTRUMENT NUMBER L202115769 OF THE BENTON COUNTY RECORDS; THENCE LEAVING SAID EAST LINE AND ALONG SAID NORTHERLY EASEMENT LINE, N87°04'15"W A DISTANCE OF 15.93 FEET; THENCE N87°29'12"W A DISTANCE OF 50.46 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUING N87°29'12"W A DISTANCE OF 20.00 FEET; THENCE LEAVING SAID NORTHERLY EASEMENT LINE, N02°03'01"E A DISTANCE OF 116.68 FEET; THENCE N47°03'00"E A DISTANCE OF 160.98 FEET; THENCE N42°56'59"W A DISTANCE OF 102.33 FEET; THENCE N47°03'01"E A DISTANCE OF 20.00 FEET; THENCE S42°56'59"E A DISTANCE 122.33 FEET; THENCE S47°03'00"W A DISTANCE OF 172.70 FEET; THENCE S02°03'01"W A DISTANCE OF 108.55 FEET TO THE **POINT OF BEGINNING**, CONTAINING 0.18 ACRES (7,836 SQUARE FEET), MORE OR LESS.

UTILITY EASEMENT EXHIBIT

SPRINGDALE WATER UTILITIES

SPRINGDALE, BENTON COUNTY, ARKANSAS

SCALE: N.T.S.

DATE: November 18, 2024

DRAWN BY: PBS

ENGINEERING SERVICES, INCORPORATED
SPRINGDALE, ARKANSAS

© COPYRIGHT 2024, ENGINEERING SERVICES, INC. 11/18/2024 2:53 PM
Z:\LSO\23959 - SHAW PARK PARKING EXPANSION\EASEMENTS\23959
SHAW PARK UE EXHIBITS.DWG

W.O.# 24959

SHEET 1 / 1



EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT the undersigned **City of Springdale, Arkansas, a municipal corporation**, Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to us in hand paid by the **Springdale Water and Sewer Commission, Springdale, Arkansas**, Grantee, does hereby grant, bargain and sell unto the said **Springdale Water and Sewer Commission, Springdale, Arkansas**, and unto its successors and assigns, an easement for a water transmission line(s), and/or sewer collection or force main line(s), over, under or across the hereinafter described land in **Benton County, Arkansas**, to-wit:

PROPERTY DESCRIPTION (Parcels 21-00167-470, 21-00167-471 and 21000167-545):

Exhibit "A"

Tract A:

(PIN 21-001670-471)

The North 3/4 of the W 1/2 of the NE 1/4 of the SE 1/4 of Section 19, T-18-N, R-30-W, Benton County, Arkansas

Tract B-3:

(PIN 21-00167-545)

The W 1/2 of the W 1/2 of the SW 1/4 of Section 20, T-18-N, R-30-W, Benton County, Arkansas.

AND

(PIN 21-00167-470)

The E1/2 of the SE1/4 of Section 19, T-18-N, R-30-W, Benton County, Arkansas.

LESS & EXCEPT A tract in the NW corner of said 80.00 acre tract, described as follows: Beginning at the NW corner of said 80.00 acre tract, and running thence East 40 rods; thence South 60 rods; thence West 40 rods; thence North 60 rods to the point of beginning.

LESS & EXCEPT A part of the SE1/4 of the SE1/4 of Section 19, T-18-N, R-30-W, Benton County, Arkansas, being more particularly described as follows: From a found 1/2 inch rebar representing the SW corner of the SE 1/4 of the SE 1/4 of said Section 19; thence N 02°24'27"E, 608.55 feet; thence S 87°31'56" E, 37.12 feet to the point of beginning; thence N 02° 16'36" E, 50.00 feet; thence S 87°31'56" E, 121.53 feet; thence S 02°28'04" W, 50.00 feet; thence N 87°31'56" W, 121.36 feet to the point of beginning, containing 0.14 acres, more or less, and subject to any easements and/ or rights-of-way of record, if any.

The above described Tracts A & B-3 being more particularly described on a plat of survey by David A. Wilkins, PLS #1439, dated November 2012 and designated as job #12932, as follows:

The E 1/2 of the SE 1/4 of Section 19, T-18-N, R-30-W, and the W 1/2 of the W 1/2 of the SW 1/4 of Section 20, T-18-N, R-30-W of the Fifth Principle Meridian, City of Springdale, Benton County, Arkansas, being more particularly described as follows:

Beginning at a found 1/2" rebar for the SW corner of the SE 1/4 of the SE 1/4 of said Section 19, thence N 02°24'27" E, a distance of 1671.79 feet to a set iron pin with orange plastic cap "ESI COA 131"; thence N 02°27'51" E, a distance of 982.26 feet to the NW corner of the NE 1/4 of the SE 1/4 of said Section 19; thence S 87°55'57" E a distance of 1335.40 feet to a set iron pin with a orange plastic cap "ESI COA 131" for the NE corner of said forty acre tract; thence S 86°26'02" E a distance of 659.41 feet to a set iron pin with orange plastic cap "ESI COA 131"; thence S 02°28'04" W a distance of 2655.17 feet to a set iron pin with orange plastic cap "ESI COA 131"; thence N 86°35'41" W, a distance of 660.01 feet to a found 1/2" rebar for the SE corner of said SE 1/4, SE 1/4; thence N 87°48'22" W, a distance of 1332.93 feet to the point of beginning, containing 121.58 acres (5,295,990 square feet, more or less), and being subject to any easements, covenants or rights of way of record, if any.

**Subject to easements, rights-of-way, and protective covenants of record, if any.
Subject to all prior mineral reservations and oil and gas leases.**

As described in **Warranty Deed Book 2012, Page 49898** of the records of the Circuit Clerk and Ex-Officio Recorder, Benton County, Arkansas.

PERMANENT EASEMENT DESCRIPTIONS: (See Attached "UTILITY EASEMENT EXHIBIT")

A PART OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION NINETEEN (19), AND A PART OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 20, ALL IN TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF SPRINGDALE, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 19, SAID POINT BEING A RAILROAD SPIKE; THENCE ALONG THE EAST LINE OF SAID SECTION 19, N02°28'53"E A DISTANCE OF 70.55 FEET TO A POINT ON THE NORTHERLY LINE OF AN EXISTING UTILITY EASEMENT AS SHOWN ON INSTRUMENT NUMBER L202115769 OF THE BENTON COUNTY RECORDS; THENCE LEAVING SAID EAST LINE AND ALONG SAID NORTHERLY EASEMENT LINE, N87°04'15"W A DISTANCE OF 15.93 FEET; THENCE N87°29'12"W A DISTANCE OF 50.46 FEET TO THE **POINT OF BEGINNING; THENCE CONTINUING N87°29'12"W A DISTANCE OF 20.00 FEET; THENCE LEAVING SAID NORTHERLY EASEMENT LINE, N02°03'01"E A DISTANCE OF 116.68 FEET; THENCE N47°03'00"E A DISTANCE OF 160.98 FEET; THENCE N42°56'59"W A DISTANCE OF 102.33 FEET; THENCE N47°03'01"E A DISTANCE OF 20.00 FEET; THENCE S42°56'59"E A DISTANCE 122.33 FEET; THENCE S47°03'00"W A DISTANCE OF 172.70 FEET; THENCE S02°03'01"W A DISTANCE OF 108.55 FEET TO THE **POINT OF BEGINNING**, CONTAINING **0.18 ACRES (7,836 SQUARE FEET)**, MORE OR LESS.**

Together with the right of ingress and egress across adjacent lands for the purpose of laying, repairing, inspecting, maintaining, removing, or replacing, said water transmission line(s) and/or sewer collection or force main line(s), and the right of exercising all other rights necessary to carry out the purposes for which this Easement is created.

TO HAVE AND TO HOLD the above described easement and rights unto said Grantee, its successors and assigns, forever or until said right of way is abandoned.

And Grantor agrees to warrant and forever defend all and singular the above described easement and rights unto said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or seek to claim the same or any part thereof.

This Easement is declared to and does inure to the benefit of the public generally, and shall be binding upon the successors in title to the lands herein described or any other part thereof, their mortgagees, lessees, heirs, administrators, executors, successors, and assigns.

IN WITNESS WHEREOF, the hands and seals of Grantor, are hereunto set this the _____ day of _____, _____.

City of Springdale, Arkansas
A municipal corporation

By: _____
Doug Sprouse, Mayor

ATTEST:

By: _____
Sabra Jeffus, City Clerk/Treasurer

ACKNOWLEDGMENT

STATE OF ARKANSAS }
 } SS
COUNTY OF WASHINGTON }

On this the _____ day of _____, _____, before me, _____, the undersigned Notary Public, personally appeared **Doug Sprouse** and **Sabra Jeffus**, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, who acknowledged themselves to be respectively, the **Mayor** and the **City Clerk/Treasurer** of the **City of Springdale, Arkansas, a municipal corporation**, and that they, as such **Mayor** and **City Clerk/Treasurer**, being authorized so to do, executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires: _____

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE GRANT OF A
UTILITY EASEMENT ACROSS PROPERTY OWNED BY
THE CITY OF SPRINGDALE, BENTON COUNTY,
ARKANSAS.**

WHEREAS, the City of Springdale, Arkansas, owns property known as Parcel No. 21-00167-470, Parcel No. 21-00167-471, and Parcel No. 21-00167-545, Benton County, Arkansas, more commonly known as Shaw Family Park ("the Property");

WHEREAS, the City of Springdale is undertaking certain improvements on the Property, and Ozarks Electric is in need of a utility easement across the Property for utility improvements related thereto, as shown on the attached Exhibit "A";

WHEREAS, the utility easement is necessary for the construction and improvement of utility facilities to enhance capacity in the area of the Properties, including Shaw Family Park, and will be beneficial to future growth and development of the area;

WHEREAS, Ark. Code Ann. §14-54-302 provides that the Mayor and City Clerk may execute the attached easement document (Exhibit "B") when authorized to do so by Resolution approved by the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS that the Mayor and City Clerk are hereby authorized to execute the attached easement document granting a utility easement across the Property to Ozarks Electric.

PASSED AND APPROVED this ____ day of _____, 2025.

Doug Sprouse, Mayor

ATTEST:

Sabra Jeffus, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

NOTES:

*NOT A BOUNDARY SURVEY

UTILITY ESMT. AREA: 8,419 SQ.FT. (0.19 AC.)

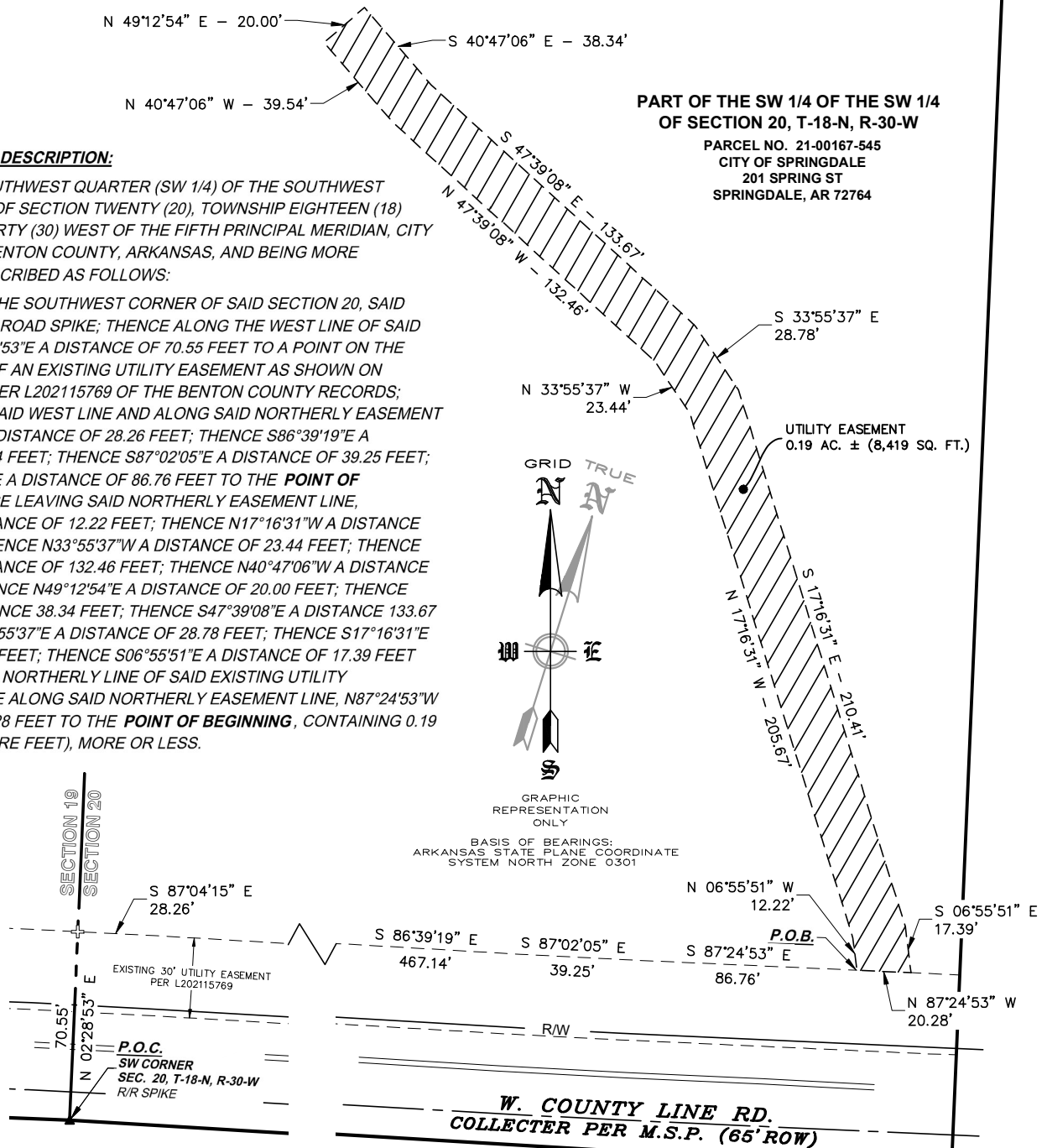
UTILITY EASEMENT DESCRIPTION:

A PART OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION TWENTY (20), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF SPRINGDALE, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 20, SAID POINT BEING A RAILROAD SPIKE; THENCE ALONG THE WEST LINE OF SAID SECTION 20, N02°28'53"E A DISTANCE OF 70.55 FEET TO A POINT ON THE NORTHERLY LINE OF AN EXISTING UTILITY EASEMENT AS SHOWN ON INSTRUMENT NUMBER L202115769 OF THE BENTON COUNTY RECORDS; THENCE LEAVING SAID WEST LINE AND ALONG SAID NORTHERLY EASEMENT LINE, S87°04'15"E A DISTANCE OF 28.26 FEET; THENCE S86°39'19"E A DISTANCE OF 467.14 FEET; THENCE S87°02'05"E A DISTANCE OF 39.25 FEET; THENCE S87°24'53"E A DISTANCE OF 86.76 FEET TO THE **POINT OF BEGINNING**; THENCE LEAVING SAID NORTHERLY EASEMENT LINE, N06°55'51"W A DISTANCE OF 12.22 FEET; THENCE N17°16'31"W A DISTANCE OF 205.67 FEET; THENCE N33°55'37"W A DISTANCE OF 23.44 FEET; THENCE N47°39'08"W A DISTANCE OF 132.46 FEET; THENCE N40°47'06"W A DISTANCE OF 39.54 FEET; THENCE N49°12'54"E A DISTANCE OF 20.00 FEET; THENCE S40°47'06"E A DISTANCE 38.34 FEET; THENCE S47°39'08"E A DISTANCE 133.67 FEET; THENCE S33°55'37"E A DISTANCE OF 28.78 FEET; THENCE S17°16'31"E A DISTANCE 210.41 FEET; THENCE S06°55'51"E A DISTANCE OF 17.39 FEET TO A POINT ON THE NORTHERLY LINE OF SAID EXISTING UTILITY EASEMENT; THENCE ALONG SAID NORTHERLY EASEMENT LINE, N87°24'53"W A DISTANCE OF 20.28 FEET TO THE **POINT OF BEGINNING**, CONTAINING 0.19 ACRES (8,419 SQUARE FEET), MORE OR LESS.

PART OF THE SW 1/4 OF THE SW 1/4
OF SECTION 20, T-18-N, R-30-W

PARCEL NO. 21-00167-545
CITY OF SPRINGDALE
201 SPRING ST
SPRINGDALE, AR 72764



© COPYRIGHT 2024, ENGINEERING SERVICES, INC. 12/18/2024 3:37 PM
Z:\150\23959 - SHAW PARK PARKING EXPANSION\EASEMENTS\23959
SHAW PARK EXHIBITS.DWG

UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, CITY OF SPRINGDALE, ARKANSAS, hereinafter called "Grantor", for the sum of \$1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged do hereby grant, sell and convey unto Ozarks Electric Cooperative Corporation, its successors and assigns, hereinafter called GRANTEE, the right of way and easement to construct, lay, remove, reconstruct, enlarge, maintain, inspect, repair and operate utility lines, including electric, water, sewer, drainage and other utilities, and appurtenances thereto, and construct, alter or grade easement area as required, with right of way of ingress and egress to and from the same, on, over, across and under the following described real state, to-wit:

PROPERTY DESCRIPTION (Parcels 21-00167-470, 21-00167-471 and 21-00167-545):

Tract A: (PIN 21-00167-471)

The North 3/4 of the W 1/2 of the NE 1/4 of the SE 1/4 of Section 19, T-18-N, R-30-W, Benton County, Arkansas

Tract B-3: (PIN 21-00167-545)

The W 1/2 of the W 1/2 of the SW 1/4 of Section 20, T-18-N, R-30-W, Benton County, Arkansas.

AND

(PIN 21-00167-470)

The E1/2 of the SE1/4 of Section 19, T-18-N, R-30-W, Benton County, Arkansas.

LESS & EXCEPT A tract in the NW corner of said 80.00 acre tract, described as follows: Beginning at the NW corner of said 80.00 acre tract, and running thence East 40 rods; thence South 60 rods; thence West 40 rods; thence North 60 rods to the point of beginning.

LESS & EXCEPT A part of the SE1/4 of the SE1/4 of Section 19, T-18-N, R-30-W, Benton County, Arkansas, being more particularly described as follows: From a found 1/2 inch rebar representing the SW corner of the SE 1/4 of the SE 1/4 of said Section 19; thence N 02°24'27"E, 608.55 feet; thence S 87°31'56" E, 37.12 feet to the point of beginning; thence N 02° 16'36" E, 50.00 feet; thence S 87°31'56" E, 121.53 feet; thence S 02°28'04" W, 50.00 feet; thence N 87°31'56" W, 121.36 feet to the point of beginning, containing 0.14 acres, more or less, and subject to any easements and/ or rights-of-way of record, if any.

The above described Tracts A & B-3 being more particularly described on a plat of survey by David A. Wilkins, PLS #1439, dated November 2012 and designated as job #12932, as follows:

The E 1/2 of the SE 1/4 of Section 19, T-18-N, R-30-W, and the W 1/2 of the W 1/2 of the SW 1/4 of Section 20, T-18-N, R-30-W of the Fifth Principle Meridian, City of Springdale, Benton County, Arkansas, being more particularly described as follows:

Beginning at a found 1/2" rebar for the SW corner of the SE 1/4 of the SE 1/4 of said Section 19, thence N 02°24'27" E, a distance of 1671.79 feet to a set iron pin with orange plastic cap "ESI COA 131"; thence N 02°27'51" E, a distance of 982.26 feet to the NW corner of the NE 1/4 of the SE 1/4 of said Section 19; thence S 87°55'57" E a distance of 1335.40 feet to a set iron pin with a orange plastic cap "ESI COA 131" for the NE corner of said forty acre tract; thence S 86°26'02" E a distance of 659.41 feet to a set iron pin with orange plastic cap "ESI COA 131"; thence S 02°28'04" W a distance of 2655.17 feet to a set iron pin with orange plastic cap "ESI COA 131"; thence N 86°35'41" W, a distance of 660.01 feet to a found 1/2" rebar for the SE corner of said SE 1/4, SE 1/4; thence N 87°48'22" W, a distance of 1332.93 feet to the point of beginning, containing 121.58 acres (5,295,990 square feet, more or less), and being subject to any easements, covenants or rights of way of record, if any.

As described in Warranty Deed Book 2012, Page 49898 of the records of the Circuit Clerk and Ex-Officio Recorder, Benton County Arkansas.

UTILITY EASEMENT DESCRIPTION (See attached Exhibit):

A PART OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION TWENTY (20), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF SPRINGDALE, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 20, SAID POINT BEING A RAILROAD SPIKE; THENCE ALONG THE WEST LINE OF SAID SECTION 20, N02°28'53"E A DISTANCE OF 70.55 FEET TO A POINT ON THE NORTHERLY LINE OF AN EXISTING UTILITY EASEMENT AS SHOWN ON INSTRUMENT NUMBER L202115769 OF THE BENTON COUNTY RECORDS; THENCE LEAVING SAID WEST LINE AND ALONG SAID NORTHERLY EASEMENT LINE, S87°04'15"E A DISTANCE OF 28.26 FEET; THENCE S86°39'19"E A DISTANCE OF 467.14 FEET; THENCE S87°02'05"E A DISTANCE OF 39.25 FEET; THENCE S87°24'53"E A DISTANCE OF 86.76 FEET TO THE **POINT OF BEGINNING**; THENCE LEAVING SAID NORTHERLY EASEMENT LINE, N06°55'51"W A DISTANCE OF 12.22 FEET; THENCE N17°16'31"W A DISTANCE OF 205.67

FEET; THENCE N33°55'37"W A DISTANCE OF 23.44 FEET; THENCE N47°39'08"W A DISTANCE OF 132.46 FEET; THENCE N40°47'06"W A DISTANCE OF 39.54 FEET; THENCE N49°12'54"E A DISTANCE OF 20.00 FEET; THENCE S40°47'06"E A DISTANCE 38.34 FEET; THENCE S47°39'08"E A DISTANCE 133.67 FEET; THENCE S33°55'37"E A DISTANCE OF 28.78 FEET; THENCE S17°16'31"E A DISTANCE 210.41 FEET; THENCE S06°55'51"E A DISTANCE OF 17.39 FEET TO A POINT ON THE NORTHERLY LINE OF SAID EXISTING UTILITY EASEMENT; THENCE ALONG SAID NORTHERLY EASEMENT LINE, N87°24'53"W A DISTANCE OF 20.28 FEET TO THE **POINT OF BEGINNING**, CONTAINING 0.19 ACRES (8,419 SQUARE FEET), MORE OR LESS.

