

- The next Committee Meeting will be on Monday, October 3rd, 2022 in the Tiered Training Room.
- Agenda Packet will be available on the Friday before the meeting.

**SPRINGDALE CITY COUNCIL
REGULAR MEETING
TIERED TRAINING ROOM
2ND FLOOR OF CRIMINAL JUSTICE BUILDING
Tuesday, September 27th, 2022**

5:55 p.m. Pre-Meeting Activities

Pledge of Allegiance

Invocation – Councilman Jeff Watson

6:00 p.m. **OFFICIAL AGENDA**

1. *Large Print* agendas are available.
2. Call to Order – Mayor Doug Sprouse
3. Roll Call – Denise Pearce, City Clerk/Treasurer
4. Recognition of a Quorum.
5. 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.
6. Approval of Minutes – **Tuesday, September 13, 2022. Pgs. 90-107**
7. 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)* **12A – 12H, and 18.** *Motion must be approved by two-thirds (2/3) of the council members).*
8. **Employee Recognition.** Presented by Mayor Doug Sprouse
9. **Retirement Recognition.** Presented by Mayor Doug Sprouse

10. **A Resolution** expressing support for the log cabin restoration project at Shiloh Museum. Presented by Angie Albright, Museum Director. **Pg. 1**

11. Police and Fire Committee by Chairman Brian Powell

A. **A Resolution** to appropriate funds for Capital Equipment Purchases for the Springdale Police Department to be paid from Drug Seizure Funds. Forwarded from Committee with recommendation for approval. Presented by Frank Gamble, Police Chief. **Pgs. 2-3**

B. **A Resolution** waiving competitive bidding and authorizing the purchase of helmets for the Fire Department. Forwarded from Committee with recommendation for approval. Presented by Blake Holte, Fire Chief. **Pgs. 4-5**

C. **A Resolution** waiving competitive bidding and authorizing the purchase of a fire apparatus. Forwarded from Committee with recommendation for approval. Presented by Blake Holte, Fire Chief. **Pgs. 6-12**

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

A. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located on the West side of 48th Street at the end of Central Drive from Agricultural District (A-1) to General Commercial District (C-2) and declaring an emergency. **Pgs. 13-15**

B. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located at 636 N. 40th Street from Agricultural District (C-2) to Thoroughfare Commercial District (C-5) and declaring an emergency. **Pgs. 16-18**

C. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located at 4470 N. Thompson Street from General Commercial District (C-2) to Thoroughfare Commercial District (C-5) and declaring an emergency. **Pgs. 19-21**

- D. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located at 1107 and 1121 W. Huntsville Avenue from Medium Density Multi-Family Residential District (MF-12) to General Commercial District (C-2) and declaring an emergency. **Pgs. 22-24**
- E. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located South of Don Tyson Parkway and West of 48th Street from Agricultural District (A-1) to General Commercial District (C-2) and declaring an emergency. **Pgs. 25-28**
- F. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located at 5191 and 5147 Har-Ber Avenue from Agricultural District (A-1) and Neighborhood Office District (O-1) to General Commercial District (C-2) and declaring an emergency. **Pgs. 29-32**
- G. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located at 1506 Shady Grove Road from Agricultural District (A-1) to General Commercial District (C-2) and declaring an emergency. **Pgs. 33-35**
- H. **An Ordinance** accepting the re-plat of Conestoga Park, Lots 4-8 to the City of Springdale, Arkansas, and declaring an emergency. **Pgs. 36-38**
- I. **A Resolution** approving a Conditional Use at 7993 West Miller Road as set forth in Ordinance No. 4030. **Pgs. 39-41**
- J. **A Resolution** approving a Conditional Use at 1232 Stultz Road as set forth in Ordinance No. 4030. **Pgs. 42-47**
- K. **A Resolution** approving a Conditional Use at 4784 North Thompson as set forth in Ordinance No. 4030. **Pgs. 48-53**
- L. **A Resolution** approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Springdale's Best Storage QOF, LLC, in connection with PP22-10 a preliminary plat. **Pgs. 54-55**

M. **A Resolution** approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Whispering Springs in connection with PP22-11 a preliminary plat. Pgs. 56-57

N. **A Resolution** approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Nick and Jill Schmidt in connection with 6495 Copperhead Road a single-family dwelling. Pgs. 58-59

O. **A Resolution** approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to County Line Commercial Park in connection with L22-51 a large-scale development. Pgs. 60-62

13. Finance Committee by Chairman Jeff Watson

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. Forwarded from Committee with recommendation for approval. Presented by Colby Fulfer, Chief of Staff. Pgs. 63-67

14. Committee of the Whole

A Resolution authorizing the execution of a Temporary Use Agreement on property owned by the City of Springdale, Arkansas. Forwarded from Committee with recommendation for approval. Presented by Ernest Cate, City Attorney. Pgs. 68-72

15. **A Resolution** to levy Benton County Ad Valorem Taxes of the City of Springdale, Arkansas. Presented by Ernest Cate, City Attorney. Pg. 73

16. **A Resolution** to levy Washington County Ad Valorem Taxes of the City of Springdale, Arkansas. Presented by Ernest Cate, City Attorney. Pgs. 74-75

17. **A Resolution** authorizing the execution of a Temporary Use Agreement on property owned by the City of Springdale, Arkansas. Presented by Ernest Cate, City Attorney. Pgs. 76-79

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. 80-89

19. Comments from Council Members.

20. Comments from City Attorney.

21. Comments from Mayor

22. Adjournment.

RESOLUTION NO. _____

**A RESOLUTION EXPRESSING SUPPORT FOR THE LOG
CABIN RESTORATION PROJECT AT THE SHILOH
MUSEUM**

WHEREAS, the Shiloh Museum has several historic buildings on its property, including an 1850s era log cabin ("the Log Cabin"), which is one of the significant historical exhibits at the Museum;

WHEREAS, the Log Cabin is in need of repairs and restoration, or order to ensure the integrity and longevity of the Log Cabin, and to ensure the safety of the visitors to the Log Cabin;

WHEREAS, the Shiloh Museum Board has procured specifications for the restoration of the Log Cabin, and has utilized the competitive bidding process in order to determine the costs associated with the project, to be paid for by the Shiloh Museum Board; and

WHEREAS, the Shiloh Museum Board has requested an expression of support from the City of Springdale for the restoration of the Log Cabin.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS THAT the City of Springdale recognizes the historical significance of the Log Cabin, as well as the importance of maintaining the integrity, safety, and longevity of the Log Cabin, and therefore expresses its support for the Log Cabin restoration project.