The Grantor or its successors shall not cause to be constructed any buildings, structures or other improvements (other than wood fences, driveways, and paved parking areas) within the above described easement, and no trees shall be planted by Grantor or his successors on said easement. Grantor or his successors shall not be entitled to any compensation for fences, growing crops, or structures which may be removed or disturbed within this permanent easement by virtue of Grantees' exercise of the rights under this agreement, unless agreed upon in writing among the Grantor and Grantee.

Grantee agrees to repair any damage to Grantor's driveways, sidewalks, parking areas, fences, lawn or pastures that result from the exercise of rights and privileges contained within the easement and right of way described herein. Said damages to driveways, sidewalks, parking areas, fences, lawn or pastures shall be restored by Grantee as close as is reasonable to the original condition.

It is further understood that Grantee's easement shall be exclusive and the Grantor or its successors shall convey no parallel rights to any person, utility, or corporation on, across, or under said right of way without the express written permission of Grantee.

Unless sooner terminated, this Utility Easement shall be perpetual unto Grantee, until Grantee abandons it.

IN WITNESS THEREOF, the hands and seals of Grantor, are hereunto set this _____ day of _____, 2025.

**City of Springdale, Arkansas,
A Municipal Corporation**

By: _____
Doug Sprouse, Mayor

ATTEST:

By: _____
Sabra Jeffus, City Clerk/Treasurer

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)SS
COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this day, came before the undersigned, a Notary Public, within and for the County aforesaid, duly commissioned and acting Doug Sprouse and Sabra Jessus, to me well known as the Mayor and City Clerk for the City of Springdale, the Grantor in the foregoing document, and stated that they had executed the same for the consideration and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this ____ day of _____, 2025.

My Commission Expires:

Notary Public

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS TO ACQUIRE PROPERTY FROM MARGARET BARBER AND LARRY BUNCH FOR THE GENE GEORGE BLVD. EXTENSION PROJECT (ELM SPRINGS RD. TO COUNTY LINE RD.), PROJECT NO. 23BPS4.

WHEREAS, the City of Springdale is in need of acquiring easements across lands for the Gene George Blvd. Extension Project (Elm Springs Rd. to County Line Rd.), Project No. 23BPS4 (Tract 29 and Tract 30), said lands being owned by Margaret Barber and Larry Bunch, also known as Washington County Tax Parcel No. 815-29789-265 and Parcel No. 815-29789-260, located at 2583 N. 56th Street, Springdale, Washington County, Arkansas (“the Property”);

WHEREAS, the City’s estimate of compensation for the easements across the Property, as determined by an appraisal, is \$22,000.00;

WHEREAS, the property owner has extended a counter-offer that the City pay the total sum of \$27,109.00 to acquire the easements across the Property; and,

WHEREAS, it is the recommendation of the City Attorney and the Mayor that the City Council approve the additional sum of \$5,109.00 to acquire the easements across the Property, as this amount is reasonable, is justified, and will avoid the cost, expense, and risk of acquiring the easements across the Property by eminent domain proceedings.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City is hereby authorized to acquire the easements needed across the aforementioned parcel of land for the Gene George Blvd. Extension Project (Elm Springs Rd. to County Line Rd.), Project No. 23BPS4 (Tract 29 and Tract 30), said lands being owned by Margaret Barber and Larry Bunch, for the total sum of \$27,109.00 to be paid from the 2023 Street Bond.

PASSED AND APPROVED this ____ day of _____, 2025.

Doug Sprouse, Mayor

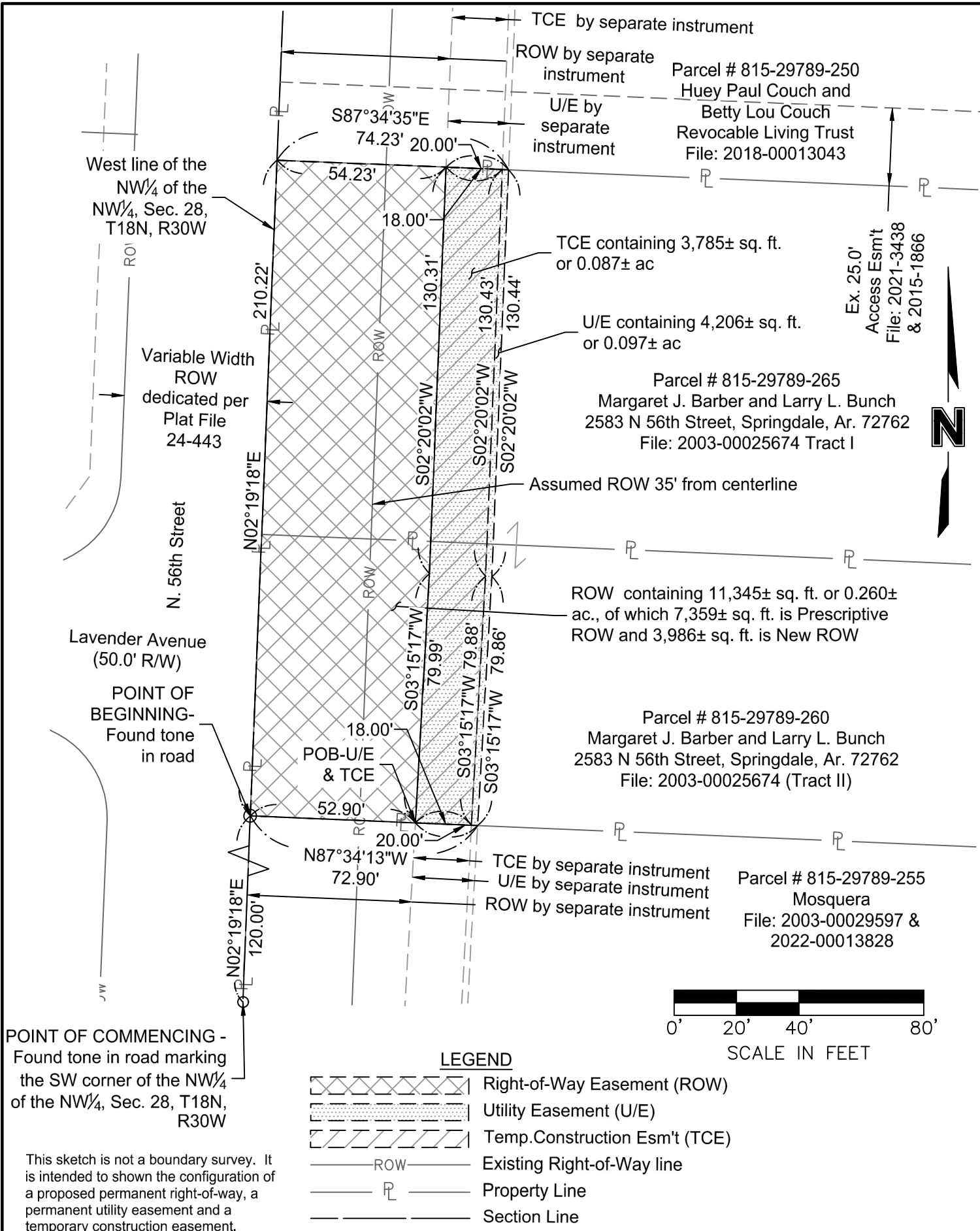
ATTEST:

Sabra Jeffus, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

DWG: F:\2021\07001-07500\021-07405\40-Design\Survey\SRV\Sheets\V_ESM_Parcel 815-29789-260 & 65-02107405.dwg
DATE: Dec 13, 2023 11:09am
USER: dchance
V_XBNDY WATERLINE_02101443
V_XTOPO WATERLINE_02101443
V_PESMT_02107405



PROJECT NO: 021-07405	ROW & EASEMENT DRAWING
DRAWN BY: DRC	PARCEL NO.
DATE: 11.07.2023	815-29789-260 & 815-29789-265
	MARGARET J. BARBER & LARRY L. BUNCH

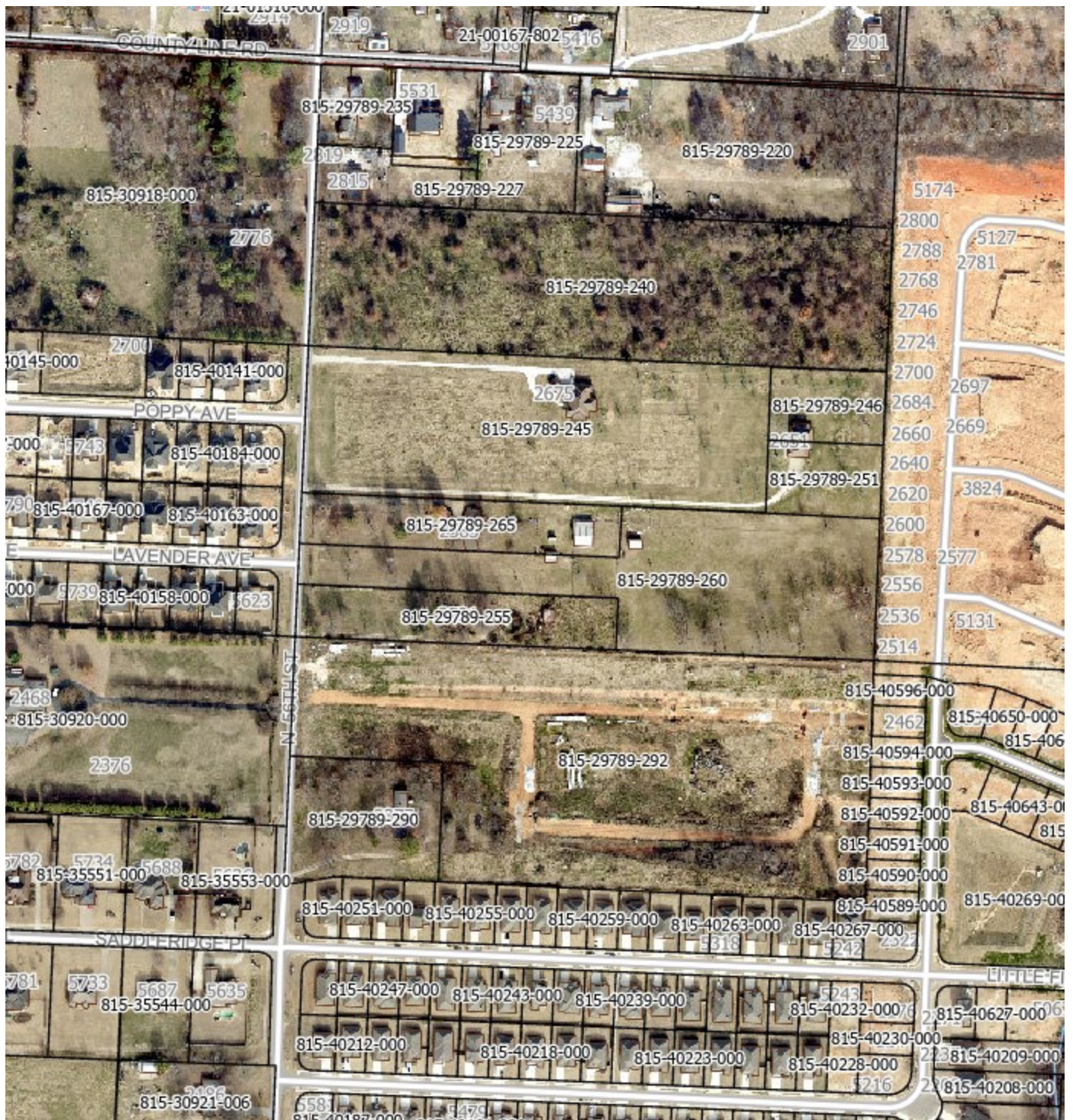
olsson

Olsson, Inc. AR COA #1010
302 East Millsap Road
Fayetteville, AR 72703
TEL 479.443.3404

EXHIBIT

Page 91

A



RESOLUTION NO. _____

A FURTHER RESOLUTION OF INTENT REGARDING THE FINANCING OF THE
WESTERN CORRIDOR TRANSMISSION MAIN PROJECT AND THE
JOHNSON/ROBINSON FORCE MAIN AND GRAVITY SEWER PROJECT

WHEREAS, the City of Springdale, Arkansas (the "City") owns and operates, through the Springdale Water and Sewer Commission (the "Commission") and the Springdale Water Utilities ("SWU"), a water and sewer system (the "System") in order to provide water and sewer service to meet the needs of the City and its inhabitants, and certain nearby areas; and

WHEREAS, the Commission has determined that there is a need for improvements to the water facilities of the System, including particularly, without limitation, the project known as the "Western Corridor Transmission Main Project" (the "Water Project"); and

WHEREAS, the Commission has determined that there is a need for improvements to the sewer facilities of the System, including particularly, without limitation, the project known as the "Johnson/Robinson Force Main and Gravity Sewer Project" (the "Sewer Project"); and

WHEREAS, pursuant to a recommendation from the Commission, the City Council adopted Resolution No. 101-24 on August 13, 2024, evidencing the City's intent to issue up to \$50,000,000 of water and sewer revenue bonds through the State Drinking Water Revolving Loan Fund program to finance the Water Project; and

WHEREAS, after further study and consideration, the Commission has determined that it can obtain more favorable terms for financing the Water Project and Sewer Project (collectively, the "Project") with the proceeds of water and sewer revenue bonds in the maximum principal amount of \$60,000,000 to be underwritten by Stephens Inc. and Crews & Associates, Inc. (the "Underwriters"); and

WHEREAS, one of the purposes of this Resolution is for the City to declare its "official intent" for the reimbursement of certain expenditures in the increased amount, within the meaning of Regulation Section 1.150-2 promulgated by the United States Treasury Department (the "Regulation"); and

WHEREAS, the Commission has requested that the City Council adopt this Resolution;

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

Section 1. The City hereby expresses its official intent for revenues of the System to be advanced by SWU to pay costs of the Project prior to the issuance of the Bonds and for SWU to be reimbursed for such expenditures from proceeds of the Bonds.

Section 2. This Resolution shall be considered an "official intent" for purposes of the Regulation and shall be filed in the official records of the City in the office of the City Clerk within five (5) days from the adoption hereof.

Section 3. The officials of the City are authorized to cooperate with the Underwriters, and Friday, Eldredge & Clark, LLP, as Bond Counsel, in the preparation of a preliminary official statement and bond ordinance and are further authorized to execute such writings and take such actions as may be appropriate to the offering of the Bonds.

Section 4. As the issuance of the Bonds is, under Arkansas law, subject to the approval of the City Council, by ordinance, any sale of the Bonds will be subject to the approval of the City Council.

Section 5. This Resolution shall supplement Resolution No. 101-24 for official intent purposes and modify Resolution No. 101-24 as to the method of financing the Project.

PASSED: _____, 2025.

APPROVED:

ATTEST:

BY: _____
City Clerk

BY: _____
Mayor

(SEAL)

CERTIFICATE

The undersigned, City Clerk of the City of Springdale, Arkansas (the "City"), hereby certifies that the foregoing is a true and compared copy of a resolution passed at a regular session of the City Council of the City, held at the regular meeting place of the Council at _____ o'clock p.m. on the _____ day of _____, 2025.

City Clerk

(SEAL)

RESOLUTION NO. _____

**A RESOLUTION ACCEPTING A GRANT FROM THE
ARKANSAS PUBLIC SAFETY EQUIPMENT GRANT
PROGRAM, AUTHORIZING THE MAYOR TO SIGN THE
GRANT AGREEMENT, TO APPROPRIATE FUNDS, AND TO
WAIVE COMPETITIVE BIDDING**

WHEREAS, the Springdale Police Department was awarded a grant from the Arkansas Public Safety Equipment Grant Program in the amount of \$74,250.00, and

WHEREAS, the Springdale Police Department will be using the grant funds to purchase Apex Officer Virtual Reality Training equipment in the amount of \$81,489.38, which will provide essential training related to “shoot/don’t shoot” scenarios, de-escalation training, and more, and

WHEREAS, they are requesting to waive competitive bidding as the equipment is a sole source provider under Ark. Code Ann. §14-58-104.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that:

Section 1: That the Mayor is hereby authorized to accept and sign the grant agreement for an Arkansas Public Safety Equipment Grant in the amount of \$74,250.00.

Section 2: The purchase amount for the Apex Officer Virtual Reality Training equipment is \$81,489.38 – The equipment will be paid for by the Arkansas Public Safety Equipment Grant in the amount of \$74,250.00; the remaining balance of \$7,239.38 will be paid for out of Drug Seizure Funds.

Section 3: That competitive bidding is not deemed feasible or practical because of the exceptional situation previously set out herein and therefore competitive bidding is hereby waived under Ark. Code Ann. §14-58-104.

PASSED AND APPROVED this 14th day of January, 2025.

Doug Sprouse, Mayor

ATTEST:

Sabra Jeffus, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney



FROM: Chief Frank Gamble

TO: Colby Fulfer and Mayor Doug Sprouse

DATE: 12/30/24

RE: Request for approval to accept DPS grant

I am requesting permission to accept the Arkansas Public Safety Equipment Grant in the amount of \$74,250. We applied for this grant earlier in 2024 and recently received notification that we were approved for the grant to purchase some Apex Officer virtual reality training equipment. This equipment will allow scenario-based training for our officers. We request permission to wave competitive bidding for this equipment since the company we are using to purchase the equipment is the sole source provider for the equipment. Please let me know if you have any questions.

I have attached documentation for the grant as well as the equipment. The attached quote does not include tax as the company does not collect tax in Arkansas. We will be responsible to submit the taxes directly to the state. We are requesting to use drug seizure funds to pay the tax. The tax would equal \$7239.38.

Respectfully,

A handwritten signature in blue ink, appearing to read "Frank Gamble".

Chief of Police Frank Gamble
Springdale Police Department



Col. Mike A. Hagar
Secretary

State of Arkansas
Governor Sarah Huckabee Sanders

**DEPARTMENT OF PUBLIC SAFETY
RESEARCH AND PLANNING DIVISION**

1 State Police Plaza Drive
Little Rock, Arkansas 72209
Office: (501) 618-8235



Christopher Clem, Ph.D.
Director

**ARKANSAS PUBLIC SAFETY EQUIPMENT GRANT AWARD
APPROVED BUDGET**

Award Number: 25PSEG073

Springdale Police Department
201 Spring Street
Springdale, AR 72764

CATEGORY 10: VIRTUAL REALITY TRAINING EQUIPMENT (Apex Officer Pro Training Simulator+)	\$74,250.00
---	-------------

TOTAL AWARD: \$74,250.00

❖ The following items will NOT be considered for funding and your awarded funds must not be used for these items:

- Salaries, overtime, fringe benefits related to salaries
- Any Specialty Court
- Real Estate
- Vessel or Aircraft *(except for UAS/Drones in accordance with Act 252 of 2023)*
- Firearms
- Construction Projects
- Buy Money

Congratulations on your 2025 DPS Public Safety Equipment Grant Program Award. We look forward to working with your agency to continue to improve community trust within the State of Arkansas. Please feel free to contact us by email at dps.rpgrants@dps.arkansas.gov or phone at (501) 618-8235 if you have any questions.



DEPARTMENT FUNDING REQUEST

Department: Springdale Police Department		Date: 12/30/24	
Point of Contact: Frank Gamble		Amount Requested: \$ 81,489.38	
Brief Description of Funding Request: We are requesting approval to accept the Arkansas public safety equipment grant to purchase Apex Officer virtual reality training equipment. We are requesting \$7239.38 in drug seizure funds in addition to the \$74,250 grant.			
IS IT BUDGETED?			
YES ☐		NO ☒	
If YES, No Action Needed		If NO:	
		Date to be Presented to Committee: 01 / 06 / 20 25	
☐ \$35,000+	Requires Bid	☐ \$0 - \$5,000	No Action
Waive Bidding		☐ \$5,000 - \$35,000 Requires 3 Quotes	
☐ Buy Board	☐ Sole Source		
		☒ \$35,000+	Requires Bid
		Waive Bidding	
		☐ Buy Board	☒ Sole Source

Signature: _____



Apex Officer Training Simulator

Interactive Crisis Intervention, De-Escalation, and Use of Force Training Simulator

Proposal Prepared For

Derek Wright

Springdale Police Department

201 Spring Street, Springdale, AR 72764

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December 16, 2024

Dear Derek Wright,

Thank you for your interest in our interactive Apex Officer virtual reality training simulator from Govred Technology, Inc. This proposal and attached sole source letter will provide you with the requested system information, specifications, pricing, and details for the Apex Officer X2.

All Apex Officer training simulators are designed to allow law enforcement trainers to give presentations and classes, conduct interactive testing and assessment, and provide immersive, hands-on scenario-based exercises with detailed debriefing and after-action reviews. Each Apex Officer system is designed to increase trainee de-escalation knowledge, skills, and confidence in a safe, challenging environment that is highly interactive and engaging.

Through our history of providing innovative interactive simulation training solutions, Apex Officer has become widely regarded as a low-risk, highly reliable contracting and business partner. We have the industry's most dedicated and customer-committed sales and support team on staff. All Apex Officer customers receive the best technical service in the industry, including software updates, and newly developed and released training content with new exercises and environments to keep trainee interest high and skills sharp.

The Apex Officer X2 simulator is a cutting-edge training tool that offers a one-of-a-kind experience by enabling you to train up to two trainees simultaneously. This system comes equipped with the core equipment that your trainer needs to operate the simulator. Additionally, you'll receive two virtual reality backpacks, which are the most powerful wearable backpack workstations in the industry, along with two sets of trainee equipment to ensure a comprehensive and immersive training session for each trainee. This state-of-the-art system is designed to provide realistic and engaging training scenarios that will help prepare your team for real-world challenges.

On behalf of the Apex Officer team, I sincerely appreciate the consideration of our proposal for this requirement and the opportunity to serve the men and women of the Springdale Police Department.

Chase Dittmer
Founder and CEO

Govred Technology, Inc.
Direct: 702-901-5344
chase@apexofficer.com
www.apexofficer.com

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APEX OFFICER – PRO TRAINING SIMULATOR SUITE

Description	Qty	Price
Apex Officer® – Pro Training Simulator System Includes: • Apex Officer® Content Library • High-Performance VR-Ready Workstation • Virtual Reality Head Mounted Display • Virtual Training Accessories • Apex Wireless • Dynamic Scenario Generator • After Action Debriefing • Advanced Officer Analytics • Apex Reporting and Monitoring • Apex Officer Training with Setup	1	\$99,868.00
Apex Officer Content Library Every Apex Officer training system includes 24/7 access to Apex Officer's proprietary content library. Apex Officer's content library of virtual reality police and law enforcement training scenarios is the most extensive in the industry. With our unique blend of randomization, artificial intelligence, and voice recognition Apex Officer provides police departments and law enforcement agencies with an infinite number of training opportunities and scenarios.	Inc.	
High-Performance VR-Ready Wearable Workstation Every Apex Officer simulator comes equipped with the world's most powerful wearable backpack workstation – optimized for free-roam experiences. Experience full training immersion with unprecedented freedom of movement and the most reliable connectivity that no wireless VR device can provide. • Intel Core i7 8 Core/16 Thread Processor • Nvidia RTX Graphics Card • 16GB DDR4 RAM • NVMe Solid State Storage • Windows 11 Pro 64-Bit Operating System	Inc.	

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• Hot-Swappable Batteries		
Virtual Reality Head Mounted Display (HMD) Apex Officer utilizes a state-of-the-art virtual reality head-mounted display to create the world's most realistic and immersive judgmental training simulator. With our HMD, we're capable of producing active engagements from a 360-degree environment surrounding the trainees. Our systems utilize multi-directional audio technology and seamless software simulations that simulate different environments and situations that will challenge trainees.	Inc.	
Virtual Training Accessories Apex Officer's proprietary virtual training accessories are designed to look, weigh, and feel just like their real-life counterpart. We worked hand and hand with multiple engineers in designing the firearms and training equipment used in our simulations. VR-Training Accessories Included: • Apex-VTW-U1 (Universal Device) • Apex-VTW-G1 (Pistol) • Apex-VTW-T1 (Taser) • Apex-VTW-R1 (Rifle) Every Apex Officer Virtual Training Weapon is equipped with: • Up to 32 low power, ASIC sensors, for 360-degree coverage • Built-in 1000Hz IMU for low latency, high-resolution tracking • Bluetooth and wireless connectivity • Rechargeable battery	Inc.	
Apex Wireless (AW) The Apex Wireless system is a proprietary combination of wireless networking systems working in harmony to deliver a fully immersive wireless virtual reality experience. • 4x Wireless Base Stations • Bluetooth Transmitters and Receivers	Inc.	
After Action Debriefing (AAD) Our After-Action Debriefing system provides real-time monitoring, recording, and playback during debriefing sessions of trainees. Includes software and hardware that integrates into the Apex Officer line of simulators.	Inc.	

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Advanced Officer Analytics (AOA) Apex Officer's Advanced Officer Analytics system allows law enforcement agencies to optimize their recent training activities and provides unprecedented learning opportunities for every officer using the simulator. With the AOA, police departments can track the training results and behaviors of each trainee that uses the simulator. With this data, the departments have an unprecedented insight into the strengths and weaknesses of each trainee, thus, allowing for follow-up training exercises.	Inc.	
Apex Reporting and Monitoring Audio and picture-in-picture color video capture trainee's actions in a scenario that can be used for immediate or later debriefing and review. All footage can be scheduled for permanent deletion at a specified time interval (i.e., 24 hours, 72 hours, etc.).	Inc.	
Apex Officer Training with Setup Instructor/Operator Master course covering the Apex Officer system, hardware setup, software updates, troubleshooting, and more for up to six instructors.	Inc.	
Apex Officer – Pro Training Simulator:		\$99,868.00
Discount:		-\$50,368.00
Total:		\$49,500.00
OPTIONAL UPGRADES		
Apex Officer X2 – Hardware Upgrade:		\$40,000.00
Discount:		-\$20,000.00
Total:		\$20,000.00
Total With Optional Upgrades:		\$69,500.00
Auxiliary Trainer Laptop:		\$8,750.00
Discount:		\$4,000.00
Total:		\$74,250.00

Additional Notes:

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-See Important Terms and Conditions Below-

Standard Terms and Conditions

1. Please make the purchase order (PO) out to GOVRED Technology, Inc.
2. Payment Terms: Net 30 from the invoice date.
3. Budgetary Pricing: This document is intended for budgeting purposes only and does not constitute a firm-fixed-price offer or binding agreement.
4. U.S. Delivery Lead Time:
 - a. Standard Production System: 30-60 Days ARO
 - b. Custom System Production: 120-180 ARO dependent on the level of customization and component requirements.
5. Warranty: 12 Months from the date of shipment.
6. If this sale is subject to Use Tax, then you are liable for the tax and should make payment direct to your taxing authority. However, we may collect Sales Tax for the following states: CA, FL, HI, IA, KY, MA, MI, NV, NY, UT, WA, and WV.
7. Quote Valid: 30 days.
8. All prices are quoted in US Dollars (\$USD).
9. Late Payment Penalties: Invoices not paid within 30 days of the invoice date will accrue interest at 2% per week.

Purchasing/Contracting Information

1. Company Name: Govred Technology, Inc.
2. Company Address: 5006 Bond St, Las Vegas, NV 89118
3. Order POC: Chase Dittmer
4. Order Email: orders@apexofficer.com
5. Phone: 702-901-5344
6. Cage Code: 7Z1H2
7. Tax ID: 82-1742313
8. DUNS: 080742556

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Sole Source Letter

Govred Technology, Inc.
5006 Bond St, Las Vegas, NV 89118
Phone: 702-901-5344
<https://www.apexofficer.com>

RE: Sole Source Letter
December 16, 2024
To Whom It May Concern:

This letter is to confirm that Govred Technology, Inc. is the sole manufacturer and provider of the Apex Officer® Pro Training Simulator, Apex Officer X1, X2, X3, XPro Pro Training Simulator, and the Auxiliary Trainer Laptop. These are sole-source solutions and no other company makes a similar or competing product. Govred Technology, Inc. guarantees that no other products or services on the market match the unique and exclusive features of Apex Officer®. Additionally, there are no authorized agents, dealers, or vendors that can distribute our solution.

Apex Officer is the industry-defining sandbox simulator that enables trainers to meet and surpass their diverse training needs in compelling and innovative ways. Our trainer-driven solution empowers your agency to create relevant and unique training opportunities that were not previously conceivable. Currently, numerous agencies leverage Apex Officer to facilitate training ranging from de-escalation, crisis intervention, and communication skills, to use of force.

Apex Officer® already provides all core functionalities expected of industry-leading true virtual reality training simulators (not projector-based). Our main distinguishing features that no other company provides include:

- Multiple trainer laptop capabilities, allowing up to 9 simultaneous trainers in real-time
- Native multi-user capabilities up to 32 trainees
- Dynamic training module system for limitless training options to support your specific training rather than being forced to use vendor-supplied scenarios
- Trainer microphone input for speaking as any character (suspects or civilians) and dispatcher
- Trainee 3D audio via high-end over-the-ear noise-canceling headphones
- Hot-swappable backpack unit batteries for endless training without shutting down
- A highly portable setup allows training in less than 10 minutes with no tracking calibration

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Furthermore, due to Govred Technology, Inc.'s technical expertise and experience, it would take years for another vendor to create a comparable product.

If you desire additional information, do not hesitate to contact me at 702-901-5344 at any time or visit our website at <https://www.apexofficer.com>.

Thank you for your interest in our turnkey solution.

Sincerely,
Chase Dittmer
Co-Founder

Govred Technology, Inc.
5006 Bond St, Las Vegas, NV 89118
Phone: 702-901-5344
Email: chase@apexofficer.com

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Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. GOVRED TECHNOLOGY, INC.		
2 Business name/disregarded entity name, if different from above		
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. ☐ Individual/sole proprietor or single-member LLC ☒ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate ☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. ☐ Other (see instructions) ►	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ (Applies to accounts maintained outside the U.S.)	
5 Address (number, street, and apt. or suite no.) See instructions. 5006 BOND ST	Requester's name and address (optional)	
6 City, state, and ZIP code LAS VEGAS, NV 89118		
7 List account number(s) here (optional)		

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

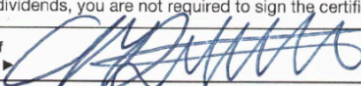
Social security number										
			-				-			
or										
Employer identification number										
8	2		-	1	7	4	2	3	1	3

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person	Date
		1/1/2023

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
 - Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
 - Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
 - Form 1099-S (proceeds from real estate transactions)
 - Form 1099-K (merchant card and third party network transactions)
 - Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
 - Form 1099-C (canceled debt)
 - Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

Govred Technology, Inc.

Apex Officer - Pro Training Simulator

Govred Technology, Inc.
5006 Bond St.
Las Vegas, NV 89118

702-901-5344
orders@apexofficer.com
www.apexofficer.com



BILLED TO:

Springdale Police Department
Attn: Accounts Payable
201 Spring Street,
Springdale, AR 72764

SHIP TO:

Springdale Police Department
Attn: Derek Wright
201 Spring Street,
Springdale, AR 72764

QUOTE NUMBER

10414

DATE OF ISSUE

1/15/2025

PURCHASE ORDER NUMBER

N/A

PAYMENT DUE

2/14/2025

DESCRIPTION	UNIT COST	QTY	AMOUNT
Apex Officer – Pro Training Simulator	\$49,500.00 USD	1	\$49,500.00 USD
Apex Officer X2 – Hardware Upgrade:	\$20,000.00 USD	1	\$20,000.00 USD
Auxiliary Trainer Laptop:	\$8,750.00 USD	1	\$8,750.00 USD

Invoice Notes:

Make all checks payable to GOVRED Technology, Inc.

SUBTOTAL \$74,250.00

(TAX RATE) 0%

TAX \$0

Late Payment Penalties:

Invoices not paid within 30 days of the invoice date will accrue interest at 2% per week.

If you have any questions regarding this invoice, please contact:

702-901-5344 or email orders@apexofficer.com

INVOICE TOTAL

\$74,250.00

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE
DESTRUCTION OF OLD POLICE RECORDS**

WHEREAS, there is presently a shortage of storage space to maintain old Police records, and

WHEREAS, all of the records are items that the Police Department is not required to keep by law or are items that have been digitally archived, and

WHEREAS, Arkansas Code Ann. § 14-59-114 provides for the destruction of old records with the permission of the City Council.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that

Section 1. The Mayor is hereby authorized to arrange for the destruction, by shredding, of old Police Department records and other documents indicated on the attached affidavit, in accordance with Arkansas Code Ann. §14-59-114.

PASSED AND APPROVED this 14th day of January, 2025.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney



FROM: Chief Frank Gamble
TO: Colby Fulfer and Mayor Doug Sprouse
DATE: 12/20/24
RE: Records destruction request

I am requesting approval for the destruction of the attached list of records. All of the records are items that we are not required to keep by law or are items that have been digitally archived.

Respectfully,

A handwritten signature in blue ink, appearing to read "Frank Gamble".

Chief of Police Frank Gamble
Springdale Police Department

SKID #1

- 20 Boxes of 2009 Case Files

SKID #2

- 24 Boxes of 2010 Case Files

SKID #3

- 18 Boxes of 2013 Case Files
- 6 Boxes of mixed 2020-2022 Case Files

SKID #4

- 15 Boxes of Old Sex Offender Files
- 5 boxes of Bethel Heights Ticket Books

SKID #5

- 27 Boxes of 2021 Case Files
- 9 Boxes of mixed 2020-2021 Case Files

SKID #6

- 29 Boxes of 2011 Case Files

SKID #7

- 28 Boxes of mixed 2020-2024 Case Files

RESOLUTION NO. _____

A RESOLUTION SETTING A HEARING DATE ON A PETITION TO ABANDON A STORM DRAINAGE EASEMENT ON PROPERTY LOCATED WITHIN THE CITY OF SPRINGDALE, WASHINGTON COUNTY, ARKANSAS.

WHEREAS, D.R. Horton – NW Arkansas, LLC, Inc., has petitioned for the abandonment of the entirety of a storm drainage easement, said easement having been filed for record on November 15, 1999, as File No. 99102236 in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and said easement to be vacated being more particularly described as follows, and as shown on the attached Exhibit “A”:

STORM DRAINAGE EASEMENT VACATION DESCRIPTION:

A 20 FOOT WIDE SANITARY SEWER AND STORM DRAINAGE EASEMENT, SAID EASEMENT BEING PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION TWENTY-SIX (26), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTY (30) WEST, WASHINGTON COUNTY, ARKANSAS, SAID EASEMENT BEING DESCRIBED AS FOLLOWS: COMMENCING AT A POINT WHICH IS NORTH 89°38’ EAST 400 FEET AND NORTH 00°18’ EAST 210 FEET FROM THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION TWENTY-SIX (26); THENCE SOUTH 00°18’00” WEST A DISTANCE OF 39.92 TO A POINT; THENCE NORTH 89°39’00” WEST A DISTANCE OF 20.00 TO A POINT; THENCE NORTH 00°18’00” EAST A DISTANCE OF 48.65 TO A POINT; THENCE NORTH 27°57’36” EAST A DISTANCE OF 112.64 TO A POINT; THENCE NORTH 01°32’56” WEST A DISTANCE OF 174.98 TO A POINT; THENCE NORTH 45°11’57” EAST A DISTANCE OF 32.99 TO A POINT; THENCE SOUTH 44°48’03” EAST A DISTANCE OF 20.00 TO A POINT; THENCE SOUTH 45°11’57” WEST A DISTANCE OF 24.35 TO A POINT; THENCE SOUTH 01°32’56” EAST A DISTANCE OF 171.60 TO A POINT; THENCE SOUTH 27°57’36” WEST A DISTANCE OF 112.98 TO A POINT; THENCE SOUTH 00°18’00” WEST A DISTANCE OF 3.82 TO A POINT; TO THE POINT OF BEGINNING; CONTAINING 0.17 ACRES OR 7219.17 SQUARE FEET MORE OR LESS.

WHEREAS, the City Council finds that a hearing date should be set on the request to abandon the aforementioned easement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that February 11, 2025, at 6:00 p.m. is set as the date and time for the City Council to hear the petition; that the City Clerk shall give notice of the date and time of said hearing as required by law.

PASSED AND APPROVED this 14th day of January, 2025.

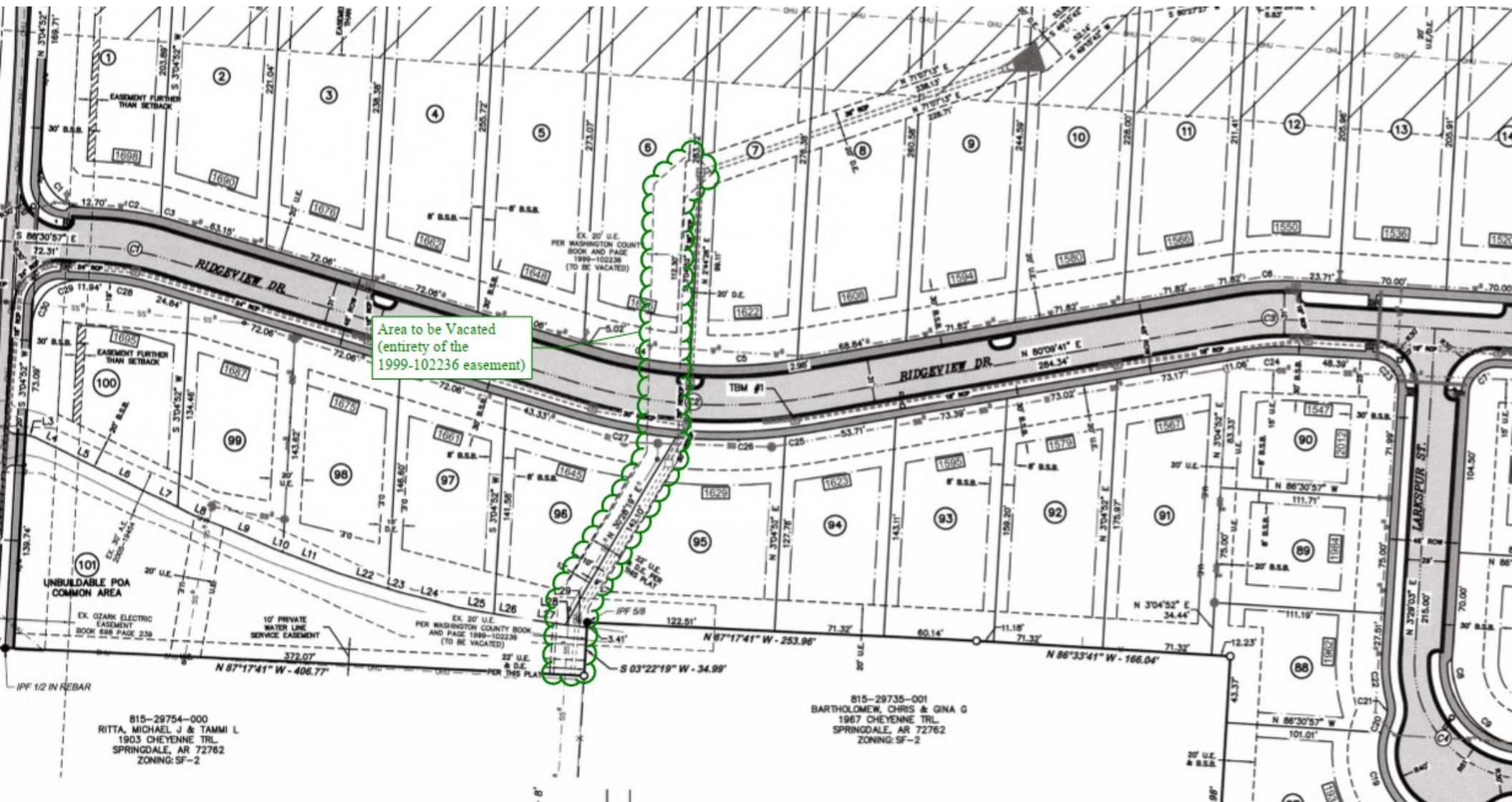
Doug Sprouse, Mayor

ATTEST:

Sabra Jeffus, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY



RESOLUTION NO. _____

**A RESOLUTION SETTING A HEARING DATE ON A
PETITION TO VACATE A PORTION OF E. RANDALL
WOBBE LANE.**

WHEREAS, C.L. George and Sons has petitioned for the abandonment of a portion of a dedicated public street, more commonly known as a portion of E. Randall Wobbe Lane, described as follows:

Part of the NW¼ of the SW¼ of Section 30 and the SW¼ of the NW¼ of Section 30, Township 18 N, Range 29 W, Washington County, Arkansas, more particularly described as follows: Commencing at the SE corner of the NW¼ of the SW¼ of Section 30; thence North 88°21' West along the South line thereof a distance of 309.8 feet; thence continue North 88°21' West along said South line a distance of 70.0 feet to a point on the westerly ROW line of Old Missouri Road; thence North 04°45' East along said ROW line, a distance of 215.5 feet to a point; thence North 01°12' East along said ROW line, a distance of 323.1 feet to a point; thence North 01°50' East along said ROW line, a distance of 254.9 feet to a point; thence North 03°31' East along said ROW line, a distance of 273.2 feet to a point; thence North 01°49' West along said ROW line, a distance of 200.6 feet to a point on the southerly ROW line of Randall Wobbe Lane and the POINT OF BEGINNING; thence North 49°00' West along said ROW line, a distance of 103.4 feet to a point; thence South 86°57' West along said ROW line, a distance of 200.6 feet to a point; thence North 88°46' West along said ROW line, a distance of 100.0 feet to a point; thence North 77°27' West along said ROW line, a distance of 102.0 feet to a point; thence North 88°46' West along said ROW line, a distance of 350.0 feet to a point; thence South 59°32' West along said ROW line, a distance of 40.0 feet to a point; thence North 88°16' West along said ROW line, a distance of 16.5 feet to a point on the existing centerline of Jefferson Street; thence North 01°44' East along said existing centerline, a distance of 135.9 feet to a point on the northerly ROW line of Randall Wobbe Lane; thence South 88°16' East along said ROW line, a distance of 15.0 feet to a point; thence South 52°52' East along said ROW line, a distance of 42.4 feet to a point; thence South 87°57' East along said ROW line, a distance of 350.0 feet to a point; thence North 82°42' East along said ROW line, a distance of 101.1 feet to a point; thence South 87°49' East along said ROW line, a distance of 300.0 feet to a point; thence North 63°09' East along said proposed ROW line, a distance of 75.1 feet to a point on the westerly ROW line of Old Missouri Road; thence East to a point which is due North of the point of beginning; thence South to the POINT OF BEGINNING.

Less and Except the following:

Part of the NW¼ of the SW¼ of Section 30 and the SW¼ of the NW¼ of Section 30, Township 18 N, Range 29 W, Washington County, Arkansas, more particularly described as follows: Commencing at the SE corner of the NW¼ of the SW¼ of Section 30; thence North 88°21' West along the south line thereof a distance of 309.8 feet; thence continue North 88°21' West along said south line a distance of 70.0 feet to a point on the westerly ROW line of Old Missouri Road; thence North 04°45' East along said ROW line, a distance of 215.5 feet to a point; thence North 01°12' East along said ROW line, a distance of 323.1 feet to a point; thence North 01°50' East along said ROW line, a distance of 254.9 feet to a point; thence North 03°31' East along said ROW line, a distance of 273.2 feet to a point; thence North 01°49' West along said ROW line, a distance of 200.6 feet to a point on the southerly ROW line of Randall Wobbe Lane; thence North 49°00' West along said ROW line, a distance of 103.4 feet to a point; thence South 86°57' West along said ROW line, a distance of 200.6 feet to a point; thence North 88°46' West along said ROW line, a distance of 100.0 feet to a point; thence North 77°27' West along said ROW line a distance of 102.0 feet to a point; thence North 88°46' West along said ROW line, a distance of 350.0 feet to the POINT OF BEGINNING; thence South 59°32' West along said ROW line, a distance of 40.0 feet; thence North 88°16' West along said ROW line, a distance of 16.5 feet to a point on the existing centerline of Jefferson Street; thence North 01°44' East along said existing centerline, a distance of 135.9 feet to a point on the proposed northerly ROW line of Randall Wobbe Lane; thence South 88°16' East along said ROW line, a distance of 15.0 feet to a point; thence South 52°52' East along said ROW line, a distance of 42.4 feet to a point; thence South 87°57' East along said ROW line, a distance of 350.0 feet to a point; thence returning Southwesterly to the POINT OF BEGINNING.

And as shown on the attached Exhibit "A".

WHEREAS, the City Council for the City of Springdale, Arkansas, finds that a hearing date should be set on the petition pursuant to Ark. Code Ann. §14-301-301, *et seq.*;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that February 11, 2025, at 6:00 p.m. be set as the date and time for the City Council to hear the petition; that the City Clerk shall give notice of the date and time, as required by law.

PASSED AND APPROVED this 14th day of January, 2025.