PASSED AND APPROVED this _____ day of _____, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

RESOLUTION NO. _____

A RESOLUTION TO APPROPRIATE FUNDS FOR
CAPITAL EQUIPMENT PURCHASES FOR THE
SPRINGDALE POLICE DEPARTMENT TO BE PAID
FROM DRUG SEIZURE FUNDS.

WHEREAS, the Springdale Police Department is wishing to make certain capital equipment purchases as follows:

2 Bobcat Utility Vehicles	\$34,980.00
AMV Insight RT2 software for drones	\$ 7,748.35
DJI Matrice 30T Drone with related equipment	\$19,983.25
DJI Mavic 2 Drone with related equipment	\$ 7,648.48
Car scan tool	\$ 3,192.63
4 Precision rifles	\$15,584.50
2 Less lethal devices	\$ 8,055.65
7 Nightforce FX8 scopes	\$13,444.48
2 Getac MDTs	\$11,082.77

TOTAL FOR ALL EQUIPMENT	\$121,738.11

WHEREAS, the Police Department has received quotes for each of the items requested;
and

WHEREAS, the Police Department has sufficient funds in the Drug Seizure Fund to pay for the improvements to the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that there is hereby appropriated \$121,738.11 from the Drug Seizure funds for the purchases of capital equipment for the Springdale Police Department as provided herein.

PASSED AND APPROVED this _____ day of _____, 2022.

Doug Sprouse, MAYOR

ATTEST:

Denise Pearce, CITY CLERK

APPROVED:

Ernest B. Cate, CITY ATTORNEY



CITY of SPRINGDALE

POLICE DEPARTMENT
OFFICE OF THE CHIEF OF POLICE

MEMORANDUM

FROM: Chief Frank Gamble
TO: Colby Fulfer and Mayor Doug Sprouse
DATE: 09/15/22
RE: Request to use drug seizure funds for capital equipment

I request permission to use drug seizure funds to make several capital equipment purchases for the Springdale Police Department. The following is the list of items we would like to purchase:

2 Bobcat Utility Vehicles	\$34,998.00
AMV Insight RT2 software for drones	\$7,748.35
DJI Matrice 30T Drone with related equipment	\$19,983.25
DJI Mavic 2 Drone with related equipment	\$7,648.48
Car scan tool	\$3,192.63
4 Precision rifles	\$15,584.50
2 Less lethal devices	\$8,055.65
7 Nightforce FX8 scopes	\$13,444.48
<u>2 Getac MDTs</u>	<u>\$11,082.77</u>
Total for all equipment	\$121,738.11

We requested 3 quotes for each of the items above with the exception of the AMV Insight RT2 software and the Getac MDTs. The software is only available from one source and the Getac MDTs are on a government contract. I would be glad to answer any questions you may have regarding the equipment.

Respectfully,

A handwritten signature in blue ink that reads "Frank Gamble".

Chief of Police Frank Gamble
Springdale Police Department

RESOLUTION NO. _____

**A RESOLUTION WAIVING COMPETITIVE BIDDING
AND AUTHORIZING THE PURCHASE OF HELMETS
FOR THE FIRE DEPARTMENT**

WHEREAS, the Springdale Fire Department desires to purchase 160 helmets for the fire department, and

WHEREAS, a prepayment of the helmets would save the city \$8,800.00, and

WHEREAS, the current helmets are in need of replacement, and

WHEREAS, the fire helmets are available on the Arkansas buy board which allows the governing body to waive competitive bidding, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, the Council finds that due to the complexity and variations in this kind of equipment competitive bidding is not feasible or practical in the purchase of a fire helmets and competitive bidding on the purchase of helmets from Casco Industries Inc., is hereby waived for an amount not to exceed \$63,000.00 from the Act 833 fund, and the Mayor is hereby authorized to execute any contracts related to the purchase.

PASSED AND APPROVED this 27th day of September, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM

Ernest B. Cate, City Attorney



SERVING ARKANSAS

SHIP TO: SPRINGDALE FIRE DEPT
417 HOLCOLM
SPRINGDALE, AR 72765

ATTN:
PHONE:
EMAIL:

[illegible]

RESOLUTION NO. _____

**A RESOLUTION WAIVING COMPETITIVE BIDDING
AND AUTHORIZING THE PURCHASE OF A FIRE
APPARATUS**

WHEREAS, the Springdale Fire Department desires to purchase a replacement fire apparatus for Fire Engine 5, and

WHEREAS, a prepayment of the apparatus would save the city \$34,613.00, and

WHEREAS, vehicles are hard to obtain at the present time, with long delivery times which would delay the replacement of Fire Engine 5, and

WHEREAS, the apparatus is available on the Arkansas buy board which allows the governing body to waive competitive bidding, and;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Council finds that due to the complexity and variations in this kind of equipment competitive bidding is not feasible or practical in the purchase of a fire apparatus and competitive bidding on the purchase of a fire apparatus from G&W Diesel/ Emergency Vehicle Specialists Inc., is hereby waived for an amount not to exceed \$753,930.00 and the Mayor is hereby authorized to execute any contracts related to the purchase.

PASSED AND APPROVED this 27th day of September, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM

Ernest B. Cate, City Attorney



This Purchase Agreement (together with all attachments referenced herein, the “Agreement”), made and entered into by and between G&W Diesel/ Emergency Vehicle Specialists Inc., a Tennessee corporation (“EVS”), and City of Springdale AR A Municipality (“Customer”) is effective as of the date specified in Section 3 hereof.