Doug Sprouse, Mayor

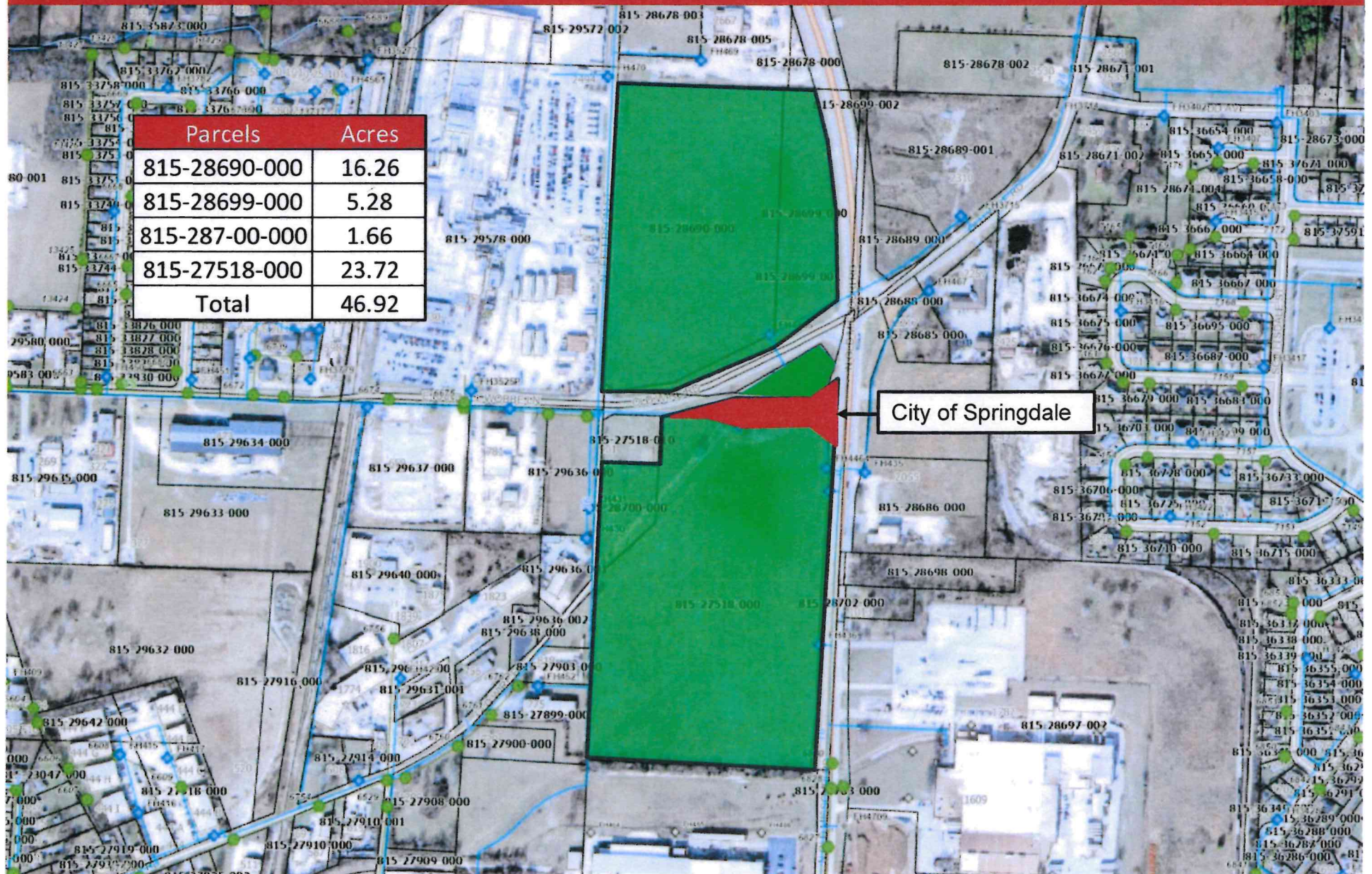
ATTEST:

Sabra Jeffus, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY





ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING FOR
ANNEXATION CERTAIN PROPERTY
INTO THE CITY OF SPRINGDALE,
BENTON COUNTY, ARKANSAS,
PURSUANT TO ARK. CODE ANN.
§14-40-609**



WHEREAS, Blue Ribbon Farms, LLC, owns the following described property situated in Benton County, Arkansas, to-wit:

PART OF THE NORTHWEST QUARTER (NW/4) OF THE NORTHEAST QUARTER (NE/4) OF SECTION 13, IN TOWNSHIP 18 NORTH (T18N), RANGE 31 WEST (R31W) IN BENTON COUNTY, ARKANSAS. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (SW/4) OF THE SOUTHEAST QUARTER (SE/4) OF SECTION 12 OF SAID T18N, R31W MARKED BY AN EXISTING LIMESTONE PER BENTON COUNTY SURVEYOR'S RECORD BOOK J PAGE 199; THENCE ALONG THE EAST LINE OF SAID SW/4 OF THE SE/4 SOUTH 02°34'10" WEST, A DISTANCE OF 1323.81 FEET TO THE NORTHEAST CORNER OF SAID NW/4 OF THE NE/4 OF SAID SECTION 13 FOR THE POINT OF BEGINNING; THENCE ALONG THE EAST LINE OF THE NW/4 OF THE NE/4 OF SAID SECTION 13 SOUTH 02°51'05" WEST, A DISTANCE OF 596.65 FEET TO THE CENTER OF WAGONWHEEL ROAD; THENCE LEAVING SAID EAST LINE AND ALONG THE CENTER OF SAID WAGONWHEEL ROAD CROSSING SAID NW/4 OF THE NE/4 AND PASSING INTO SAID NE/4 OF THE NW/4, FOR THE FOLLOWING THREE (3) CALLS:

1) SOUTH 79°28'25" WEST, CROSSING AN EXISTING COTTON PICKER SPINDLE AT 8.66 FEET, CROSSING AN EXISTING MAG NAIL AT 11.40 FEET, CROSSING ANOTHER EXISTING MAG NAIL AT 90.93 FEET AND CONTINUING FOR A TOTAL DISTANCE OF 144.30 FEET TO A TANGENT CURVE TO THE RIGHT;

2) 57.14 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 462.37 FEET, A CENTRAL ANGLE OF 07°08'03", AND SUBTENDED BY A CHORD BEARING SOUTH 83°00'49" WEST – 57.10 FEET TO A POINT OF TANGENCY;

3) SOUTH 86°33'14" WEST, A DISTANCE OF 558.35 FEET TO THE CENTERLINE OF SPRING BRANCH DITCH A NON-TANGENT CURVE TO THE RIGHT;

THENCE LEAVING SAID ROAD CENTERLINE AND ALONG SAID CENTERLINE OF SPRING BRANCH DITCH FOR THE FOLLOWING EIGHTEEN (18) CALLS:

1. 33.74 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 85.84 FEET, A CENTRAL ANGLE OF 22° 31' 07" AND SUBTENDED BY A

- CHORD BEARING NORTH 17°50'13" WEST - 33.52 FEET TO A NON-TANGENTIAL REVERSING CURVE TO THE LEFT;
2. 89.75 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 376.78 FEET, A CENTRAL ANGLE OF 13°38'50" AND SUBTENDED BY A CHORD BEARING NORTH 03°46'29" EAST, A DISTANCE OF 89.53 FEET TO A NON-TANGENTIAL POINT;
 3. NORTH 05°10'46" EAST, A DISTANCE OF 90.37 FEET TO NON-TANGENT CURVE TO THE LEFT;
 4. 50.80 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 102.61 FEET, A CENTRAL ANGLE OF 28°22'02" AND SUBTENDED BY A CHORD BEARING NORTH 04° 40' 14" EAST, A DISTANCE OF 50.28 FEET TO A NON-TANGENTIAL POINT;
 5. NORTH 00°59'58" WEST, A DISTANCE OF 40.19 FEET;
 6. NORTH 24°05'35" EAST, A DISTANCE OF 33.72 FEET;
 7. NORTH 29°51'22" WEST, A DISTANCE OF 17.24 FEET;
 8. NORTH 12° 11' 19" EAST, A DISTANCE OF 15.15 FEET TO A NON-TANGENT CURVE TO THE LEFT;
 9. 14.31 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 4.75 FEET, A CENTRAL ANGLE OF 172°38'24", SUBTENDED BY A CHORD BEARING NORTH 02°47'40" EAST - 9.48 FEET TO A NON-TANGENTIAL POINT;
 10. NORTH 12°00'11" EAST, A DISTANCE OF 5.72 FEET;
 11. NORTH 00° 11' 27" WEST, A DISTANCE OF 107.95 FEET;
 12. NORTH 08°58'56" WEST, A DISTANCE OF 12.60 FEET;
 13. NORTH 04°40'30" EAST, A DISTANCE OF 16.96 FEET;
 14. NORTH 06°17'54" EAST, A DISTANCE OF 52.76 FEET TO A NON-TANGENT CURVE TO THE RIGHT;
 15. 51.33 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 212.56 FEET, A CENTRAL ANGLE OF 13°50'08", AND SUBTENDED BY A CHORD BEARING NORTH 06°12'45" EAST - 51.20 FEET TO A NON-TANGENTIAL POINT;
 16. NORTH 04°15'31" EAST, A DISTANCE OF 44.85 FEET;
 17. NORTH 02°42'54" EAST, A DISTANCE OF 22.68 FEET TO A NON-TANGENT CURVE TO LEFT;
 18. 12.78 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 26.75 FEET, A CENTRAL ANGLE OF 27°22'27" SUBTENDED BY A CHORD BEARING NORTH 16°51'12" EAST – 12.66 FEET TO THE AFOREMENTIONED NORTH LINE OF THE NW/4 OF THE NE/4;

THENCE LEAVING SAID CENTERLINE OF SPRING BRANCH DITCH SOUTH 87°21'51" EAST ALONG SAID NORTH LINE, A DISTANCE OF 750.69 FEET TO THE POINT OF BEGINNING AND CONTAINING 11.41 ACRES MORE OR LESS.

Benton County Tax Parcel No. 18-08353-000.

WHEREAS, the property owners filed a Petition for Annexation of the lands described herein with the County Court of Benton County, Arkansas, on December 18, 2024, pursuant to Ark. Code Ann. §14-40-609;

WHEREAS, the property is contiguous to land already situated in the City of Springdale, Benton County, Arkansas as shown on the Map attached to this Ordinance and marked Exhibit "A";

WHEREAS, on January 9, 2025, the Benton County Judge entered an Order for Annexation, ordering that the lands herein described be annexed into the City of Springdale, Arkansas, pending approval of the Springdale City Council, pursuant to Ark. Code Ann. §14-40-609.

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

Section 1: That the above-described real property is hereby accepted for annexation into the City of Springdale, Benton County, Arkansas, pursuant to Ark. Code Ann. §14-40-609, and is assigned to Ward 1 of the City of Springdale, Arkansas.

Section 2: That the City Clerk shall certify and send one (1) copy of the plat of the annexed property and one (1) copy of this ordinance to the Benton County Clerk, who shall forward a copy of each document to the Benton County Judge. If the Benton County Judge determines the requirements of Ark. Code Ann. §14-40-609 have been complied with and the annexation is in all respects proper, he shall enter an order confirming the annexation. Upon receipt of the order of the Benton County Judge confirming the annexation, the Benton County Clerk shall forward a copy of each document to the Arkansas Secretary of State, who shall file and preserve each copy.

Section 3: The annexation of the lands herein described shall be final thirty (30) days after the passage of this Ordinance, and the property shall be within the corporate limits of the City of Springdale, Benton County, Arkansas, and the inhabitants residing in the newly annexed property shall have and enjoy all the rights and privileges of the inhabitants of the City of Springdale, Benton County, Arkansas.

PASSED AND APPROVED this ____ day of _____, 2025.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

December 4, 2024

Mr. Will A. Kellstrom
Watkins, Boyer, Gray & Curry, PLLC
1106 W. Poplar
Rogers, AR 72756

RE: City of Springdale Annexation Coordination Requirement

Mr. Kellstrom,

Thank you for coordinating with our office as you seek to annex property into the City of Springdale, located in Section 13, Township 18 North, Range 31 West, Lonoke County, Arkansas. This letter represents confirmation that you have coordinated with our office (Arkansas GIS Office) as specified in § 14-40-101 (Act 914 of 2015) of the 90th General Assembly.

Our office will wait for the completion of additional steps necessary for the proposed boundary change, which normally comes from the Arkansas Secretary of State Elections Division after the appropriate filing by your County Clerk. The status of your proposed annexation can be viewed at <https://gis.arkansas.gov/checkmycity>

Sincerely,



Niki Bittle, GIS Analyst

Attachments:

GIS Office Map of Proposed Annexation

Legal Description

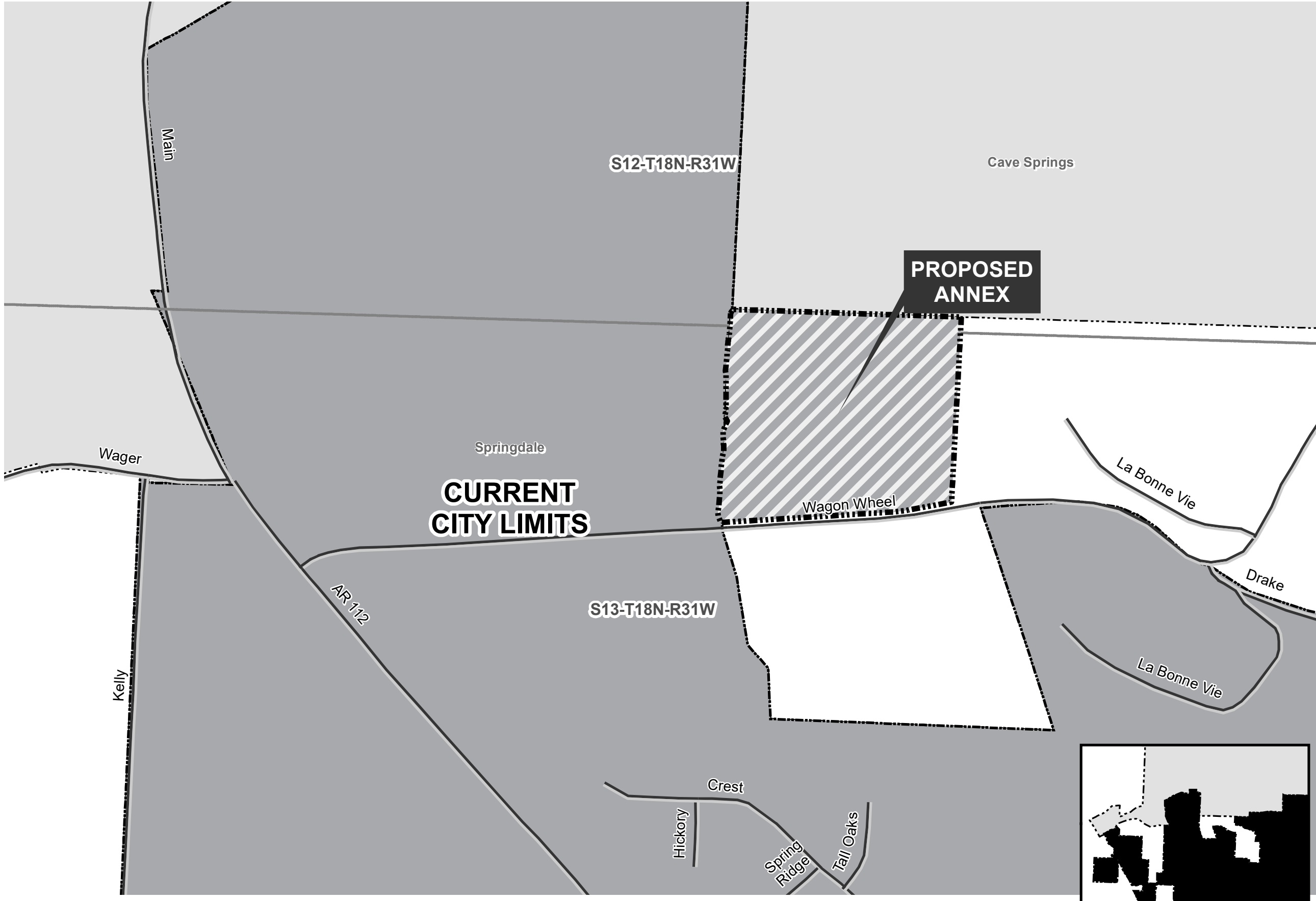
Secretary of State Municipal Change Checklist

Proposed Annex: City of Springdale
December 2024

City: Springdale
Mayor: Doug Sprouse

Before an entity undertakes an annexation, consolidation, or detachment proceeding under this chapter, the entity shall coordinate with the Arkansas Geographic Information Systems Office for preparation of legal descriptions and digital mapping for the relevant annexation, consolidation, and detachment areas.

*The map contained herein, is evidence,
the entity has met requirements of Act
914 of 2015*



Proposed Annex

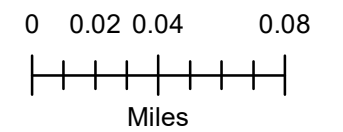
Sections

Minor Road

Existing City

Neighboring City

County Boundary



PARCEL 18-08353-000 ANNEXATION DESCRIPTION

PART OF THE NORTHWEST QUARTER (NW/4) OF THE NORTHEAST QUARTER (NE/4) OF SECTION 13, IN TOWNSHIP 18 NORTH (T18N), RANGE 31 WEST (R31W) IN BENTON COUNTY, ARKANSAS. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (SW/4) OF THE SOUTHEAST QUARTER (SE/4) OF SECTION 12 OF SAID T18N, R31W MARKED BY AN EXISTING LIMESTONE PER BENTON COUNTY SURVEYOR'S RECORD BOOK J PAGE 199; THENCE ALONG THE EAST LINE OF SAID SW/4 OF THE SE/4 SOUTH 02°34'10" WEST, A DISTANCE OF 1323.81 FEET TO THE NORTHEAST CORNER OF SAID NW/4 OF THE NE/4 OF SAID SECTION 13 FOR THE POINT OF BEGINNING; THENCE ALONG THE EAST LINE OF THE NW/4 OF THE NE/4 OF SAID SECTION 13 SOUTH 02°51'05" WEST, A DISTANCE OF 596.65 FEET TO THE CENTER OF WAGONWHEEL ROAD; THENCE LEAVING SAID EAST LINE AND ALONG THE CENTER OF SAID WAGONWHEEL ROAD CROSSING SAID NW/4 OF THE NE/4 AND PASSING INTO SAID NE/4 OF THE NW/4, FOR THE FOLLOWING THREE (3) CALLS:

- 1) SOUTH 79°28'25" WEST, CROSSING AN EXISTING COTTON PICKER SPINDLE AT 8.66 FEET, CROSSING AN EXISTING MAG NAIL AT 11.40 FEET, CROSSING ANOTHER EXISTING MAG NAIL AT 90.93 FEET AND CONTINUING FOR A TOTAL DISTANCE OF 144.30 FEET TO A TANGENT CURVE TO THE RIGHT;
- 2) 57.14 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 462.37 FEET, A CENTRAL ANGLE OF 07°08'03", AND SUBTENDED BY A CHORD BEARING SOUTH 83°00'49" WEST – 57.10 FEET TO A POINT OF TANGENCY;
- 3) SOUTH 86°33'14" WEST, A DISTANCE OF 558.35 FEET TO THE CENTERLINE OF SPRING BRANCH DITCH A NON-TANGENT CURVE TO THE RIGHT;

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3. NORTH 05°10'46" EAST, A DISTANCE OF 90.37 FEET TO NON-TANGENT CURVE TO THE LEFT;
4. 50.80 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 102.61 FEET, A CENTRAL ANGLE OF 28°22'02" AND SUBTENDED BY A CHORD BEARING NORTH 04° 40' 14" EAST, A DISTANCE OF 50.28 FEET TO A NON-TANGENTIAL POINT;
5. NORTH 00°59'58" WEST, A DISTANCE OF 40.19 FEET;
6. NORTH 24°05'35" EAST, A DISTANCE OF 33.72 FEET;
7. NORTH 29°51'22" WEST, A DISTANCE OF 17.24 FEET;
8. NORTH 12° 11' 19" EAST, A DISTANCE OF 15.15 FEET TO A NON-TANGENT CURVE TO THE LEFT;
9. 14.31 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 4.75 FEET, A CENTRAL ANGLE OF 172°38'24", SUBTENDED BY A CHORD BEARING NORTH 02°47'40" EAST - 9.48 FEET TO A NON-TANGENTIAL POINT;
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NORTH LINE, A DISTANCE OF 750.69 FEET TO THE POINT OF BEGINNING AND CONTAINING 11.41 ACRES
MORE OR LESS.



Arkansas Secretary of State

John Thurston Arkansas Secretary of State, 500 Woodlane Ave, Little Rock, AR 72201-1094

Municipal Boundary Change Checklist

Act 655 of 2017 and A.C.A. §14-40-103

County: Benton City/Town: Springdale

City Ordinance/Resolution No: _____ Date approved: _____

County Court Case No: _____ Date Order Filed: _____

Type: _____
(Choose from the list of Arkansas Code Sections located on the back)

Date Change Effective: _____ Set by: ☐ Municipal Ordinance ☐ Emergency Clause ☐ Court ☐ Default
(Required by Act 655 of 2017)

For Circuit Court Challenge: Date Order Filed: _____ ☐ Upheld ☐ Overturned ☐ Other (attach explanation)

Please indicate which ward(s) the territory will be assigned to: _____
(See A.C.A § 14-40-203)

Initiating party:

☐ All Landowners ☐ Majority Landowners ☐ Municipal Governing Body ☐ State ☐ Other _____

Supporting Documentation attached (check all that apply):

- ☐ File marked copy of City Ordinance/Resolution (**required**)
- ☐ File marked copy of County Court Order or certified annexation election results (**required** except for A.C.A. §14-40-501)
- ☐ Copy of Arkansas GIS approved printed map and certification letter (**required**)
- ☐ Proof of Publication for all Legal Notices (include Hearing, Election, and City Ordinance/Resolution notices)
- ☐ File marked copy of Petition Part (if applicable)
- ☐ File marked copy of Complaint and final Circuit Court Order (Court Challenge only)

Municipal Contact:

Name: _____ Title: _____

Street Address: _____

City: _____ St: _____ Zip code: _____

Complete one form per ordinance/resolution, attach it as a cover page to the supporting document set and submit to the County Clerk's Office within 45 days of the Effective Date as required by Act 655 of 2017

County Official:

Signature: _____ Title: _____

Date: _____

Pursuant to Act 655 of 2017, County Officials must submit a file-marked copy of municipal boundary change documents within 30 days of receipt to: Arkansas Secretary of State, Attn: Municipal Boundary Filing, 500 Woodlane Ave Suite 256, Little Rock, AR 72201-1094

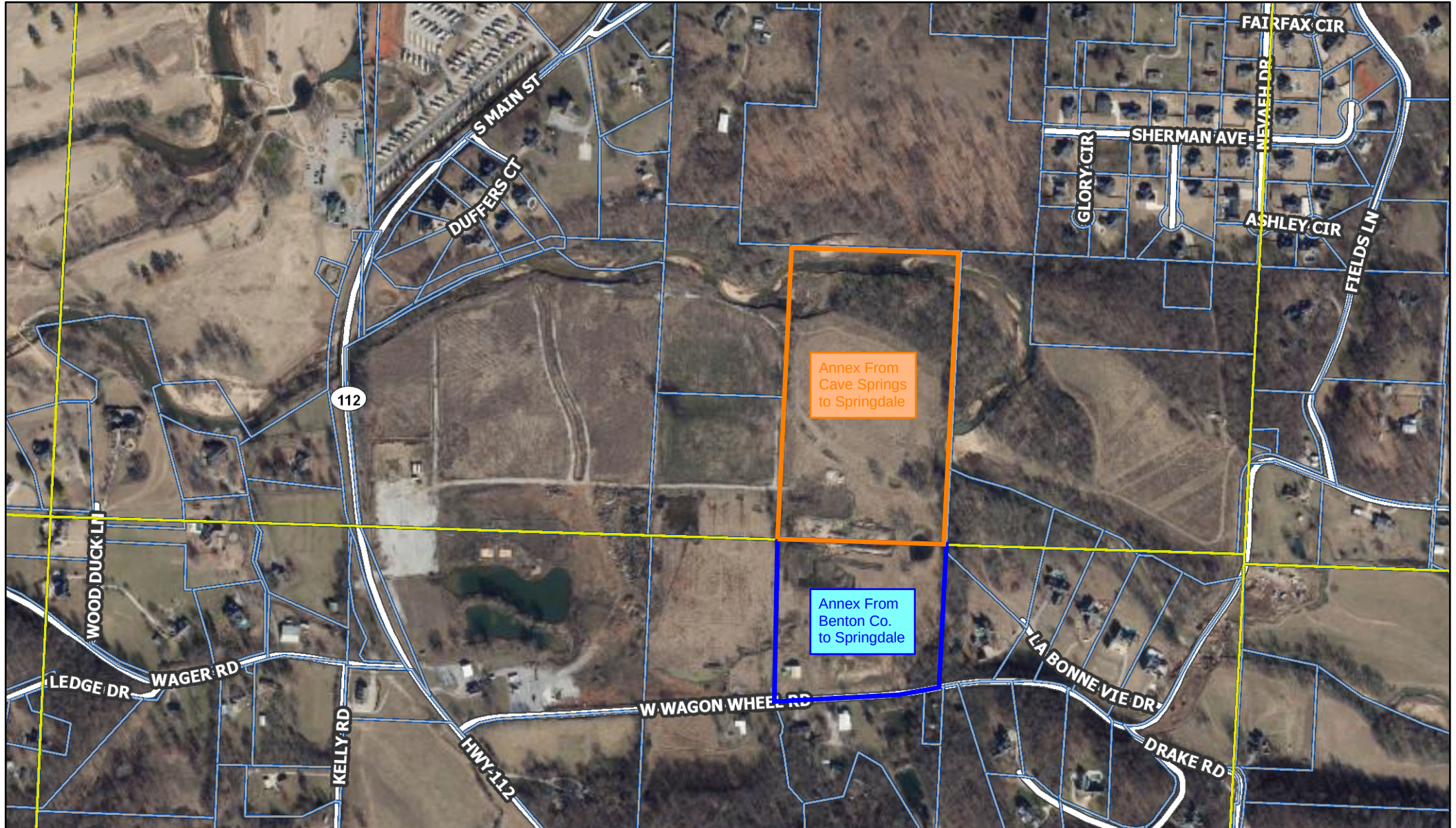
Office of the Arkansas Secretary of State use only

Received by: _____

Municipal Annexation, Detachment, and Incorporation Reference

- Annexation of Territories Contiguous to County Seat A.C.A §14-40-201
- Annexation of Territories in another Judicial District (multiple county seats) A.C.A. §14-40-202
 - Annexation of City Park or Airport (automatic) A.C.A §14-40-204
- Annexation of building on boundary of two municipalities (written notice) A.C.A. §14-40-207
 - Annexation by Election (contiguous land) A.C.A. §14-40-302
 - Annexation of land in adjoining County A.C.A §14-40-401
- Annexation of surrounded unincorporated area (island/doughnut holes) by ordinance A.C.A. §14-40-501
 - Annexation by Petition of majority of Landowners A.C.A. §14-40-602
 - Annexation by Petition of all Landowners A.C.A §14-40-609
- Consolidation of two municipalities by Election A.C.A §14-40-1201
- Annexation with Detachment from another municipality at landowner request A.C.A §14-40-2001
 - Annexation with Detachment from adjoining city at city request A.C.A §14-40-2101
 - Detachment of Land annexed by petition under §14-40-601 A.C.A §14-40-608
- Detachment of municipal lands back to County by election A.C.A. §14-40-1801
 - Detachment of unsuitable land by municipal resolution A.C.A §14-40-1901
 - Incorporation by direct petition of landowners A.C.A §14-38-101
 - Incorporation by petition for special election A.C.A §14-38-115
- Surrender of Charter (Disincorporation) by second class city A.C.A §14-39-101

22107501 DESCRIPTION BASEMAP - DRAFT 10-15-24



October 15, 2024

graphicsLayer0  Parcels  Streets
 Sections Major Roads

1:7,052
0 0.05 0.1 0.2 mi
0 0.07 0.15 0.3 km

FILED

2025 JAN -9 AM 10: 03

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

IN THE MATTER OF ANNEXING TO THE
CITY OF SPRINGDALE, ARKANSAS
CERTAIN TERRITORY CONTIGUOUS TO SAID
CITY OF SPRINGDALE, ARKANSAS

COUNTY COURT ORDER NO. CC 2024-57

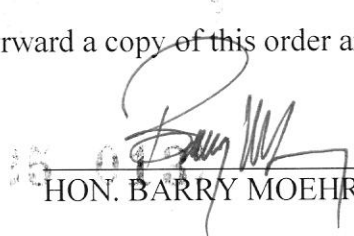
ORDER AUTHORIZING ANNEXATION PURSUANT TO ACA § 14-40-609

I, Barry Moehring, County Judge of Benton County, having reviewed the attached petition for annexation and verification of petition, hereby find that the petition:

- 1) is in writing;
- 2) contains an attestation signed before a notary or notaries by the property owner or owners of the relevant property or properties confirming their desire to be annexed;
- 3) contains an accurate description of the relevant property or properties;
- 4) contains a letter or title opinion from a certified abstractor or title company verifying that the petitioners are all owners of record of the relevant property or properties;
- 5) contains a letter or verification from a certified surveyor or engineer verifying that the relevant property or properties are contiguous with the annexing city or town and that no enclaves will be created if the property or properties are accepted by the city or town – additionally a copy of the letter from the State of Arkansas GIS office approving the legal description for the annexation was provided;
- 6) includes a schedule of services of the annexing city or town that will be extended to the area within three (3) years after the date the annexation becomes final

Furthermore, no order confirming annexation shall be issued without the acceptance of the description of the dedicated public road and right of way abutting or traversing the property as described in Exhibit “A” attached to this order.

The County Clerk is directed to forward a copy of this order and the related Petition to the Mayor of the City of SPRINGDALE.



HON. BARRY MOEHRING, County Judge

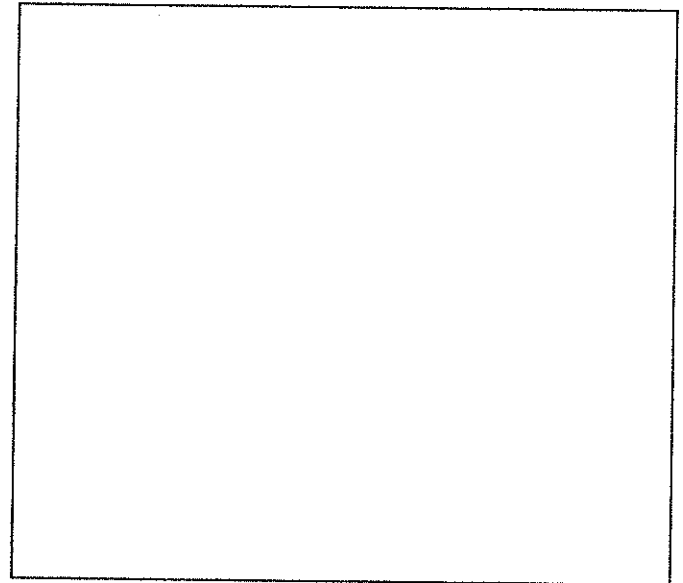
1/9/25

Date

2025 0132

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING THE CITY
CLERK TO FILE A CLEAN-UP LIEN FOR
THE REMOVAL OF OVERGROWN BRUSH
AND DEBRIS ON PROPERTY LOCATED
WITHIN THE CITY OF SPRINGDALE,
ARKANSAS AND DECLARING AN EMERGENCY**



WHEREAS, the following real property located
in Springdale, Benton County, Arkansas, is owned
as set out below:

PROPERTY OWNER: Nexpoint SFR SPE 2 LLC

LEGAL DESCRIPTION: Lot 44, Heritage Heights, a subdivision to the City of Bethel Heights
(now Springdale), as per plat on file in the Office of the Circuit Clerk and Ex-Officio Recorder
of Benton County, Arkansas.

LAYMAN'S DESCRIPTION: 3728 Alliance Drive, Bethel Heights (now Springdale) 72764

PARCEL NO.: 21-03064-000

PROPERTY OWNER: Nexpoint SFR SPE 2 LLC

LEGAL DESCRIPTION: Lot 51, Heritage Heights, a subdivision to the City of Bethel Heights
(now Springdale), as per plat on file in the Office of the Circuit Clerk and Ex-Officio Recorder
of Benton County, Arkansas.

LAYMAN'S DESCRIPTION: 235 Glory Lane, Bethel Heights (now Springdale) 72764

PARCEL NO.: 21-03071-000

WHEREAS, the owner was given notice, pursuant to Ark. Code Ann. §14-54-903, of the unsightly and
unsanitary conditions on the properties described above, and instructed to clean the properties in accordance
with Sections 42-77 and 42-78 of the Springdale Code of Ordinances;

WHEREAS, the property owner of record did not abate the situation on these properties, and as a result,
the City of Springdale was required to abate the conditions on these properties and incurred cost as follows, and
as shown in the attached Exhibits:

\$348.32 clean-up costs and \$24.92 administrative costs – 3728 Alliance Drive (21-03064-000)

\$348.32 clean-up costs and \$24.92 administrative costs – 235 Glory Lane (21-03071-000)

WHEREAS, the property owners have been given at least 30 days written notice of the public hearing
in accordance with Ark. Code Ann. §14-54-903, as shown in the attached Exhibits;

WHEREAS, Ark. Code Ann. §14-54-904 authorizes the City Council to assert a clean-up lien on these
properties to collect the amounts expended by the City in cleaning up these properties;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, pursuant to Ark. Code Ann. §14-54-904, the City Council certifies that the following real property shall be placed on the tax books of the Benton County Tax Collector as delinquent taxes and collected accordingly:

\$373.24, plus 10% for collection – 3728 Alliance Drive (21-03064-000)

\$373.24, plus 10% for collection – 235 Glory Lane (21-03071-000)

Emergency Clause. It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED this 14th day of January, 2025 .

Doug Sprouse, Mayor

ATTEST:

Sabra Jeffus, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

City Abatement

City of Springdale
Neighborhood Service
201 Spring Street
Springdale, AR 72764
479-756-7712
Case Number: 2404909



Date: 10/04/2024
Status: Abated
Property: 3728 ALLIANCE DR
City, State, Zip: ,

Officer on Site: Shane Pegram
Abatement Type: Lien
Abatement Date: 10/01/2024
Abatement Start Time: 0910
Abatement End Time: 0920

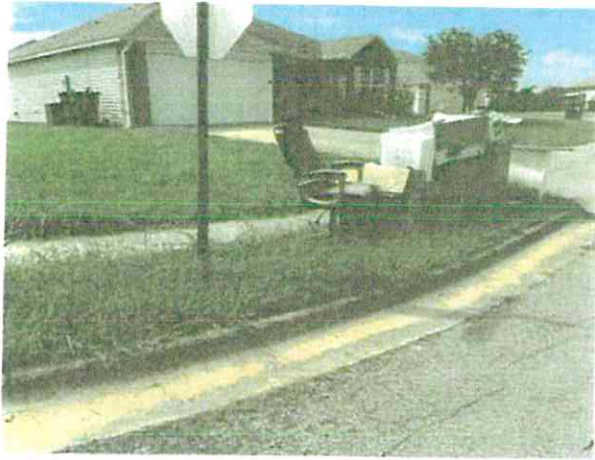
Fee	Amount
Disposal Cost Recovery	\$118.32
Employee Rate	\$30.00
Equipment Rate	\$200.00
Total Fee: \$348.32	

Method of Compliance: Junk and trash removed from property using bulk truck 657 and driver.

Shane Pegram
Code Enforcement Officer

10/04/2024
Date





Ernest B. Cate
City Attorney
ecate@springdalear.gov

David D. Phillips
Deputy City Attorney
dphillips@springdalear.gov

Cameron Baker
Deputy City Attorney
cbaker@springdalear.gov

George McManus
Deputy City Attorney
gmcmanus@springdalear.gov



SPRINGDALETM
WE'RE MAKING IT HAPPEN

OFFICE OF CITY ATTORNEY

201 Spring Street • Springdale, Arkansas 72764
Phone (479) 750-8173 • Fax (479) 750-4732
www.springdalear.gov

Giselle Gonzalez
Case Coordinator/Victim Advocate
ggonzalez@springdalear.gov

Steve Helms
Investigator
shelms@springdalear.gov

Dixie Putt
Administrative Legal Assistant/Paralegal
dputt@springdalear.gov

Christy Pianalto
File/Discovery Clerk
cpianalto@springdalear.gov

November 5, 2024

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
AND REGULAR MAIL**

Nexpoint SFR SPE 2 LLC
8615 Cliff Cameron Dr. STE 200
Charlotte, NC 28269

RE: Notice of clean-up lien on property located at 3278 Alliance Drive, Springdale,
Benton County, Arkansas, Tax Parcel No. 21-03064-000

Dear Property Owner/Lienholder:

On September 4 and October 1, 2024, a notice was posted on property located at 3278 Alliance Drive, Springdale, Arkansas, that the property was in violation of Springdale City Ordinance 42-77 and 42-78, and needed to be remedied within seven (7) days. Notice was mailed to the owner of record on September 4, 2024 that the City intended to seek a clean-up lien on this property pursuant to Ark. Code Ann. §14-54-903 if the violations were not remedied. The notice also applied to any violations that may be found on the property within the next 12 months.

Subsequent to the above-referenced violation notice being issued, a city code violation was found to have existed on the property. As a result, the City of Springdale took action to remedy the violations on the property, as is allowed by Ark. Code Ann. §14-54-903, on or about October 4, 2024. As of this date, the total costs incurred by the City of Springdale to clean this property are \$348.32. I have enclosed an invoice evidencing the abatement costs incurred and paid by the City of Springdale to clean this property. Also, in accordance with Ark. Code Ann. §14-54-903(c)(4), administrative fees may be added to the total costs incurred by the City of Springdale, which will include certified mailing fee in the amount of \$9.92 per letter and a filing fee in the amount of \$15.00 to the Benton County Circuit Court.

This is to notify you that in the event this amount is not paid to the City of Springdale on or before January 8, 2025 a hearing confirming the amount of the lien will be held before the Springdale City Council pursuant to Ark. Code Ann. §14-54-903 to determine the amount of the clean-up lien to which the City is entitled for cleaning up the property. The hearing confirming the amount of the lien will be held Tuesday, January 14, 2025, at 6:00 p.m. in the City Council

Chambers at the City Administration Building, 201 Spring Street, Springdale, Arkansas. If this amount is paid prior to the hearing, no lien will be pursued.

Please remit the total sum of \$358.24, which includes \$348.32 for cleaning up the property and \$9.92 for certified mailing to the City of Springdale by the date listed above. Payment must be made payable to the City of Springdale and presented to the attention of Dixie Putt, Springdale City Attorney's Office, 201 Spring Street, Springdale, AR 72764. If you fail to pay this amount before the hearing, then an additional \$15.00 will be added for the costs of filing the ordinance with the Circuit Clerk's Office.

If you desire to contest the amount sought above, you will need to contact Neighborhood Services Division at 479-756-7712 for an appointment and you will be given a court date in Springdale District Court where you will have the opportunity to state your case before the District Court Judge.

This letter is also being mailed by regular mail to Nexpoint SFR SPE 2 LLC at the address above. Delivery of that letter by the U.S. Postal Service shall warrant service should the certified letter be returned.

If you should have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'EBC', with a stylized flourish at the end.

Ernest B. Cate
City Attorney

Enclosures
EBC:dp

ALERT: MAJOR WINTER STORM FROM CENTRAL PLAINS THROUGH MID-ATLANTIC U.S. MAY...

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Feedback

Latest Update

Your item was delivered to an individual at the address at 2:37 pm on November 12, 2024 in CHARLOTTE, NC 28269.

Get More Out of USPS Tracking:**USPS Tracking Plus®**

Delivered

Delivered, Left with Individual

CHARLOTTE, NC 28269

November 12, 2024, 2:37 pm

[See All Tracking History](#)[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)**Text & Email Updates****USPS Tracking Plus®****Product Information****See Less ^**[Track Another Package](#)

City Abatement

City of Springdale
Neighborhood Service
201 Spring Street
Springdale, AR 72764
479-756-7712
Case Number: 2404911



Date: 10/04/2024
Status: Abated
Property: 235 GLORY LN
City, State, Zip: ,

Officer on Site: Shane Pegram
Abatement Type: Lien
Abatement Date: 10/01/2024
Abatement Start Time: 0925
Abatement End Time: 0935

Fee	Amount
Disposal Cost Recovery	\$118.32
Employee Rate	\$30.00
Equipment Rate	\$200.00
Total Fee: \$348.32	

Method of Compliance: Junk furniture removed from the property using bulk truck 657 and driver.

Shane Pegram
Code Enforcement Officer

10/04/2024
Date





Ernest B. Cate
City Attorney
ecate@springdalear.gov

David D. Phillips
Deputy City Attorney
dphillips@springdalear.gov

Cameron Baker
Deputy City Attorney
cbaker@springdalear.gov

George McManus
Deputy City Attorney
gmcmanus@springdalear.gov



SPRINGDALE
WE'RE MAKING IT HAPPEN

OFFICE OF CITY ATTORNEY

201 Spring Street • Springdale, Arkansas 72764
Phone (479) 750-8173 • Fax (479) 750-4732
www.springdalear.gov

Giselle Gonzalez
Case Coordinator/Victim Advocate
ggonzalez@springdalear.gov

Steve Helms
Investigator
shelms@springdalear.gov

Dixie Putt
Administrative Legal Assistant/Paralegal
dputt@springdalear.gov

Christy Pianalto
File/Discovery Clerk
cpianalto@springdalear.gov

November 5, 2024

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
AND REGULAR MAIL**

Nexpoint SFR SPE 2 LLC
8615 Cliff Cameron Dr. STE 200
Charlotte, NC 28269

RE: Notice of clean-up lien on property located at 235 Glory Lane, Springdale, Benton County, Arkansas, Tax Parcel No. 21-03071-000

Dear Property Owner/Lienholder:

On September 4 and October 1, 2024, a notice was posted on property located at 235 Glory Lane, Springdale, Arkansas, that the property was in violation of Springdale City Ordinance 42-77 and 42-78, and needed to be remedied within seven (7) days. Notice was mailed to the owner of record on September 4, 2024 that the City intended to seek a clean-up lien on this property pursuant to Ark. Code Ann. §14-54-903 if the violations were not remedied. The notice also applied to any violations that may be found on the property within the next 12 months.

Subsequent to the above-referenced violation notice being issued, a city code violation was found to have existed on the property. As a result, the City of Springdale took action to remedy the violations on the property, as is allowed by Ark. Code Ann. §14-54-903, on or about October 4, 2024. As of this date, the total costs incurred by the City of Springdale to clean this property are \$348.32. I have enclosed an invoice evidencing the abatement costs incurred and paid by the City of Springdale to clean this property. Also, in accordance with Ark. Code Ann. §14-54-903(c)(4), administrative fees may be added to the total costs incurred by the City of Springdale, which will include certified mailing fee in the amount of \$9.92 per letter and a filing fee in the amount of \$15.00 to the Benton County Circuit Court.

This is to notify you that in the event this amount is not paid to the City of Springdale on or before January 8, 2025 a hearing confirming the amount of the lien will be held before the Springdale City Council pursuant to Ark. Code Ann. §14-54-903 to determine the amount of the clean-up lien to which the City is entitled for cleaning up the property. The hearing confirming the amount of the lien will be held Tuesday, January 14, 2025, at 6:00 p.m. in the City Council

Chambers at the City Administration Building, 201 Spring Street, Springdale, Arkansas. If this amount is paid prior to the hearing, no lien will be pursued.

Please remit the total sum of \$358.24, which includes \$348.32 for cleaning up the property and \$9.92 for certified mailing to the City of Springdale by the date listed above. Payment must be made payable to the City of Springdale and presented to the attention of Dixie Putt, Springdale City Attorney's Office, 201 Spring Street, Springdale, AR 72764. If you fail to pay this amount before the hearing, then an additional \$15.00 will be added for the costs of filing the ordinance with the Circuit Clerk's Office.

If you desire to contest the amount sought above, you will need to contact Neighborhood Services Division at 479-756-7712 for an appointment and you will be given a court date in Springdale District Court where you will have the opportunity to state your case before the District Court Judge.

This letter is also being mailed by regular mail to Nexpoint SFR SPE 2 LLC at the address above. Delivery of that letter by the U.S. Postal Service shall warrant service should the certified letter be returned.

If you should have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. Cate', with a stylized flourish at the end.

Ernest B. Cate
City Attorney

Enclosures
EBC:dp

ALERT: MAJOR WINTER STORM FROM CENTRAL PLAINS THROUGH MID-ATLANTIC U.S. MAY...