1. Definitions.

- a. **“Product”** means the fire apparatus and any associated equipment manufactured or furnished for the Customer by EVS pursuant to the Specifications.
- b. **“Specifications”** means the general specifications, technical specifications, training, and testing requirements for the Product contained in the EVS Proposal for the Product prepared in response to the Customer’s request for proposal.
- c. **“EVS Proposal”** means the proposal provided by EVS attached as Exhibit C prepared in response to the Customer’s request for proposal.
- d. **“Delivery”** means the date EVS is prepared to make physical possession of the Product available to the Customer.
- e. **“Acceptance”** The Customer shall have fifteen (15) calendar days of Delivery to inspect the Product for substantial conformance with the material Specifications; unless EVS receives a Notice of Defect within fifteen (15) calendar days of Delivery, the Product will be deemed to be in conformance with the Specifications and accepted by the Customer.

2. Purpose. This Agreement sets forth the terms and conditions of EVS’s sale of the Product to the Customer.

3. Term of Agreement. This Agreement will become effective on the date it is signed and approved by EVS’s authorized representative pursuant to Section 21 hereof (“Effective Date”) and, unless earlier terminated pursuant to the terms of this Agreement, it will terminate upon the Customer’s Acceptance and payment in full of the Purchase Price.

4. Purchase and Payment. The Customer agrees to purchase the Product specified on Exhibit A for the total purchase price of 752,087.00 (“Purchase Price”). Prices are in U.S. funds, F.O.B. at the customer’s location.

5. Future Changes. Various state or federal regulatory agencies (e.g. NFPA, DOT, EPA) may require changes to the Specifications and/or the Product and in any such event any resulting cost increases incurred to comply therewith will be added to the Purchase Price to be paid by the Customer. In addition, any future drive train upgrades (engine, transmission, axles, etc.), or any other specification changes have not been calculated into our annual increases and will be provided at additional cost. To the extent practicable, EVS will document and itemize any such price increases for the Customer.

6. Agreement Changes. The Customer may request that EVS incorporate a change to the Products or the Specifications for the Products by delivering a change order to EVS; provided, however, that any such change order must be in writing and include a description of the proposed change sufficient to permit EVS to evaluate the feasibility of such change (“Change Order”). Within [seven (7) business days] of receipt of a Change Order, EVS will inform the Customer in writing of the feasibility of the Change Order, the earliest possible implementation date for the Change Order, of any increase or decrease in the Purchase Price resulting from such Change Order, and of any effect on production scheduling or Delivery resulting from such Change Order. EVS shall not be liable to the Customer for any delay in performance or Delivery arising from any such Change Order. A Change Order is only effective when counter-signed by EVS’s authorized representative.

a. Commercial Chassis Price Volatility. The price reflects an estimate for the commercial chassis; final price of the contract will be adjusted upon final cost from the chassis manufacturer. Company shall not be responsible for any commercial chassis price increases enacted by a commercial chassis supplier after the execution of this contract. Any commercial chassis price increases will be passed through to end user and will be documented on a Change Order.

7. Cancellation/Termination. In the event this Agreement is cancelled or terminated by a party before completion, EVS may charge a cancellation fee. The following charge schedule based on costs incurred may be applied: (a) 10% of the Purchase Price after order is accepted and entered by EVS; (b) 20% of the Purchase Price after completion of approval drawings, and; (c) 30% of the Purchase Price upon any material requisition. The cancellation fee will increase accordingly as costs are incurred as the order progresses through engineering and into manufacturing. EVS endeavors to mitigate any such costs through the sale of such Product to another purchaser; however Customer shall remain liable for the difference between the Purchase Price and, if

applicable, the sale price obtained by EVS upon sale of the Product to another purchaser, plus any costs incurred by EVS to conduct any such sale.

8. Delivery, Inspection and Acceptance. (a) Delivery. Delivery of the Product is scheduled to be within 29 months of the Effective Date of this Agreement, F.O.B. the customer's location. Risk of loss shall pass to Customer upon Delivery. Title shall pass upon Customer's complete fulfillment of its obligations arising under Section 4 hereof. (b) Inspection and Acceptance. Upon Delivery, Customer shall have fifteen (15) days within which to inspect the Product for substantial conformance to the material Specifications, and in the event of substantial non-conformance to the material Specifications to furnish EVS with written notice sufficient to permit EVS to evaluate such non-conformance ("Notice of Defect"). Any Product not in substantial conformance to material Specifications shall be remedied by EVS within thirty (30) days from the Notice of Defect. In the event EVS does not receive a Notice of Defect within fifteen (15) days of Delivery, Product will be deemed to be in conformance with Specifications and Accepted by Customer.

9. Notice. Any required or permitted notices hereunder must be given in writing at the address of each party set forth below, or to such other address as either party may substitute by written notice to the other in the manner contemplated herein, by one of the following methods: hand delivery; registered, express, or certified mail, return receipt requested, postage prepaid; or nationally-recognized private express courier:

Emergency Vehicle Specialists
Vice President of Apparatus Sales
892 Kansas Street
Memphis TN 38106
901-948-1625

Customer
City of Springdale, AR
417 South Holcomb
Springdale, Ar 72764

10. Standard Warranty. Any applicable EVS warranties are attached hereto as Exhibit B and made a part hereof. Any additional warranties must be expressly approved in writing by EVS's authorized representative.

a. Disclaimer. OTHER THAN AS EXPRESSLY SET FORTH IN THIS AGREEMENT, NEITHER EVS, ITS PARENT COMPANY, AFFILIATES, SUBSIDIARIES, LICENSORS OR SUPPLIERS, THEIR RESPECTIVE OFFICERS, DIRECTORS, EMPLOYEES, SHAREHOLDERS, AGENTS OR REPRESENTATIVES, MAKE ANY EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE PRODUCTS PROVIDED HEREUNDER OR OTHERWISE REGARDING THIS AGREEMENT, WHETHER ORAL OR WRITTEN, EXPRESS, IMPLIED OR STATUTORY. WITHOUT LIMITING THE FOREGOING, ANY IMPLIED WARRANTY OR CONDITION OF MERCHANTABILITY, THE IMPLIED WARRANTY AGAINST INFRINGEMENT, AND THE IMPLIED WARRANTY OR CONDITION OF FITNESS FOR A PARTICULAR PURPOSE ARE EXPRESSLY EXCLUDED AND DISCLAIMED. STATEMENTS MADE BY SALES REPRESENTATIVES OR IN PROMOTIONAL MATERIALS DO NOT CONSTITUTE WARRANTIES.

b. Exclusions of Incidental and Consequential Damages. In no event shall EVS be liable for consequential, incidental or punitive damages incurred by Customer or any third party in connection with any matter arising out of or relating to this Agreement, or the breach thereof, regardless of whether such damages arise out of breach of warranty, tort, contract, strict liability, statutory liability, indemnity, whether resulting from non-delivery or from EVS's own negligence, or otherwise.