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Feedback

Latest Update

Your item was delivered to an individual at the address at 2:37 pm on November 12, 2024 in CHARLOTTE, NC 28269.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

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CHARLOTTE, NC 28269

November 12, 2024, 2:37 pm

See All Tracking History

[What Do USPS Tracking Statuses Mean?](https://faq.usps.com/s/article/Where-is-my-package) (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates



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Product Information



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ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING THE CITY
CLERK TO FILE A CLEAN-UP LIEN FOR
THE REMOVAL OF OVERGROWN BRUSH
AND DEBRIS ON PROPERTY LOCATED
WITHIN THE CITY OF SPRINGDALE,
ARKANSAS AND DECLARING AN EMERGENCY**

WHEREAS, the following real property located
in Springdale, Washington County, Arkansas, is owned
as set out below:

PROPERTY OWNER: Rona Telmon Silk

LEGAL DESCRIPTION: The North Twenty (20) feet of Lot No. Twenty-four (24) and the South forty (40) feet of Lot No. Twenty-Six (26) in Highland Addition to the City of Springdale, Arkansas, as per plat of said addition on file in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

LAYMAN'S DESCRIPTION: 1023 Lowell Road, Springdale, AR 72764

PARCEL NO.: 815-22853-000

PROPERTY OWNER: Barbara Sue Reddell

LEGAL DESCRIPTION: Part of the W-1/2 of the SW-1/4 of the NW-1/4 of Section 34, T-18N, R30-W, in Washington County, Arkansas and being more particularly described as follows: Beginning at a point S00 degrees 08'W 176.41 feet from the NE corner of said 20 acre tract; thence S00 degrees 08'W 100.00 feet; thence N89 degrees 58'W 165.00 feet; thence N00 degrees 08' E 100.00 feet; thence S89 degrees 58' E 165.00 feet to the point of beginning containing .3788 acres more or less and being subject to an easement for road purposes on the East side also subject to any public utility easements as per record, also an easement to be used as a road for ingress and egress to the above described lands and said easement is as follows: Beginning at a point that is North 0 degrees 8' East 943.59 feet from the SE corner of the W-1/2 of the SW-1/4 to Section 34, T-18-N, R-30-W; thence North 0 degrees 8' East 366.81 feet; thence North 89 degrees 18' West 12 feet; thence South 0 degrees 8' West 366.95 feet; thence South 89 degrees 58' East 12 feet to the point of beginning.

LAYMAN'S DESCRIPTION: 836 Jay Lane, Springdale, AR 72764

PARCEL NO.: 815-29819-000

WHEREAS, the owner was given notice, pursuant to Ark. Code Ann. §14-54-903, of the unsightly and unsanitary conditions on the properties described above, and instructed to clean the properties in accordance with Sections 42-77 and 42-78 of the Springdale Code of Ordinances;

WHEREAS, the property owner of record did not abate the situation on these properties, and as a result, the City of Springdale was required to abate the conditions on these properties and incurred cost as follows, and as shown in the attached Exhibits:

\$665.64 clean-up costs and \$24.92 administrative costs – 1023 Lowell Road (815-22853-000)
\$601.32 clean-up costs and \$24.92 administrative costs – 836 Jay Lane (815-29819-000)

WHEREAS, the property owners have been given at least 30 days written notice of the public hearing in accordance with Ark. Code Ann. §14-54-903, as shown in the attached Exhibits;

WHEREAS, Ark. Code Ann. §14-54-904 authorizes the City Council to assert a clean-up lien on these properties to collect the amounts expended by the City in cleaning up these properties;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, pursuant to Ark. Code Ann. §14-54-904, the City Council certifies that the following real property shall be placed on the tax books of the Washington County Tax Collector as delinquent taxes and collected accordingly:

\$690.56, plus 10% for collection – 1023 Lowell Road (815-22853-000)
\$626.34, plus 10% for collection – 836 Jay Lane (815-29819-000)

Emergency Clause. It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED this 14th day of January, 2025 .

Doug Sprouse, Mayor

ATTEST:

Sabra Jeffus, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

City Abatement

City of Springdale
 Neighborhood Service
 201 Spring Street
 Springdale, AR 72764
 479-756-7712
 Case Number: 2403374



Date: 08/09/2024
 Status: Abated
 Property: 1023 LOWELL RD
 City, State, Zip: ,

Officer on Site: Shane Pegram
 Abatement Type: Lien
 Abatement Date: 08/09/2024
 Abatement Start Time: 0830
 Abatement End Time: 0930

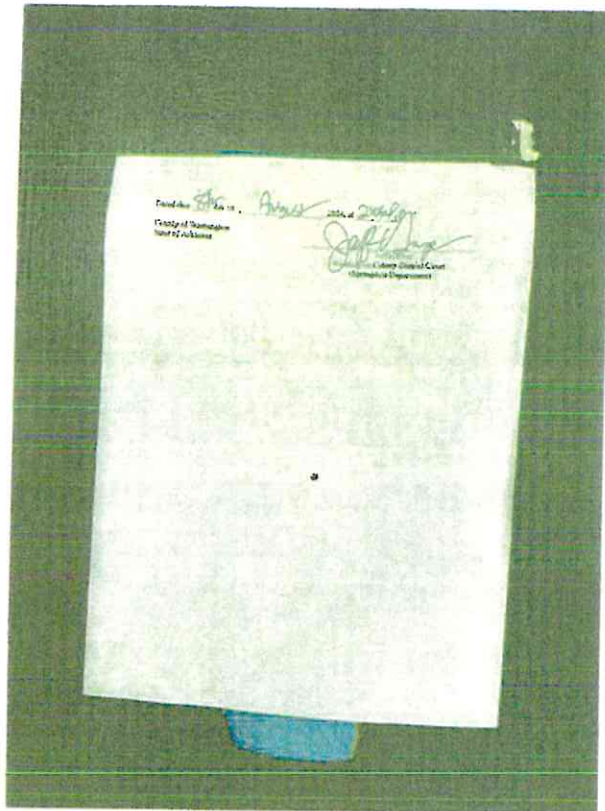
Fee	Amount
Disposal Cost Recovery	\$118.32
Employee Rate	\$60.00
Equipment Rate	\$226.00
Total Fee: \$404.32	

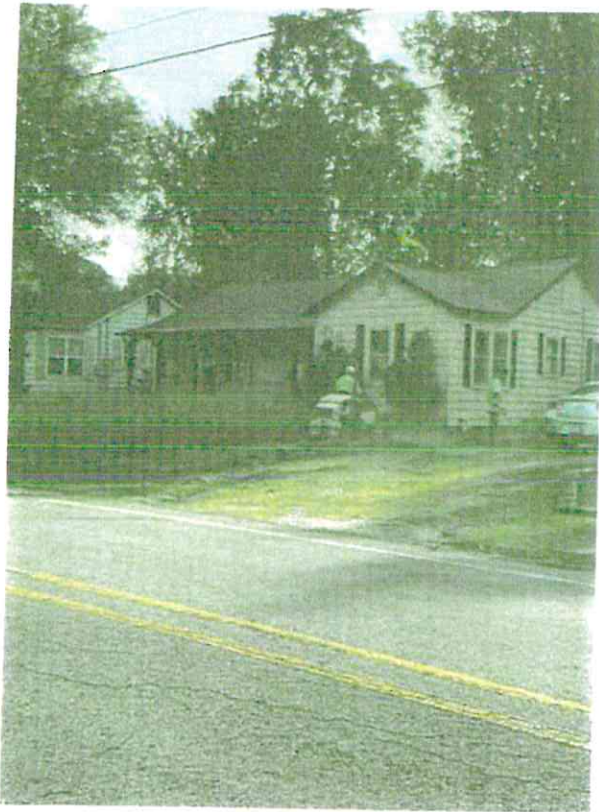
Method of Compliance: The entire property was mowed including front, side and back yard.

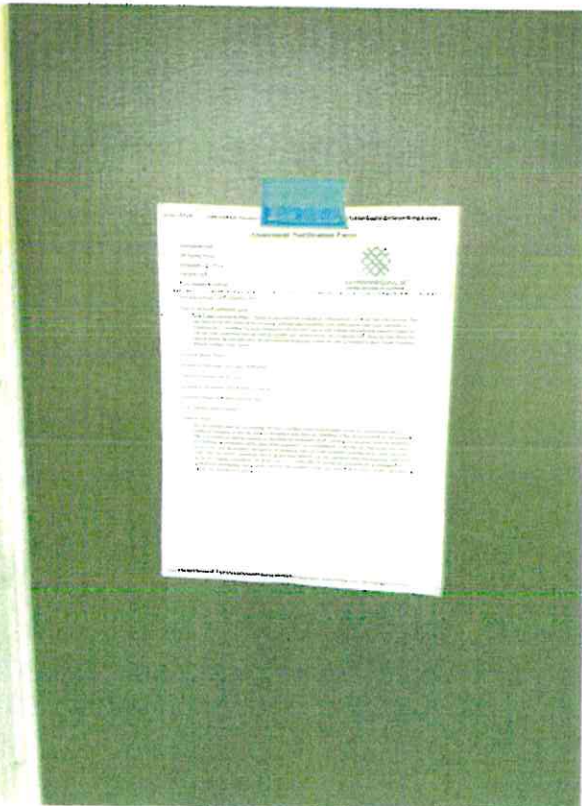
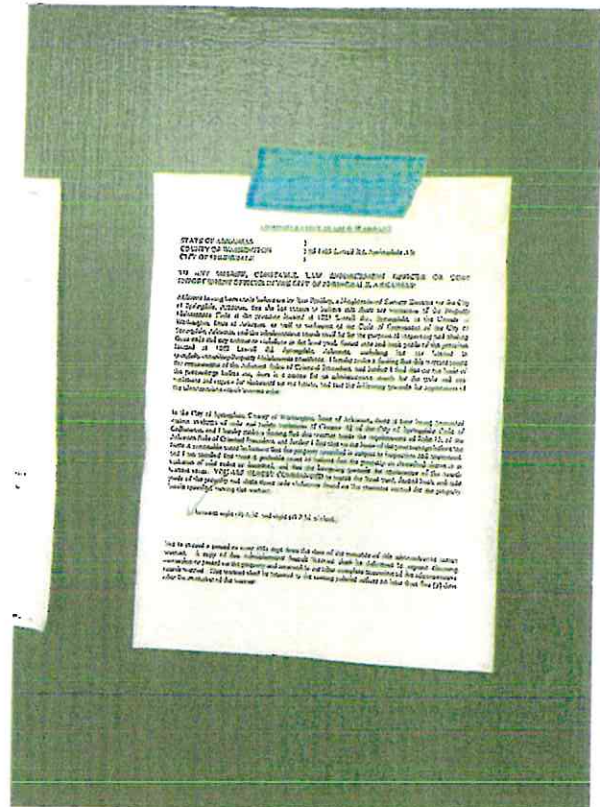
2 Full time City Employees
 2 Temps.
 2 trucks, trailers and 2 mowers.

Shane Pegram
 Code Enforcement Officer

08/09/2024
 Date







8/9/24, 10:55 AM

www.iworq.net/iworq/0_Pages/popupEditLetterPrint.php?sid=9B80TQ0FLG1C8GLRZRCL42QGYG3400&id=5341393&k=4619&letterlinkl...



City Abatement

City of Springdale
Neighborhood Service
201 Spring Street
Springdale, AR 72764
479-756-7712
Case Number: 2405277



Date: 10/02/2024
Status: Abated
Property: 1023 LOWELL RD
City, State, Zip: ,

Officer on Site: Shane Pegram
Abatement Type: Lien
Abatement Date: 09/30/2024
Abatement Start Time: 0845
Abatement End Time: 0915

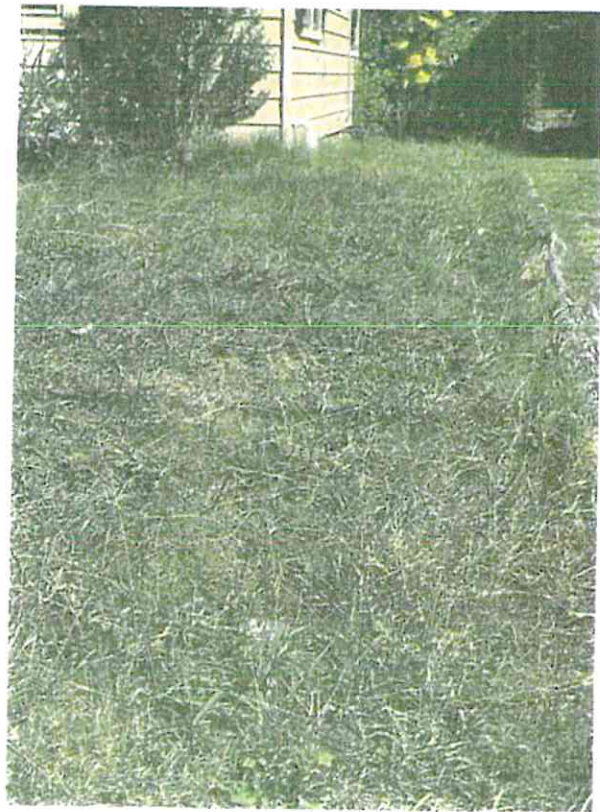
Fee	Amount
Disposal Cost Recovery	\$118.32
Employee Rate	\$30.00
Equipment Rate	\$113.00
Total Fee: \$261.32	

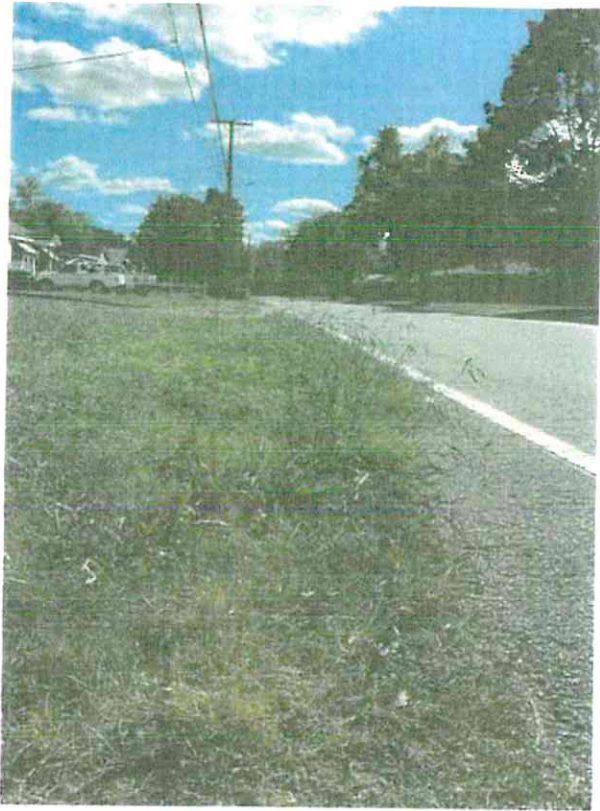
Method of Compliance: Tall grass and weeds removed from the front yard using city employees and equipment.

1 Full time City employee, truck, trailer and mower.

Shane Pegram
Code Enforcement Officer

10/02/2024
Date





Ernest B. Cate
City Attorney
ecate@springdalear.gov

David D. Phillips
Deputy City Attorney
dphillips@springdalear.gov

Cameron Baker
Deputy City Attorney
cbaker@springdalear.gov

George McManus
Deputy City Attorney
gmcmanus@springdalear.gov



SPRINGDALE™
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OFFICE OF CITY ATTORNEY

201 Spring Street • Springdale, Arkansas 72764
Phone (479) 750-8173 • Fax (479) 750-4732
www.springdalear.gov

Giselle Gonzalez
Case Coordinator/Victim Advocate
ggonzalez@springdalear.gov

Steve Helms
Investigator
shelms@springdalear.gov

Dixie Putt
Administrative Legal Assistant/Paralegal
dputt@springdalear.gov

Christy Pianalto
File/Discovery Clerk
cpianalto@springdalear.gov

November 4, 2024

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
AND REGULAR MAIL**

Rona Telmon Silk
1023 Lowell Road
Springdale, AR 72764

RE: Notice of clean-up lien on property located at 1023 Lowell Road, Springdale,
Washington County, Arkansas, Tax Parcel No. 815-22853-000

Dear Property Owner/Lienholder:

On September 30, 2024, a notice was posted on property located at 1023 Lowell Road, Springdale, Arkansas, that the property was in violation of Springdale City Ordinance 42-77 and 42-78, and needed to be remedied within seven (7) days. Notice was mailed to the owner of record on July 17, 2024 that the City intended to seek a clean-up lien on this property pursuant to Ark. Code Ann. §14-54-903 if the violations were not remedied. The notice also applied to any violations that may be found on the property within the next 12 months.

Subsequent to the above-referenced violation notice being issued, a city code violation was found to have existed on the property. As a result, the City of Springdale took action to remedy the violations on the property, as is allowed by Ark. Code Ann. §14-54-903, on or about August 9 and October 2, 2024. As of this date, the total costs incurred by the City of Springdale to clean this property are \$665.64. I have enclosed invoices evidencing the abatement costs incurred and paid by the City of Springdale to clean this property. Also, in accordance with Ark. Code Ann. §14-54-903(c)(4), administrative fees may be added to the total costs incurred by the City of Springdale, which will include certified mailing fee in the amount of \$9.92 per letter and a filing fee in the amount of \$15.00 to the Washington County Circuit Court.

This is to notify you that in the event this amount is not paid to the City of Springdale on or before January 8, 2025 a hearing confirming the amount of the lien will be held before the Springdale City Council pursuant to Ark. Code Ann. §14-54-903 to determine the amount of the clean-up lien to which the City is entitled for cleaning up the property. The hearing confirming the amount of the lien will be held Tuesday, January 14, 2025, at 6:00 p.m. in the City Council

Chambers at the City Administration Building, 201 Spring Street, Springdale, Arkansas. If this amount is paid prior to the hearing, no lien will be pursued.

Please remit the total sum of \$675.56, which includes \$665.64 for cleaning up the property and \$9.92 for certified mailing to the City of Springdale by the date listed above. Payment must be made payable to the City of Springdale and presented to the attention of Dixie Putt, Springdale City Attorney's Office, 201 Spring Street, Springdale, AR 72764. If you fail to pay this amount before the hearing, then an additional \$15.00 will be added for the costs of filing the ordinance with the Circuit Clerk's Office.

If you desire to contest the amount sought above, you will need to contact Neighborhood Services Division at 479-756-7712 for an appointment and you will be given a court date in Springdale District Court where you will have the opportunity to state your case before the District Court Judge.

This letter is also being mailed by regular mail to Rona Telmon Silk at the address above. Delivery of that letter by the U.S. Postal Service shall warrant service should the certified letter be returned.

If you should have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. B. Cate', with a stylized flourish at the end.

Ernest B. Cate
City Attorney

Enclosures
EBC:dp

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Rona Telmon Silk
1023 Lowell Road
Springdale, AR 72764



9590 9402 8146 3030 4442 52

2. Article Number (Transfer from service label)

9589 0710 5270 1057 1512 92

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Insured Mail☐ Insured Mail Restricted Delivery (over \$500)☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☒ Signature Confirmation®☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

USPS TRACKING#



9590 9402 8146 3030 4442 52

United States
Postal Service

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

* Sender: Please print your name, address, and ZIP+4® in this box*



OFFICE OF THE
CITY ATTORNEY
201 NORTH SPRING STREET
SPRINGDALE, ARKANSAS 72764

1023 Lowell Road

City Abatement

City of Springdale
Neighborhood Service
201 Spring Street
Springdale, AR 72764
479-756-7712
Case Number: 2404441



Date: 10/04/2024
Status: Abated
Property: 836 JAY LN
City, State, Zip: ,

Officer on Site: Logan West
Abatement Type: Lien
Abatement Date: 10/03/2024
Abatement Start Time: 0830
Abatement End Time: 0930

Fee	Amount
Disposal Cost Recovery	\$118.32
Employee Rate	\$135.00
Equipment Rate	\$348.00
Total Fee: \$601.32	

Method of Compliance: All junk and trash and brush removed and property mowed.

3 full time employees
3 part time employees
Truck & trialer, kabota mower, bulk truck.

Logan West
Code Enforcement Officer

10/04/2024
Date







Ernest B. Cate
City Attorney
ecate@springdalear.gov

David D. Phillips
Deputy City Attorney
dphillips@springdalear.gov

Cameron Baker
Deputy City Attorney
cbaker@springdalear.gov

George McManus
Deputy City Attorney
gmcmanus@springdalear.gov



SPRINGDALE
WE'RE MAKING IT HAPPEN

OFFICE OF CITY ATTORNEY

201 Spring Street • Springdale, Arkansas 72764
Phone (479) 750-8173 • Fax (479) 750-4732
www.springdalear.gov

Giselle Gonzalez
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ggonzalez@springdalear.gov

Steve Helms
Investigator
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Dixie Putt
Administrative Legal Assistant/Paralegal
dputt@springdalear.gov

Christy Pinalto
File/Discovery Clerk
cpinalto@springdalear.gov

November 5, 2024

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
AND REGULAR MAIL**

Barbara Sue Reddell
P.O. Box 872
Springdale, AR 72765

RE: Notice of clean-up lien on property located at 836 Jay Lane, Springdale,
Washington County, Arkansas, Tax Parcel No. 815-29819-000

Dear Property Owner/Lienholder:

On August 13, 2024, a notice was posted on property located at 836 Jay Lane, Springdale, Arkansas, that the property was in violation of Springdale City Ordinance 42-77 and 42-78, and needed to be remedied within seven (7) days. Notice was mailed to the owner of record on August 13, 2024 that the City intended to seek a clean-up lien on this property pursuant to Ark. Code Ann. §14-54-903 if the violations were not remedied. The notice also applied to any violations that may be found on the property within the next 12 months.

Subsequent to the above-referenced violation notice being issued, a city code violation was found to have existed on the property. As a result, the City of Springdale took action to remedy the violations on the property, as is allowed by Ark. Code Ann. §14-54-903, on or about October 4, 2024. As of this date, the total costs incurred by the City of Springdale to clean this property are \$601.32. I have enclosed an invoice evidencing the abatement costs incurred and paid by the City of Springdale to clean this property. Also, in accordance with Ark. Code Ann. §14-54-903(c)(4), administrative fees may be added to the total costs incurred by the City of Springdale, which will include certified mailing fee in the amount of \$9.92 per letter and a filing fee in the amount of \$15.00 to the Washington County Circuit Court.

This is to notify you that in the event this amount is not paid to the City of Springdale on or before January 8, 2025 a hearing confirming the amount of the lien will be held before the Springdale City Council pursuant to Ark. Code Ann. §14-54-903 to determine the amount of the clean-up lien to which the City is entitled for cleaning up the property. The hearing confirming the amount of the lien will be held Tuesday, January 14, 2025, at 6:00 p.m. in the City Council

Chambers at the City Administration Building, 201 Spring Street, Springdale, Arkansas. If this amount is paid prior to the hearing, no lien will be pursued.

Please remit the total sum of \$611.24, which includes \$601.32 for cleaning up the property and \$9.92 for certified mailing to the City of Springdale by the date listed above. Payment must be made payable to the City of Springdale and presented to the attention of Dixie Putt, Springdale City Attorney's Office, 201 Spring Street, Springdale, AR 72764. If you fail to pay this amount before the hearing, then an additional \$15.00 will be added for the costs of filing the ordinance with the Circuit Clerk's Office.

If you desire to contest the amount sought above, you will need to contact Neighborhood Services Division at 479-756-7712 for an appointment and you will be given a court date in Springdale District Court where you will have the opportunity to state your case before the District Court Judge.

This letter is also being mailed by regular mail to Barbara Sue Reddell at the address above. Delivery of that letter by the U.S. Postal Service shall warrant service should the certified letter be returned.

If you should have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Ernest B. Cate", written in a cursive style.

Ernest B. Cate
City Attorney

Enclosures
EBC:dp



CITY OF SPRINGDALE
OFFICE OF CITY ATTORNEY
201 SPRING STREET
SPRINGDALE, AR 72764

Handwritten: [Signature]
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12/2/24

CERTIFIED MAIL



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US POSTAGE

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Barbara Sue Reddell
P.O. Box 872
Springdale, AR 72765

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RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

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SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Barbara Sue Reddell
P.O. Box 872
Springdale, AR 72765



9590 9402 8146 3030 4442 45

2. Article Number (Transfer from service label)

9589 0710 5270 1057 1513 08

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

- D. Is delivery address different from item 1?** ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☒ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

The City Council of the City of Springdale met in regular session on Tuesday, December 10, 2024 in the Council Chambers, City Administration Building. Mayor Doug Sprouse called the meeting to order at 6:00 p.m.

Roll call was answered by:

Doug Sprouse	Mayor
Brian Powell	Ward 3
Amelia Taldo	Ward 4 (Absent)
Jeff Watson	Ward 3
Mike Overton	Ward 2
Mike Lawson	Ward 1
Rex Bailey	Ward 2
Randall Harriman	Ward 1
Mark Fougerousse	Ward 4 (Absent)
Ernest Cate	City Attorney
Denise Pearce	City Clerk/Treasurer

Department heads present:

Frank Gamble	Police Chief
Patsy Christie	Planning Commission Director
Chad Wolf	Parks & Rec Director
Angie Albright	Shiloh Museum Director
Ben Peters	Engineer Director
Mike Chamlee	Buildings Director
James Smith	Public Works Director
Blake Holte	Fire Chief
Colby Fulfer	Chief of Staff
Gina Lewis	HR Director
Anne Gresham	Library Director

APPROVAL OF MINUTES

Council Member Powell moved the minutes of the November 26, 2024 City Council meeting be approved as presented. Council Member Bailey made the second.

There was a voice vote of all ayes and no nays.

CITIZEN COMMENTS

None

ORDINANCES AND RESOLUTIONS READ BY TITLE ONLY

Council Member Harriman made the motion to read all Ordinances and Resolutions by title only and to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for all items listed on this agenda. Council Member Powell made the second.

After the vote was taken, motion carried 6-0.

RETIREMENT RECOGNITION

Mayor Doug Sprouse recognized retirements and read Proclamations for Judge Jeff Harper, City Clerk/Treasurer Denise Pearce, Attorney Taylor Samples and Council Member Rex Bailey.

RESOLUTION NO. 164-24 – MAKING A REAPPOINTMENT TO THE PUBLIC FACILITIES BOARD OF THE CITY OF SPRINGDALE.

Mayor Doug Sprouse presented a resolution making a reappointment of Jim Crouch to the Public Facilities Board of the City of Springdale.

RESOLUTION NO. 164-24

**A RESOLUTION MAKING AN REAPPOINTMENT TO THE
PUBLIC FACILITIES BOARD OF THE CITY OF SPRINGDALE**

WHEREAS, Jim Crouch, who currently serves as Chairman on the Public Facilities Board, has a term that is set to expire on January 31, 2025, and

WHEREAS, A.C.A. 14-137-108 provide those appointments for these positions will be nominated by a majority of the board and appointed by the Mayor subject to approval of the City Council, and

WHEREAS, the Public Facilities Board has recommended the reappointment of Jim Crouch, with a new term set to expire January 31, 2030.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that Jim Crouch is hereby reappointed as the board Chairman of the Public Facilities Board with a term set to expire on January 31, 2030.

PASSED AND APPROVED this 10th day of December, 2024

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Council Member Powell moved the Resolution be adopted. Council Member Lawson made the second.

After the vote was taken, motion carried 6-0.

The Resolution was numbered 164-24.

**RESOLUTION NO. 165-24 – MAKING A REAPPOINTMENT TO THE ADVERTISING
AND PROMOTION COMMISSION OF THE CITY OF SPRINGDALE.**

Mayor Doug Sprouse presented a resolution making a reappointment of Mike Lawson and Mike Overton to the Advertising and Promotion Commission of the City of Springdale.

RESOLUTION NO. 165-24

**A RESOLUTION MAKING A REAPPOINTMENT TO THE
ADVERTISING AND PROMOTION COMMISSION OF THE
CITY OF SPRINGDALE, ARKANSAS**

WHEREAS, the term of Mike Overton, Seat #5, will expire on December 31, 2024 and Mike Lawson, Seat #6, his term is set to expire December 31, 2024, and

WHEREAS, A.C.A. 26-75-605 and Ordinance No. 3293 provide those appointments for these positions will be made by Springdale City Council, subject to approval of the City Council, and

WHEREAS, the Mayor has recommended the reappointment of Mike Overton, Seat #5, and Mike Lawson, Seat #6, to the Advertising and Promotion Commission of the City of Springdale.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS that Mike Overton, Seat #5 is hereby reappointed with a term set to expire December 31, 2028; and Mike Lawson, Seat #6 is hereby reappointed with a term set to expire on December 31, 2028, on the Advertising and Promotion Commission.

PASSED AND APPROVED this 10th day of December, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Council Member Harriman moved the Resolution be adopted. Council Member Powell made the second.

After the vote was taken, motion carried 6-0.

The Resolution was numbered 165-24.

RESOLUTION NO. 166-24 – MAKING A REAPPOINTMENT TO THE SPRINGDALE LIBRARY BOARD.

Mayor Doug Sprouse presented a resolution making a reappointment of Paula Wilson to the Springdale Library Board.

RESOLUTION NO. 166-24

A RESOLUTION MAKING A REAPPOINTMENT TO THE SPRINGDALE LIBRARY BOARD

WHEREAS, Paula Wilson currently serves on the Springdale Library Board, a term set to expire on December 31, 2024, and

WHEREAS, the Springdale Library Board has recommended the reappointment of Paula Wilson, and

WHEREAS, Arkansas Code 13-2-502, provides for appointments to the Library Board by the Mayor with the approval of the City Council, and

WHEREAS, upon recommendation of the Library Board of the City of Springdale, the Mayor recommends the reappointment of Paula Wilson to the Springdale Library Board.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS that Paula Wilson is hereby reappointed to the Springdale Library Board, with a term set to expire on December 31, 2029.

PASSED AND APPROVED this 10th day of December, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Council Member Bailey moved the Resolution be adopted. Council Member Powell made the second.

After the vote was taken, motion carried 6-0.

The Resolution was numbered 166-24.

RESOLUTION NO. 167-24 – MAKING A REAPPOINTMENT TO THE NORTHWEST ARKANSAS REGIONAL AIRPORT AUTHORITY.

Mayor Doug Sprouse presented a resolution making a reappointment of Philip Taldo to the Northwest Arkansas Regional Airport Authority.

RESOLUTION NO. 167-24

**A RESOLUTION REAPPOINTING PHILIP TALDO TO
THE NORTHWEST ARKANSAS REGIONAL AIRPORT
AUTHORITY**

WHEREAS, Philip Taldo currently serves on the Northwest Arkansas Regional Airport Authority,

WHEREAS, the Mayor has recommended that Philip Taldo be reappointed to the Northwest Arkansas Regional Airport Authority with a term set to expire on December 31, 2030;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS that Philip Taldo is hereby reappointed to the Northwest Arkansas Regional Airport Authority with a term set to expire on January 1, 2030.

PASSED AND APPROVED this 10th day of December, 2024.

Doug Sprouse, Mayor

APPROVED:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Council Member Powell moved the Resolution be adopted. Council Member Lawson made the second.

After the vote was taken, motion carried 6-0.

The Resolution was numbered 167-24.

ORDINANCE NO. 6026 – CALLING FOR THE SIMULTANEOUS DETACHMENT AND ANNEXATION OF LAND CURRENTLY LOCATED IN CAVE SPRINGS, BENTON COUNTY, ARKANSAS, PURSUANT TO ARK. CODE ANN §14-40-2101

City Attorney Ernest Cate presented an Ordinance calling for the simultaneous detachment and annexation of land currently located in Cave Springs, Benton County, Arkansas, pursuant to Ark Code Ann §14-40-2101. The property consists of 22 acres and is near property that was annexed in the past. The annexation is at the request of the property owner.

After reading the title of the Ordinance, Council Member Overton moved the Ordinance “Do Pass”. Council Member Powell made the second.

After the vote was taken, motion carried 6-0.

The Ordinance was numbered 6026

DENIED - PROPOSED ORDINANCE REZONING (R24-50) 28.07 ACRES LOCATED AT THE SW CORNER OF E. DON TYSON PARKWAY AND GEORGE ANDERSON ROAD FROM SF-2 TO SF-3, AND DECLARING AN EMERGENCY

Patsy Christie presented an ordinance rezoning (R24-50) 28.07 acres located at the SW Corner of E Don Tyson Parkway and George Anderson Road from SF-2 to SF-3. DTP Development LLC is the property owner.

After reading the title of the Ordinance, Council Member Harriman moved the Ordinance “Do Pass”. Council Member Overton made the second.

Adjacent property owners were present at the meeting speaking against the rezoning. After discussion, the vote was taken.

The motion failed 1-5 (Powell, Watson, Overton, Lawson, Bailey voting no).

ORDINANCE NO. 6027 – REZONING (R24-55) PROPERTY LOCATED AT 1434 & 1402 SPRING CREEK AVENUE FROM GENERAL COMMERCIAL DISTRICT (C-2) TO MEDIUM/HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (MF-16) WITHIN SPRINGDALE, ARKANSAS, AND DECLARING AN EMERGENCY.

Patsy Christie presented an ordinance rezoning (R24-55) property located at 1434 & 1402 Spring Creek Avenue from general commercial district (C-2) to medium/high density multi-family residential district (MF-16) within Springdale, Arkansas, and declaring an emergency. Fishing Bridge Investments, LLC, is the owner of the property.

Planning Commission recommended approval at their meeting.

After reading the title of the Ordinance, Council Member Watson moved the Ordinance “Do Pass”. Council Member Powell made the second.

After the vote was taken, motion carried 5-1. Overton voted no.

Council Member Powell moved the Emergency Clause be adopted. Council Member Harriman made the second.

After the vote was taken, motion carried by 6-0.

The ordinance was numbered 6027.

ORDINANCE NO. 6028 – REZONING (R24-57) PROPERTY LOCATED AT 3448 BUTTERFIELD COACH ROAD, THE NW CORNER OF BUTTERFIELD COACH ROAD AND DON TYSON PARKWAY FROM AGRICULTURAL DISTRICT (A-1) TO MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT (SF-3) & THOROUGHFARE COMMERCIAL DISTRICT (C-5) WITHIN SPRINGDALE, ARKANSAS, AND DECLARING AN EMERGENCY.

Patsy Christie presented an ordinance rezoning (R24-57) property located at 3448 Butterfield Coach Road, the NW corner of Butterfield Coach Road and Don Tyson Parkway from Agricultural District (A-1) to Medium Density Single-Family Residential District (SF-3) & Thoroughfare Commercial District (C-5) within Springdale, Arkansas, and declaring an emergency. Fishing Bridge Investments, LLC is the owner of the property.

Planning Commission recommended approval at their meeting.

After reading the title of the Ordinance, Council Member Harriman moved the Ordinance “Do Pass”. Council Member Overton made the second.

After the vote was taken, motion carried 6-0.

Council Member Powell moved the Emergency Clause be adopted. Council Member Harriman made the second.

After the vote was taken, motion carried by 6-0.

The ordinance was numbered 6028.

ORDINANCE NO. 6029 – REZONING (R24-59) PROPERTY LOCATED AT 1809 S. PLEASANT STREET, THE NE CORNER OF S. PLEASANT STREET & SCHMIEDING AVENUE FROM NEIGHBORHOOD COMMERCIAL DISTRICT (C-1) TO GENERAL COMMERCIAL DISTRICT (C-2) WITHIN SPRINGDALE, ARKANSAS, AND DECLARING AN EMERGENCY

Patsy Christie presented an ordinance rezoning (R24-59) property located at 1809 S. Pleasant Street, the NE corner of S. Pleasant Street & Schmieding Avenue from Neighborhood Commercial District (C-1) to General Commercial District (C-2) within Springdale, Arkansas, and declaring an emergency. Albayyari Ventures, LLC is the owner of the property.

Planning Commission recommended approval at their meeting.

After reading the title of the Ordinance, Council Member Overton moved the Ordinance “Do Pass”. Council Member Powell made the second.

After the vote was taken, motion carried 6-0.

Council Member Powell moved the Emergency Clause be adopted. Council Member Bailey made the second.

After the vote was taken, motion carried by 6-0.

The ordinance was numbered 6029.

ORDINANCE NO. 6030 – ACCEPTING THE REPLAT (RP24-09) OF LOTS 4 AND 5, SPRING CREEK ESTATES PHASE I, TO THE CITY OF SPRINGDALE, ARKANSAS, AND DECLARING AN EMERGENCY.

Patsy Christie presented an Ordinance accepting the replat (RP24-09) of Lots 4 and 5, Spring Street Estates Phase I, to the City of Springdale, Arkansas, and declaring an emergency.

Planning Commission recommended approval at their meeting.

After reading the title of the Ordinance, Council Member Bailey moved the Ordinance “Do Pass”. Council Member Powell made the second.

After the vote was taken, motion carried 6-0.

Council Member Powell moved the Emergency Clause be adopted. Council Member Bailey made the second.

After the vote was taken, motion carried 6-0.

The Ordinance was numbered 6030.

ORDINANCE NO. 6031 – ACCEPTING THE FINAL PLAT OF PHASE 3 OF DEERE CREEK IN THE CITY OF SPRINGDALE, ARKANSAS, AND DECLARING AN EMERGENCY.

Patsy Christie presented an Ordinance accepting the final plat of Phase 3 of Deere Creek in the City of Springdale, Arkansas, and declaring an emergency.

After reading the title of the Ordinance, Council Member Powell moved the Ordinance “Do Pass”. Council Member Bailey made the second.

After the vote was taken, motion carried 6-0.

Council Member Powell moved the Emergency Clause be adopted. Council Member Bailey made the second.

After the vote was taken, motion carried 6-0.

The Ordinance was numbered 6031.

ORDINANCE NO. 6032 – AN ORDINANCE ACCEPTING THE FINAL PLAT (FP24-17) OF COTTAGES AT CLEAR CREEK PHASE III TO THE CITY OF SPRINGDALE, ARKANSAS, AND DECLARING AN EMERGENCY.

Patsy Christie presented an Ordinance accepting the final plat (FP24-17) of Cottages at Clear Creek Phase III to the City of Springdale, Arkansas, and declaring an emergency.

Planning Commission recommended approval at their meeting.

After reading the title of the Ordinance, Council Member Harriman moved the Ordinance “Do Pass”. Council Member Powell made the second.

After the vote was taken, motion carried by 6-0.

Council Member Powell moved the Emergency Clause be adopted. Council Member Harriman made the second.

After the vote was taken, motion carried by 6-0.

The Ordinance was numbered 6032.

ORDINANCE NO. 6033 – ACCEPTING THE FINAL PLAT (FP24-18) OF THE VIA EMMA SUBDIVISION TO THE CITY OF SPRINGDALE, ARKANSAS, AND DECLARING AN EMERGENCY

Patsy Christie presented an Ordinance accepting the final plat (FP24-18) of the Via Emma Subdivision to the City of Springdale, Arkansas, and declaring an emergency.

Planning Commission recommended approval at their meeting.

After reading the title of the Ordinance, Council Member Overton moved the Ordinance “Do Pass”. Council Member Harriman made the second.

After the vote was taken, motion carried by 6-0.

Council Member Harriman moved the Emergency Clause be adopted. Council Member Lawson made the second.

After the vote was taken, motion carried by 6-0.

The Ordinance was numbered 6033.

RESOLUTION PULLED FROM AGENDA, APPROVING A WAIVER (W24-29) FOR SECOND NATURE LANDSCAPING.

Mayor Sprouse announced that this item was pulled from tonight's agenda.

FAILED APPEAL – AN APPEAL OF THE PLANNING COMMISSION'S DENIAL OF A REZONING PETITION (R24-52) FOR ARKANSAS BOAT AND RV STORAGE, LLC FROM GENNERAL COMMERCIAL DISTRICT (C-2) TO THOROUGHFARE COMMERCIAL DISTRICT (C-5) AT 1752 WAGON WHEEL ROAD.

Logan Vickery, an attorney with Friday, Eldredge & Clark, representing GP Tangle LLC, presented an appeal of Planning Commission's denial of a rezoning request for frontage property (8.74 acres) on property located at 1752 Wagon Wheel Road, from C-2 to C-5. Since that denial the request has been reduced to rezone only 4.89 acres.

Three adjacent property owners were present and spoke against the rezoning.

Council Member Mike Overton made the motion to overturn Planning Commission's decision and approve rezoning 4.89 acres to C-5 with remaining 11.85 acres staying zoned C-2. There was no second to the motion.

The appeal failed for lack of a second. Planning Commission's decision to deny was upheld.

RESOLUTION NO. 168-24 – AUTHORIZING THE EXPENDITURE OF FUNDS TO ACQUIRE PROPERTY FROM JAMES TAYLOR AND BETTY TAYLOR FOR THE GENE GEORGE BLVD. EXTENSION PROJECT (ELM SPRINGS RD. TO COUNTY LINE RD.), PROJECT NO. 23BPS4.

City Council Member Jeff Watson presented a Resolution authorizing the expenditure of funds to acquire property from James Taylor and Betty Taylor for the Gene George Blvd Extension Project (Elm Springs Rd to County Line Rd.), Project No. 23BPS4.

RESOLUTION NO. 168-24

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS TO ACQUIRE PROPERTY FROM JAMES TAYLOR AND BETTY TAYLOR FOR THE GENE GEORGE BLVD. EXTENSION PROJECT (ELM SPRINGS RD. TO COUNTY LINE RD.), PROJECT NO. 23BPS4.

WHEREAS, the City of Springdale is in need of acquiring easements across lands for the Gene George Blvd. Extension Project (Elm Springs Rd. to County Line Rd.), Project No. 23BPS4 (Tract 34), said land being owned by James Taylor and Betty Taylor, also known as Washington County Tax Parcel No. 815-29789-295, located at 2139 N. 56th Street, Springdale, Washington County, Arkansas ("the Property");

WHEREAS, the City's estimate of compensation for the easements across the Property, as determined by an appraisal, is \$24,900.00;

WHEREAS, the property owner has extended a counter-offer that the City pay the total sum of \$26,200.00 to acquire the easements across the Property; and,

WHEREAS, it is the recommendation of the City Attorney and the Mayor that the City Council approve the additional sum of \$1,300.00 to acquire the easements across the Property, as this amount is reasonable, is justified, and will avoid the cost, expense, and risk of acquiring the easements across the Property by eminent domain proceedings.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City is hereby authorized to acquire the easements needed across the aforementioned parcel of land for the Gene George Blvd. Extension Project (Elm Springs Rd. to County Line Rd.), Project No. 23BPS4 (Tract 34), said lands being owned by James Taylor and Betty Taylor, for the total sum of \$26,200.00 to be paid from the 2023 Street Bond.

PASSED AND APPROVED this 10th day of December, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Council Member Bailey moved the Resolution be adopted. Council Member Lawson made the second.

After the vote was taken, motion carried 6-0.

The Resolution was numbered 168-24.

RESOLUTION NO. 169 – 24 – AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AMENDMENT FOR DESIGN SERVICES ON DON TYSON PARKWAY EXTENSION (CP1518)

Council Member Jeff Watson presented a resolution authorizing the execution of a Professional Services Amendment for Design Services on Don Tyson Parkway Extension (CP1518). This will include a traffic signal warrant study at the intersection of Don Tyson Extension and Highway 112.

RESOLUTION NO. 169-24

**A RESOLUTION AUTHORIZING THE EXECUTION OF
A PROFESSIONAL SERVICES AMENDMENT FOR
DESIGN SERVICES ON DON TYSON PARKWAY
EXTENSION (CP1518)**

WHEREAS, the City of Springdale is in need of a traffic signal warrant study for the West Don Tyson Parkway Extension;

WHEREAS, Engineering Services Inc. is our current design engineer for this project;

WHEREAS, the price not to exceed amount for professional consultant services shall be \$80,775.00.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL
FOR THE CITY OF SPRINGDALE, ARKANSAS, that**

Section 1. the Mayor and City Clerk are hereby authorized to execute a professional services amendment with Engineering Services Inc. for design services to be paid from the 2023 Street Bond Fund.

Section 2. The Mayor is authorized to approve change orders as long as the cumulative total of the change orders does not exceed 10% of the original amendment price.

PASSED AND APPROVED this 10th day of December, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Council Member Powell moved the Resolution be adopted. Council Member Lawson made the second.

After the vote was taken, motion carried 6-0

The Resolution was numbered 169-24

RESOLUTION NO. 170-24 – AUTHORIZING THE PROVISION OF GOVERNMENT SERVICES FOR THE CITIZENS OF SPRINGDALE, ARKANSAS, FROM THE AMERICAN RECOVER PLAN ACT (ARPA) FUNDS.

Chief of State Colby Fulfer presented a Resolution authorizing the provision of Government services for the citizens of Springdale, Arkansas, from the American Recover Plan Act (ARPA) Funds (Lost Revenue).