11. Insurance. EVS maintains the following limits of insurance with a carrier(s) rated A- or better by A.M. Best:

Commercial General Liability Insurance:

Products/Completed Operations Aggregate: \$1,000,000
Each Occurrence: \$1,000,000

Umbrella/Excess Liability Insurance:

Aggregate: \$5,000,000
Each Occurrence: \$5,000,000

The Customer may request: (x) EVS to provide the Customer with a copy of a current Certificate of Insurance with the coverages listed above; (y) to be included as an additional insured as Customer's interests may appear (subject to the terms and conditions of the applicable EVS insurance policy); and (z) request that, prior to cancellation or non-renewal of the applicable EVS insurance policy, that the issuing carrier endeavor to provide thirty (30) days advance notice to the Customer of any such cancellation or non-renewal.

12. Indemnity. The Customer shall indemnify, defend and hold harmless EVS, its officers, employees, dealers, agents or subcontractors, from any and all claims, costs, judgments, liability, loss, damage, attorneys' fees or expenses of any kind or

nature whatsoever (including, but without limitation, personal injury and death) to all property and persons caused by, resulting from, arising out of or occurring in connection with the Customer's purchase, installation or use of goods sold or supplied by EVS which are not caused by the sole negligence of EVS.

13. Force Majeure. EVS shall not be responsible nor deemed to be in default on account of delays in performance due to causes which are beyond EVS's control which make EVS's performance impracticable, including but not limited to civil wars, insurrections, strikes, riots, fires, storms, floods, other acts of nature, explosions, earthquakes, accidents, any act of government, delays in transportation, inability to obtain necessary labor supplies or manufacturing facilities, allocation regulations or orders affecting materials, equipment, facilities or completed products, failure to obtain any required license or certificates, acts of God or the public enemy or terrorism, failure of transportation, epidemics, quarantine restrictions, failure of vendors (due to causes similar to those within the scope of this clause) to perform their contracts or labor troubles causing cessation, slowdown, or interruption of work.

14. Default. The occurrence of one or more of the following shall constitute a default under this Agreement: (a) the Customer fails to pay when due any amounts under this Agreement or to perform any of its obligations under this Agreement; (b) EVS fails to perform any of its obligations under this Agreement; (c) either party becomes insolvent or become subject to a bankruptcy or insolvency proceedings; (d) any representation made by either party to induce the other to enter into this Agreement is false in any material respect; (e) the Customer dissolves, merges, consolidates or transfers a substantial portion of its property to another entity; or (f) the Customer is in default or has breached any other contract or agreement with EVS.

15. Manufacturer's Statement of Origin. It is agreed that the manufacturer's statement of origin ("MSO") for the Product covered by this Agreement shall remain in the possession of EVS until the entire Purchase Price has been paid. If more than one Product is covered by this Agreement, then the MSO for each individual Product shall remain in the possession of EVS until the Purchase Price for that Product has been paid in full. In case of any default in payment, EVS may take full possession of the Product, and any payments that have been made shall be applied as payment for the use of the Product up to the date of taking possession.

16. Independent Contractors. The relationship of the parties established under this Agreement is that of independent contractors and neither party is a partner, employee, agent, or joint venturer of or with the other.

17. Assignment. Neither party may assign its rights and obligations under this Agreement unless it has obtained the prior written approval of the other party.

18. Governing Law; Jurisdiction. Without regard to any conflict of laws provisions, this Agreement is to be governed by and under the laws of the state of Tennessee.

19. Facsimile Signatures. The delivery of signatures to this Agreement by facsimile transmission shall be binding as original signatures.

20. Entire Agreement. This Agreement shall be the exclusive agreement between the parties for the Product. Additional or different terms proposed by the Customer shall not be applicable, unless accepted in writing by EVS's authorized representative. No change in, modification of, or revision of this Agreement shall be valid unless in writing and signed by EVS's authorized representative.

21. Conflict. In the event of a conflict between the Customer Specifications and the EVS Proposal, the EVS Proposal shall control. In the event there is a conflict between the EVS Proposal and this Agreement, the EVS Proposal shall control.

22. Signatures. This Agreement is not effective unless and until it is approved, signed and dated by EVS's authorized representative.

Accepted and agreed to:

G&W Diesel/ Emergency Vehicle Specialists

CUSTOMER: City of Springdale, AR

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

EXHIBIT A

PURCHASE DETAIL FORM
Emergency Vehicle Specialists
Vice-President of Apparatus Sales
892 Kansas Street
Memphis TN 38106
901-948-1625

Date:9-14-22

Customer Name: City of Springdale, AR

Quantity	Chassis Type	Body Type	Price per Unit
1	Enforcer	189" PUC 750 Gal	\$753,930.00
			\$
			\$
			\$
			\$

A discount of -\$34,613.00 is available if payment is received at time of order. A performance bond will be issued within two weeks of order. Pay \$719,317.00 to use the pre-pay option.
Pricing per HGAC Contract FS12-19

Warranty Period:Per Proposal and Option Dated 9-7-22

Training Requirements:Per Proposal and Option Dated 9-7-22

Other Matters: A 100% Performance Bond will be issued within 2 weeks of the order

This contract is available for inter-local and other municipal corporations to utilize with the option of adding or deleting any EVS available options, including chassis models. Any addition or deletion may affect the unit price.

Payment Terms: Payment is due at time of contract signing to receive prepay discount pricing and HGAC FS12-19

[NOTE: If deferred payment arrangements are required, the Customer must make such financial arrangements through a financial institution acceptable to EVS.] All taxes, excises and levies that EVS may be required to pay or collect by reason of any present or future law or by any governmental authority based upon the sale, purchase, delivery, storage, processing, use, consumption, or transportation of the Product sold by EVS to the Customer shall be for the account of the Customer and shall be added to the Purchase Price. All delivery prices or prices with freight allowance are based upon prevailing freight rates and, in the event of any increase or decrease in such rates, the prices on all unshipped Product will be increased or decreased accordingly. Delinquent payments shall be subject to a carrying charge of 1.5 percent per month or such lesser amount permitted by law. EVS will not be required to accept payment other than as set forth in this Agreement. However, to avoid a late charge assessment in the event of a dispute caused by a substantial nonconformance with material Specifications (other than freight), the Customer may withhold up to five percent (5%) of the Purchase Price until such time that EVS substantially remedies the nonconformance with material Specifications, but no longer than sixty (60) days after Delivery. If the disputed amount is the freight charge, the Customer may withhold only the amount of the freight charge until the dispute is settled, but no longer than sixty (60) days after Delivery. EVS shall have and retain a purchase money security interest in all goods and products now or hereafter sold to the Customer by EVS or any of its affiliated companies to secure payment of the Purchase Price for all such goods and products. In the event of nonpayment by the Customer of any debt, obligation or liability now or hereafter incurred or owing by the Customer to EVS, EVS shall have and may exercise all rights and remedies of a secured party under Article 9 of the Uniform Commercial Code (UCC) as adopted by the state of Tennessee.

THIS PURCHASE DETAIL FORM IS EXPRESSLY SUBJECT TO THE PURCHASE AGREEMENT TERMS AND CONDITIONS DATED AS OF 9-14-22 BETWEEN EVS AND City of Springdale, Arkansas WHICH TERMS AND CONDITIONS ARE HEREBY INCORPORATED IN, AND MADE PART OF, THIS PURCHASE DETAIL FORM AS THOUGH EACH PROVISION WERE SEPARATELY SET FORTH HEREIN, EXCEPT TO THE EXTENT OTHERWISE STATED OR SUPPLEMENTED BY EVS HEREIN.

EXHIBIT B

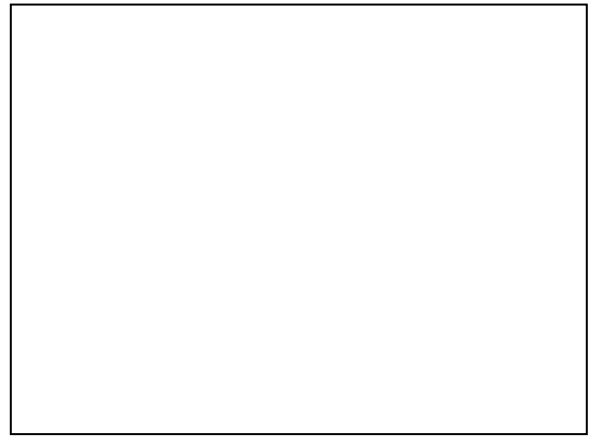
WARRANTY

PER SCOTT JONES PER PIERCE PROPOSAL 1165 DATED 9-7-22

EXHIBIT C

EVS PROPOSAL

PER SCOTT JONES PER PIERCE PROPOSAL 1165 DATED 9-7-22



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) TO GENERAL COMMERCIAL DISTRICT (C-2) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of September 6, 2022 for hearing the matter of a petition of JP Specialty, LLC requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) to General Commercial District (C-2).

Layman's Description: W. side of 48th St. at the end of Central Drive

Legal Description: Tract 1 of an Informal Plat filed for record in/as File No. 024A-00000399 of the Records of Washington County, Arkansas, being part of the N 1/2 of the NE 1/4 of the NW 1/4 of Section 4, Township 17 North, Range 30 West, Springdale, Washington County, Arkansas, described as commencing at the N 1/4 corner of said Section 4, said point being a cotton spindle on a common boundary between said Township 17 North and Township 18 North, and thence along said common boundary, N 87°58'17" W 894.57 feet to a set iron pin for a Point of Beginning, said iron pin being the Northeast corner of said Tract 1; thence S 02°05'06" W 614.98 feet to a set iron pin; thence S 87°56'11" E 165.87 feet to a set iron pin located at a point 30 feet north of the South boundary of said N 1/2 of the NE 1/4 of the NW 1/4; thence S 02°05'06" W 30 feet to a set iron pin located on the southern boundary of said N 1/2 of the NE 1/4 of the NW 1/4; thence N 87°56'11" W 583.22 feet to a set iron pin located at the Southwest corner of said N 1/2 of the NE 1/4 of the NW 1/4; thence N 02°05'06" E 644.72 feet to an existing rebar located at the Northwest corner of said NE 1/4 of the NW 1/4; thence S 87°58'17" E 417.35 feet to the Point of Beginning, containing 6.29 acres, more or less. Subject to all easements, covenants, conditions, restrictions, reservations and rights of way of record. Subject to all prior mineral reservations and oil and gas leases.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Agricultural District (A-1) to General Commercial District (C-2) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From Agricultural District (A-1) to General Commercial District (C-2).

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

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 _____ DAY OF _____, 2022.

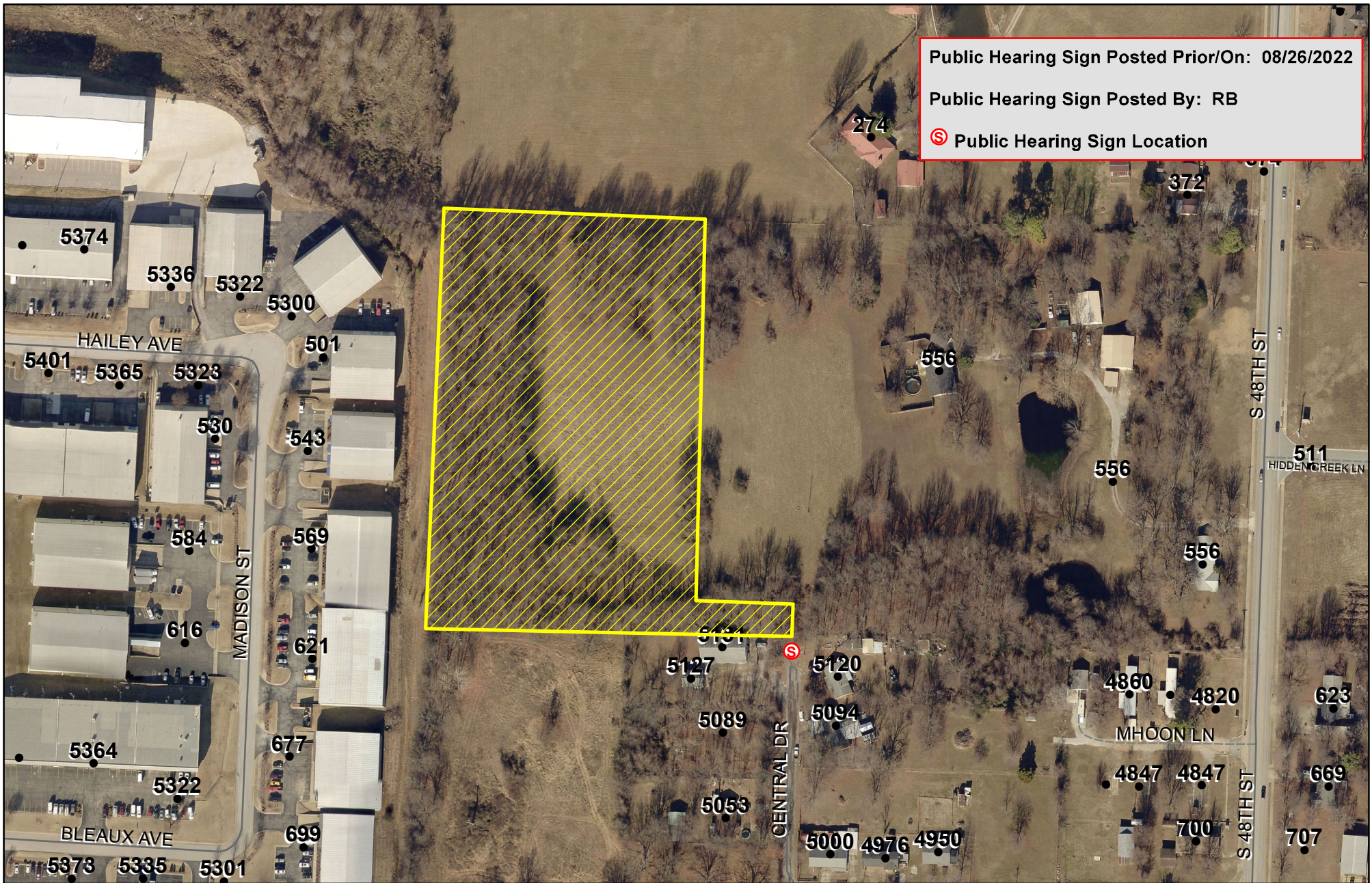
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

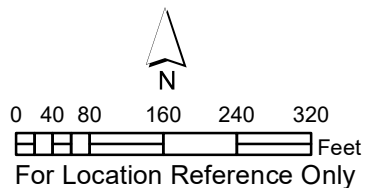
Ernest Cate, City Attorney



Public Hearing Sign Posted Prior/On: 08/26/2022

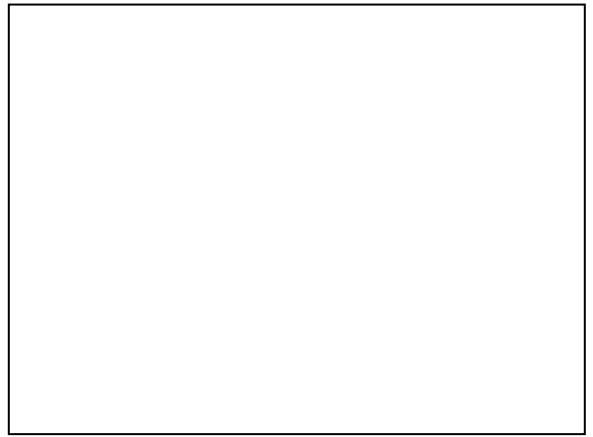
Public Hearing Sign Posted By: RB

Public Hearing Sign Location



FILE NO. R22-54
APPLICANT: JP Specialty, LLC
REQUEST: Rezoning from A-1 to C-2

PLANNING COMMISSION MEETING
September 6, 2022



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) TO THROUGHFARE COMMERCIAL DISTRICT (C-5) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of September 6, 2022 for hearing the matter of a petition of OVC Properties, LLC, requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) to Thoroughfare Commercial District (C-5).

Layman's Description: 636 N. 40th Street

Legal Description: Part of the Northeast Quarter of the Southeast Quarter of Section 33, in Township 18 North, Range 30 West, described as follows: Beginning at a point 385 feet South of the Northeast corner of said 40 acre tract, and running thence South 110 feet; thence West 320 feet; thence North 110 feet; thence East 320 feet to the place of beginning. SUBJECT to easements, rights-of-way, and protective covenants of record, if any.

Part of Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 33, Township 18 North, Range 30 West, Washington County, Arkansas, more particularly described as follows: Beginning at a point which is North 89 degrees 2'44" West 348.00 feet from the Southeast corner of the SE $\frac{1}{4}$ of said NE $\frac{1}{4}$, said POINT OF BEGINNING, being a set 5/8 inch dia. Iron pin; thence continue North 89 degrees 2'44" West 305.81 feet to a found $\frac{1}{2}$ inch dia. Iron pin; thence North 0 degrees 10'44" East 632.72 feet to a found $\frac{1}{2}$ inch dia. Iron pin; thence South 89 degrees 3'12" East 656.91 feet to the East line of the SE $\frac{1}{4}$ of said NE $\frac{1}{4}$; thence along said East line South 0 degrees 27'35" West 152.74 feet; thence leaving said East line North 89 degrees 58'15" West 293.08 feet to a set 5/8 inch dia. Iron pin, thence South 0 degrees 1'35" West 90.19 feet to a

set 5/8 inch dia. Iron pin; thence North 89 degrees 59'57" West 20.92 feet to a found 1 inch dia. Iron pipe; thence South 0 degree 0'32" East 139.77 feet to a found 1 inch dia. Iron pipe; thence North 89 degrees 2'44" West 37.00 feet to a set 5/8 inch dia. Iron pin; thence South 0 degrees 11'05" West 245.04 feet to the point of beginning. SUBJECT to easements, rights-of-way, and protective covenants of record, if any.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Agricultural District (A-1) to Thoroughfare Commercial District (C-5) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From Agricultural District (A-1) to Thoroughfare Commercial District (C-5) .

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

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 _____ DAY OF _____, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



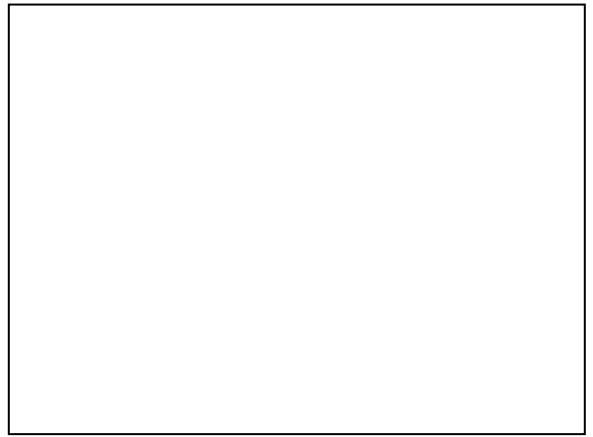
Public Hearing Sign Posted Prior/On: 08/26/2022
Public Hearing Sign Posted By: RB
Public Hearing Sign Location



0 25 50 100 150 200
Feet
For Location Reference Only

FILE NO. R22-55
APPLICANT: OVC Properties, LLC
REQUEST: Rezoning from C-2 to C-5

PLANNING COMMISSION MEETING
September 6, 2022



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM GENERAL COMMERCIAL DISTRICT (C-2) TO THOROUGHFARE COMMERCIAL DISTRICT (C-5) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of September 6, 2022 for hearing the matter of a petition of Commercial Computer Services, Inc., requesting that the following described tract of real estate to be zoned from General Commercial District (C-2) to Thoroughfare Commercial District (C-5).

Layman's Description: 4470 N. Thompson

Legal Description: A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE 1/4, NE 1/4) OF SECTION 23, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY AS FOLLOWS, TO-WIT: COMMENCING AT THE NORTHEAST CORNER OF THE NE 1/4, NE 1/4 OF SAID SECTION 23; THENCE ALONG THE NORTH LINE OF SAID NE 1/4, NE 1/4, NORTH 85°47'36" WEST, A DISTANCE OF 40.00 FEET TO A SET PK NAIL, MARKING THE POINT OF BEGINNING; THENCE LEAVING SAID NORTH LINE, SOUTH 02°25'42" WEST, A DISTANCE OF 150.00 FEET TO A SET IRON ROD; THENCE NORTH 85°47'36" WEST, A DISTANCE OF 170.00 FEET TO A SET IRON ROD; THENCE NORTH 02°25'42" EAST, A DISTANCE OF 150.00 FEET TO A SET PK NAIL ON THE NORTH LINE OF SAID NE 1/4, NE 1/4; THENCE ALONG SAID NORTH LINE, SOUTH 85°47'36" EAST, A DISTANCE OF 170.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.59 ACRES, MORE OR LESS, AS SHOWN ON THAT CERTAIN BOUNDARY SURVEY FILED FOR RECORD IN PLAT BOOK 2005 AT PAGE 1271, PLAT RECORDS OF BENTON COUNTY, ARKANSAS.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from General Commercial District (C-2) to Thoroughfare Commercial District (C-5) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From General Commercial District (C-2) to Thoroughfare Commercial District (C-5).

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

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 _____ DAY OF _____, 2022.

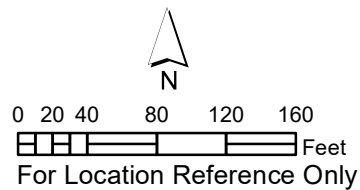
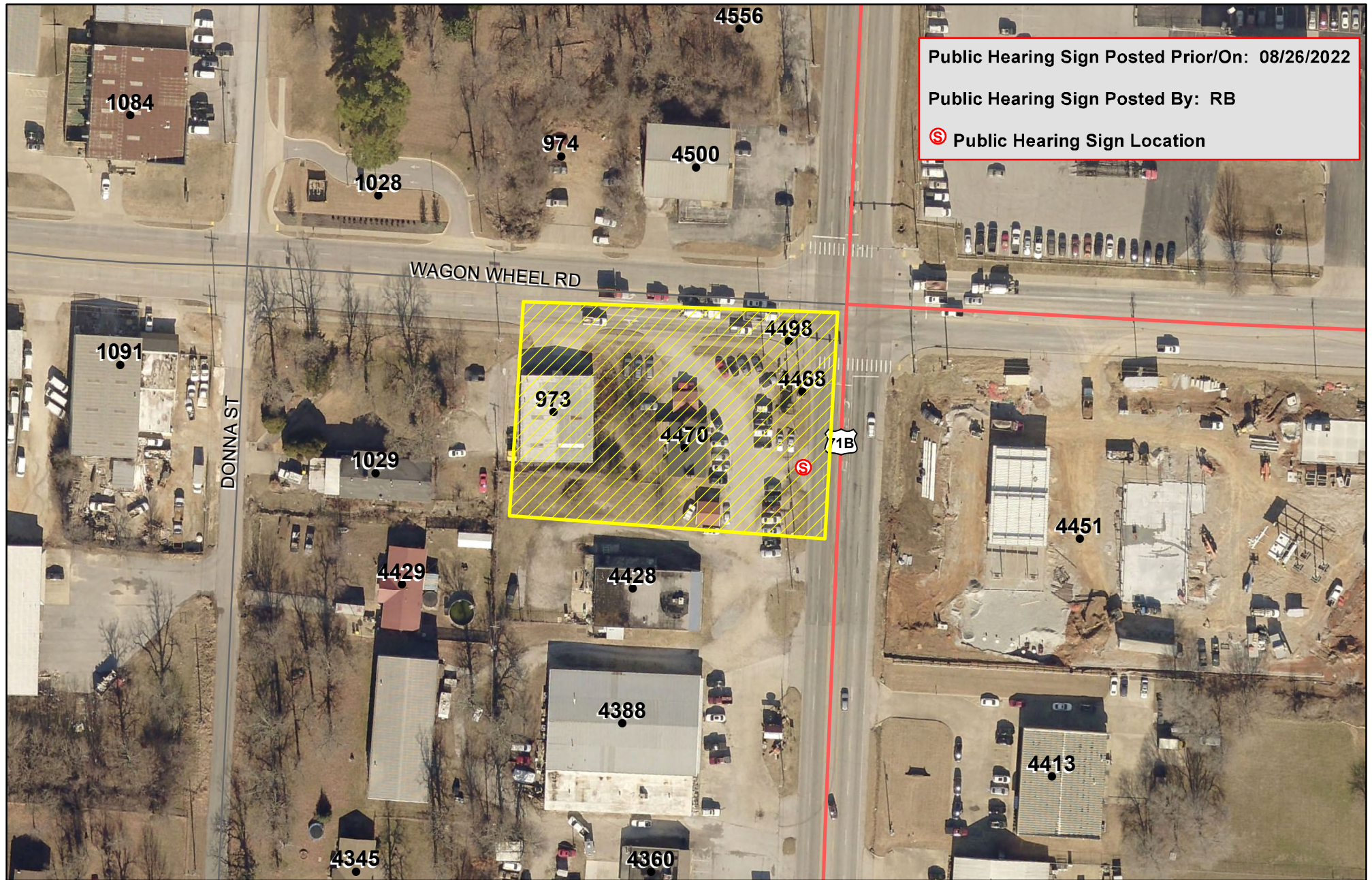
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

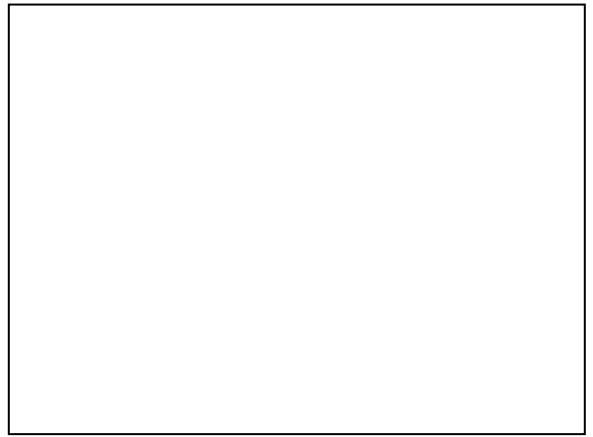
APPROVED AS TO FORM:

Ernest Cate, City Attorney



FILE NO. R22-57
APPLICANT: Commercial Computer Services
REQUEST: Rezoning from C-2 to C-5

PLANNING COMMISSION MEETING
September 6, 2022



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (MF-12) TO GENERAL COMMERCIAL DISTRICT (C-2) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of September 6, 2022 for hearing the matter of a petition of ONC Cabling Services, LLC, requesting that the following described tract of real estate to be zoned from Medium Density Multi-family Residential District (MF-12) to General Commercial District (C-2).

Layman's Description: 1107 & 1121 W. Huntsville Avenue

Legal Description:

LOTS 4 AND 5 IN BLOCK 2, AND A PART OF BLOCK 3 OF DR. VAN HOUT'S ADDITION TO SPRINGDALE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS: PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 18 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A SET ½" REBAR W/CAP, WHICH IS S87°11'24" E 246.86 FEET FROM THE NORTHWEST CORNER OF SAID FORTY ACRE TRACT, BEING A COMPUTED POINT; THENCE RUNNING ALONG SAID RIGHT-OF-WAY THE FOLLOWING 3 COURSES: S86°46'56" E 97.55 FEET TO A SET ½" REBAR W/CAP; THENCE S86°46'56" E 13.02 FEET TO A SET ½" REBAR W/CAP; THENCE S87°19'31" E 89.43 FEET TO A SET ½" REBAR W/CAP; THENCE LEAVING SAID RIGHT-OF-WAY AND RUNNING S03°05'02" W 140.15 FEET TO A FOUND IRONPIN, THENCE N86°31'59" W 100.00 FEET TO A SET ½" REBAR W/CAP; THENCE S03°28'01" W 74.00 FEET TO A IRON PIN, BEING THE SOUTH BOUNDARY LINE OF BLOCK 3 DR. VAN HOUT'S ADDITION, THENCE

ALONG SAID BOUNDARY LINE N86°31'59" W 150.00 FEET TO A FOUND IRON PIN; THENCE N03°28'01" E 74.00 FEET TO A SET ½" REBAR W/ CAP; THENCE S86°31'59" E 51.15 FEET TO A SET ½" REBAR W/CAP; THENCE N02°36'28" E 138.45 FEET TO THE POINT OF BEGINNING CONTAINING 0.89 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Medium Density Multi-family Residential District (MF-12) to General Commercial District (C-2) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From Medium Density Multi-family Residential District (MF-12) to General Commercial District (C-2).

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

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 _____ DAY OF _____, 2022.