RESOLUTION NO. 170-24

A RESOLUTION TO AUTHORIZE THE PROVISION OF GOVERNMENT SERVICES FOR THE CITIZENS OF SPRINGDALE, ARKANSAS FROM THE AMERICAN RECOVER PLAN ACT (ARPA) FUNDS

WHEREAS, the City of Springdale, Arkansas has been directly affected by the COVID-19 global pandemic;

WHEREAS, the City of Springdale, Arkansas has experienced a reduction in revenues as a result of the COVID-19 global pandemic;

WHEREAS, the City of Springdale, Arkansas continued to provide essential services to its residents throughout the COVID-19 pandemic;

WHEREAS, the City of Springdale, Arkansas will continue to provide essential services to its residents; and

WHEREAS, the City of Springdale, Arkansas desires to use a portion of the \$12,529,707.00 American Rescue Plan Act (ARPA) funds designated as lost revenue for eligible Fire Department staff salaries in order to continue to provide essential services to the citizens of the City of Springdale.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS authorizes the obligation of \$4,940,591.00 to the provision of government services for the citizens of Springdale, Arkansas for the purpose of eligible Fire Department staff salaries in order to continue to provide essential services to the citizens of the City of Springdale in accordance with eligible use of funds as defined by ARPA.

PASSED AND APPROVED this 10th day of December, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Council Member Bailey moved the Resolution be adopted and Council Member Lawson seconded the motion.

After the vote was taken, motion carried 6-0.

The resolution was numbered 170-24

RESOLUTION NO. 171-24 – AUTHORIZING THE PROVISION OF GOVERNMENT SERVICES FOR THE CITIZENS OF SPRINGDALE, ARKANSAS, FROM THE AMERICAN RECOVER PLAN ACT (ARPA) FUNDS (OVERTIME COMPENSATION)

Chief of Staff Colby Fulfer presented a Resolution authorizing the provision of Government Services for the citizens of Springdale, Arkansas, from the American Recover Plan Act (ARPA) Funds (Overtime Compensation).

RESOLUTION NO. 171-24

A RESOLUTION TO AUTHORIZE THE PROVISION OF GOVERNMENT SERVICES FOR THE CITIZENS OF SPRINGDALE, ARKANSAS FROM THE AMERICAN RECOVER PLAN ACT (ARPA) FUNDS

WHEREAS, the City of Springdale, Arkansas has been directly affected by the COVID-19 global pandemic;

WHEREAS, the City of Springdale, Arkansas has experienced a reduction in revenues as a result of the COVID-19 global pandemic;

WHEREAS, the City of Springdale, Arkansas continued to provide essential services to its residents throughout the COVID-19 pandemic;

WHEREAS, the City of Springdale, Arkansas will continue to provide essential services to its residents; and

WHEREAS, Throughout the COVID response and recovery period, the police and fire departments have incurred significant overtime expenditures; and

WHEREAS, the City of Springdale, Arkansas desires to obligate and expend American Rescue Plan Act (ARPA) SLFRF funds received by the City for the purpose of overtime compensation for police department and fire department staff in order to continue to provide essential services to the citizens of the City of Springdale.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS authorizes the obligation of \$1,000,000.00 to the response of the public health emergency for the citizens of Springdale, Arkansas for the purpose of eligible Police and Fire Department staff overtime compensation in order to continue to provide essential services to the citizens of the City of Springdale in accordance with eligible use of funds as defined by ARPA.

PASSED AND APPROVED this 10th day of December, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Council Member Powell moved the Resolution be adopted and Council Member Lawson seconded the motion.

After the vote was taken, motion carried 6-0.

The resolution was numbered 171-24.

RESOLUTION NO. 172-24 – APPROVING THE CITY OF SPRINGDALE, ARKANSAS, BUDGET FOR THE YEAR 2025.

Mayor Doug Sprouse presented a Resolution approving the City of Springdale, Arkansas, budget for the year 2025.

Council Member Watson said he feels like the purchase of patrol cars should be in the budget every year.

RESOLUTION NO. 172-24

**A RESOLUTION APPROVING THE CITY OF
SPRINGDALE, ARKANSAS, BUDGET FOR THE
YEAR 2025.**

WHEREAS, the Mayor of the City of Springdale, Arkansas, has presented a budget for the calendar year 2025 to the City Council for the City of Springdale, Arkansas, as required by Ark. Code Ann. §14-58-201;

WHEERAS, the Mayor’s proposed budget includes salary increases for City employees; and,

WHEREAS, the Finance Committee of the Springdale City Council held budget work sessions to review, study, discuss, and adjust the 2025 budget proposed by the Mayor and has requested this resolution be placed on the City Council agenda;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the 2025 Mayor’s budget, the salary increases included therein, the changes in authorized positions included therein, and any changes made by the Finance Committee, are hereby passed and approved with the compensation increases to be effective January 1, 2025.

PASSED AND APPROVED this 10th day of December, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest Cate, City Attorney

Council Member Bailey moved the Resolution be adopted and council member Harriman seconded the motion.

After the vote was taken, motion carried 5-1. Council Member Overton voted no.

The resolution was numbered 172-24.

ORDINANCE NO. 6034 - AN ORDINANCE SETTING THE SALARIES OF THE ELECTED OFFICIALS AND PLANNING COMMISSION MEMBERS OF THE CITY OF SPRINGDALE, ARKANSAS; AND REPEALING ORDINANCE NO. 5907; AND DECLARING AN EMERGENCY.

Ernest Cate presented an Ordinance setting the salaries of the elected officials and planning commission members of the City of Springdale, Arkansas, repealing Ordinance No. 5907 and declaring an emergency.

After reading the title of the Ordinance, Council Member Bailey moved the Ordinance “Do Pass”. Council Member Harriman made the second.

After the vote was taken, motion carried 6-0.

Council Member Powell moved the Emergency Clause be adopted. Council Member Harriman made the second.

After the vote was taken, motion carried by 6-0.

The Ordinance was numbered 6034.

RESOLUTION NO. 173 – 24 AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH THE SPRINGDALE CHAMBER OF COMMERCE TO PROMOTE BUSINESS DEVELOPMENT AND ECONOMIC GROWTH; TO WAIVE COMPETITIVE BIDDING AND FOR OTHER PURPOSES.

City Attorney Ernest Cate presented a Resolution authorizing the Mayor and City Clerk to enter into an agreement with the Springdale Chamber of Commerce to promote business development and economic growth; to waive competitive bidding and for other purposes.

RESOLUTION NO. 173-24

AN RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH THE SPRINGDALE CHAMBER OF COMMERCE TO PROMOTE BUSINESS DEVELOPMENT AND ECONOMIC GROWTH; TO WAIVE COMPETITIVE BIDDING AND FOR OTHER PURPOSES.

WHEREAS, it has come to the attention of the City Council for the City of Springdale, Arkansas, that in the past the City of Springdale has worked in conjunction with the Springdale Chamber of Commerce to promote business development and economic growth within the City of Springdale;

WHEREAS, incorporated herein by reference and attached hereto as Exhibit "A" is an agreement between the City of Springdale and the Springdale Chamber of Commerce, allowing for the Chamber to perform certain services for the City of Springdale as set out in the agreement for the total sum of \$275,000.00 per year, as set out in the Agreement;

WHEREAS, because the Chamber is actively involved in promoting of business development and economic growth within the City of Springdale, Arkansas, they are in a unique position to provide the services to the City of Springdale, and therefore, the requirement of competitive bidding should be waived as it is not deemed feasible or practical in this case;

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

Section 1: That the Mayor and City Clerk are hereby authorized to enter into said Agreement, which is incorporated herein by reference, with the Springdale Chamber of Commerce, and to pay the sum not to exceed \$275,000.00 per year to the Springdale Chamber of Commerce, as set out in the Agreement, said money to be paid from general fund.

Section 2: That because of the exceptional circumstances set out herein, competitive bidding is not deemed feasible or practical for the reasons previously stated herein, and is therefore waived.

PASSED AND APPROVED this 10th day of December, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Council Member Lawson moved the Resolution be adopted and Council Member Powell seconded the motion.

After the vote was taken, motion carried 6-0

The resolution was numbered 173-24.

RESOLUTION NO. 174-24 AUTHORIZING PAYMENT OF AN INVOICE (2023 BOND PROJECT NO. 23BPSC1 – SPRINGDALE SENIOR CENTER)

Chief of Staff Colby Fulfer presented a Resolution authorizing payment of an invoice to Buffalo Builders, LLC, for the construction of the Springdale Senior Center, Project No. 23BPSC1.

Council Member Bailey moved the resolution be adopted and Council Member Lawson seconded the motion.

RESOLUTION NO. 174-24

**A RESOLUTION AUTHORIZING PAYMENT OF AN INVOICE
(2023 BOND PROJECT NO. 23BSC1)**

WHEREAS, the City of Springdale contracted with Buffalo Builders, LLC, for the construction of the Springdale Senior Center, and

WHEREAS, the City has received an invoice for \$1,425,871.42 from Buffalo Builders, LLC.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor and City Clerk are hereby authorized to pay Buffalo Builders, LLC., \$1,425,871.42 with funds from the 2023 Bond Program.

PASSED AND APPROVED this 10th day of December, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

After the vote was taken, motion carried 6-0

The Resolution was numbered 174-24.

ORDINANCE NO. 6035 - REPEALING ORDINANCE NO. 2775 WHICH GRANTED AUTHORITY TO THE SPRINGDALE CIVIL SERVICE COMMISSION TO APPOINT AND REMOVE THE POLICE CHIEF AND FIRE CHIEF; AND DECLARING AN EMERGENCY

Council Member Mike Overton presented an Ordinance repealing Ordinance No. 2775 which granted authority to the Springdale Civic Service Commission to appoint and remove the Police Chief and Fire Chief; and declaring an emergency.

On October 14, 1997, the City Council of the City of Springdale, Arkansas, adopted Ordinance No. 2775, which delegated the authority to appoint and remove the heads of the Police and Fire Departments to the City of Springdale Civil Service Commission, pursuant to Ark. Code Ann. §14-42-110(a)(2).

The job descriptions for the Police Chief and Fire Chief specifically provide that these positions report directly to the Mayor.

Ark. Code Ann. §14-51-212 provides that a Civil Service Commission shall not have any control nor shall said Commission attempt to exercise any control over the normal and routine day-to-day operations of a police or fire department, directly or indirectly.

It is the determination of the Springdale City Council that the appointment of the Police Chief and Fire Chief be treated as a Department Head, pursuant to Ark. Code Ann. §14-42-110(a)(1), which provides that the Mayor has the power to appoint or remove Department Heads, unless the City Council shall vote by a two-thirds majority of the total membership of the City Council to override the Mayor's action.

It is the determination of the Springdale City Council that the removal of a Police Chief and Fire Chief by the Mayor be subject to appeal to the Springdale Civil Service Commission, as provided by Arkansas law and the Rules and Regulations of the Springdale Civil Service Commission.

After reading the title of the Ordinance, Council Member Lawson moved the Ordinance “Do Pass”. Council Member Powell made the second.

After the vote was taken, motion carried 6-0.

Council Member Powell moved the Emergency Clause be adopted. Council Member Lawson made the second.

After the vote was taken, motion carried by 6-0.

The Ordinance was numbered 6035.

RESOLUTION NO. 175-24 - AUTHORIZING THE SPRINGDALE FIRE DEPARTMENT TO PURSUE FEDERAL GRANT FUNDING THROUGH THE ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM

Council Member Brian Powell presented a Resolution authorizing the Springdale Fire Department to pursue federal grant funding in the amount of \$162,236.71 through the Assistance to Firefighter’s Grant Program.

It is a 90/10 matching grant; if awarded, the Springdale Fire Department will pay the 10% match out of their budgeted Protective Clothing line item (Account No. 101-0601-422.60-05).

Council Member Harriman moved the Resolution be adopted. Council Member Lawson made the second.

RESOLUTION NO. 175-24

A RESOLUTION AUTHORIZING THE SPRINGDALE FIRE DEPARTMENT TO PURSUE FEDERAL GRANT FUNDING THROUGH THE ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM

WHEREAS, the Springdale Fire Department is seeking grant funding through FEMAs Assistance to Firefighters Grant (AFG) Program to outfit the department with new Wildland/Wildfire coats, pants, helmets, and boots, and

WHEREAS, in order to obtain the funds necessary to purchase these new items, it is necessary to apply for and obtain the AFG grant in the amount of \$162,236.71, and

WHEREAS, it is a 90/10 matching grant; if awarded, the Springdale Fire Department will pay the 10% match out of their budgeted Protective Clothing line item (Account No. 101-0601-422.60-05).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Springdale Fire Department is hereby authorized to prepare and submit an application to the Assistance to Fire Fighters Grant through FEMA, requesting grant funds in the amount of \$162,236.71.

PASSED AND APPROVED this 10th day of December, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest Cate, City Attorney

After the vote was taken, motion carried 6-0.

The Resolution was numbered 175-24.

ORDINANCE NO. 6036 - APPROVING THE TRANSFER OF A PRIVATE CLUB PERMIT, PURSUANT TO SECTION 1.27(4) OF THE RULES OF THE STATE OF ARKANSAS ALCOHOLIC BEVERAGE CONTROL DIVISION – SHIRLEY’S PRIVATE CLUB

City Attorney Ernest Cate presented an Ordinance approving the transfer of a private club permit pursuant to Section 1.27(4) of the rules of the State of Arkansas Alcoholic Beverage Control Division. Last Call, Inc., d/b/a Shirley’s Private Club, holds a Private Club Permit (Permit No. 01991-01) from the State of Arkansas Alcoholic Beverage Control Division (“the Permit”) for 1311 South 48th Street, Springdale, Arkansas and wants to transfer the permit to 205 E. Johnson Avenue, Springdale, Arkansas.

After reading the title of the Ordinance, Council Member Lawson moved the Ordinance “Do Pass”. Council Member Harriman made the second.

After the vote was taken, motion carried 6-0.

Council Member Lawson moved the Emergency Clause be adopted. Council Member Watson made the second.

After the vote was taken, motion carried by 6-0.

The Ordinance was numbered 6036.

ORDINANCE NO. 6037 - APPROVING THE PRIVATE CLUB PERMIT FOR RAISE THE BAR FOUNDATION AND ALLOWING FOR THE APPLICATION OF THE REQUIRED PERMITS FROM THE ARKANSAS ALCOHOLIC BEVERAGE CONTROL DIVISION PER ARKANSAS CODE ANNOTATED §3-9-222 AS AMENDED AND FOR OTHER PURPOSES; AND DECLARING AN EMERGENCY

City Attorney Ernest Cate presented an ordinance approving the private club permit for **Raise the Bar Foundation** and allowing for the application of the required permits from the Arkansas Alcoholic Beverage Control Division per Arkansas Code Annotated §3-9-222 as amended and for other purposes; and declaring an emergency. They are located at 202 E Emma Avenue, Suite 109, Springdale, Arkansas 72764.

After reading the title of the Ordinance, Council Member Lawson moved the Ordinance “Do Pass”. Council Member Harriman made the second.

After the vote was taken, motion carried 6-0.

Council Member Harriman moved the Emergency Clause be adopted. Council Member Lawson made the second.

After the vote was taken, motion carried by 6-0.

The Ordinance was numbered 6037.

RESOLUTION NO. 176-24 – AUTHORIZING AN AWARD TO THE NORTHWEST ARKANSAS COMMUNITY COLLEGE FOUNDATION FROM THE CITY OF SPRINGDALE’S AMERICAN RESCUE PLAN ACT (ARPA) FUNDS TO HELP FUND INITIATIVES THAT PROMOTE JOB TRAINING AND WORKFORCE DEVELOPMENT FOR CITY OF SPRINGDALE, ARKANSAS RESIDENTS.

Mayor Doug Sprouse presented a Resolution authorizing an award to the Northwest Arkansas Community College Foundation from the City of Springdale’s American Rescue Plan Act (ARPA) funds to help fund initiatives that promote job training and workforce development for City of Springdale, Arkansas Residents.

RESOLUTION NO. 176-24

A RESOLUTION TO AUTHORIZE AN AWARD TO THE NORTHWEST ARKANSAS COMMUNITY COLLEGE FOUNDATION FROM THE CITY OF SPRINGDALE’S AMERICAN RESCUE PLAN ACT (ARPA) FUNDS TO HELP FUND INITIATIVES THAT PROMOTE JOB TRAINING AND WORKFORCE DEVELOPMENT FOR CITY OF SPRINGDALE, ARKANSAS RESIDENTS

WHEREAS, the City of Springdale, Arkansas has been directly affected by the COVID- 19 global pandemic;

WHEREAS, Northwest Arkansas Community College experienced financial hardship as a result of increased financial demands due to the COVID-19 pandemic;

WHEREAS, the Northwest Arkansas Community College Foundation supports the educational and operational opportunities for Northwest Arkansas Community College;

WHEREAS, the COVID-19 pandemic has highlighted a need for a trained labor force for essential industries;

WHEREAS, citizens of the City of Springdale, Arkansas need job training and other assistance to move to jobs that provide better opportunities for economic advancement;

WHEREAS, Northwest Arkansas Community College desires to expand its academic offerings, campus space, student financial aid programs, and promote other initiatives that allow for critical job training and placement services for Springdale, Arkansas residents;

WHEREAS, the City of Springdale, Arkansas desires to use a portion of the American Rescue Plan Act (ARPA) funds awarded to the City to make an award to the Northwest Arkansas Community College Foundation to support its institution’s efforts to recover from the economic impacts of the COVID-19 pandemic and respond to the emerging needs of City of Springdale residents;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, that \$442,389.50 be awarded to the Northwest Arkansas Community College Foundation for the purpose of responding to the negative economic impacts of the COVID-19 pandemic in accordance with eligible use of funds as defined by ARPA. This Resolution is intended to supersede and replace Resolution No. 165-23 passed on November 14, 2023.

PASSED AND APPROVED this 10th day of December, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Council Member Overton moved the Resolution be adopted. Council Member Powell made the second.

After the vote was taken, motion carried 6-0.

The Resolution was numbered 176-24.

RESOLUTION NO. 177-24 – AUTHORIZING AN AWARD TO THE NORTHWEST TECHNICAL INSTITUTE EDUCATION FOUNDATION FROM THE CITY OF SPRINGDALE’S AMERICAN RESCUE PLAN ACT (ARPA) FUNDS TO HELP FUND INITIATIVES THAT PROMOTE JOB TRAINING AND WORKFORCE DEVELOPMENT FOR CITY OF SPRINGDALE, ARKANSAS RESIDENTS.

Mayor Doug Sprouse presented a Resolution authorizing an award to the Northwest Technical Institute Education Foundation from the City of Springdale’s American Rescue Plan Act (ARPA) funds to help fund initiatives that promote job training and workforce development for City of Springdale, Arkansas Residents.

RESOLUTION NO. 177-24

A RESOLUTION TO AUTHORIZE AN AWARD TO THE NORTHWEST TECHNICAL INSTITUTE EDUCATION FOUNDATION FROM THE CITY OF SPRINGDALE’S AMERICAN RESCUE PLAN ACT (ARPA) FUNDS TO HELP FUND INITIATIVES THAT PROMOTE JOB TRAINING AND WORKFORCE DEVELOPMENT FOR CITY OF SPRINGDALE, ARKANSAS RESIDENTS

WHEREAS, the City of Springdale, Arkansas has been directly affected by the COVID- 19 global pandemic;

WHEREAS, Northwest Technical Institute experienced financial hardship as a result of increased financial demands due to the COVID-19 pandemic;

WHEREAS, the Northwest Technical Institute Education Foundation supports the educational and operational opportunities for Northwest Technical Institute;

WHEREAS, the COVID-19 pandemic has highlighted a need for a trained labor force for essential industries;

WHEREAS, citizens of the City of Springdale, Arkansas need job training and other assistance to move to jobs that provide better opportunities for economic advancement;

WHEREAS, Northwest Technical Institute desires to expand its academic offerings, campus space, student financial aid programs, and promote other initiatives that allow for critical job training and placement services for Springdale, Arkansas residents;

WHEREAS, the City of Springdale, Arkansas desires to use a portion of the American Rescue Plan Act (ARPA) funds awarded to the City to make an award to the Northwest Institute Education Foundation to support its institution’s efforts to recover from the economic impacts of the COVID-19 pandemic and respond to the emerging needs of City of Springdale residents;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, that \$442,289.50 be awarded to the Northwest Institute Education Foundation for the purpose of responding to the negative economic impacts of the COVID-19 pandemic in accordance with eligible use of funds as defined by ARPA. This Resolution is intended to supersede and replace Resolution No. 165-23 passed on February 14, 2023.

PASSED AND APPROVED this 10th day of December, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Council Member Overton moved the Resolution be adopted. Council Member Lawson made the second.

After the vote was taken, motion carried 6-0.

The Resolution was numbered 177-24.

ORDINANCE NO. 6038 - AN ORDINANCE AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF OVERGROWN BRUSH AND DEBRIS ON PROPERTY LOCATED WITHIN THE CITY OF SPRINGDALE, ARKANSAS AND DECLARING AN EMERGENCY

City Attorney Ernest Cate presented an Ordinance authorizing the City Clerk to file a clean-up lien for the removal of overgrown brush and debris on property located within the City of Springdale, Arkansas and declaring an Emergency. The property is located in Benton County and the owner is BVJ Holdings LLC.

After reading the title of the Ordinance, Council Member Lawson moved the Ordinance “Do Pass”. Council Member Overton made the second.

After the vote was taken, motion carried 6-0.

Council Member Powell moved the Emergency Clause be adopted. Council Member Harriman made the second.

After the vote was taken, motion carried by 6-0.

The Ordinance was numbered 6038

ORDINANCE NO. 6039 - AN ORDINANCE AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF OVERGROWN BRUSH AND DEBRIS ON PROPERTY LOCATED WITHIN THE CITY OF SPRINGDALE, ARKANSAS, AND DECLARING AN EMERGENCY

Ernest Cate presented an Ordinance authorizing the City Clerk to file a clean-up lien for the removal of overgrown brush and debris on property located at 201 ½ Raedel Avenue in Springdale. The owner is Patricia Coffman.

After reading the title of the Ordinance, Council Member Lawson moved the Ordinance “Do Pass”. Council Member Overton made the second.

After the vote was taken, motion carried 6-0.

Council Member Harriman moved the Emergency Clause be adopted. Council Member Overton made the second.

After the vote was taken, motion carried by 6-0.

The Ordinance was numbered 6039.

SECOND CITY COUNCIL MEETING IN DECEMBER

Mayor Sprouse opened the floor for discussion regarding a second City Council meeting in December. Council Member Overton made a motion to not hold a second City Council meeting in December. Council member Bailey seconded the motion

After the vote was taken, motion carried 6-0.

DEPARTMENT HEAD COMMENTS

Police Chief Gamble announced he would be bringing a grant request in January for a virtual reality simulator.

ADJOURNMENT

Council Member Overton made the motion to adjourn. Council Member Lawson made the second.

After a voice vote of all ayes and no nays, the meeting adjourned at 8:13 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer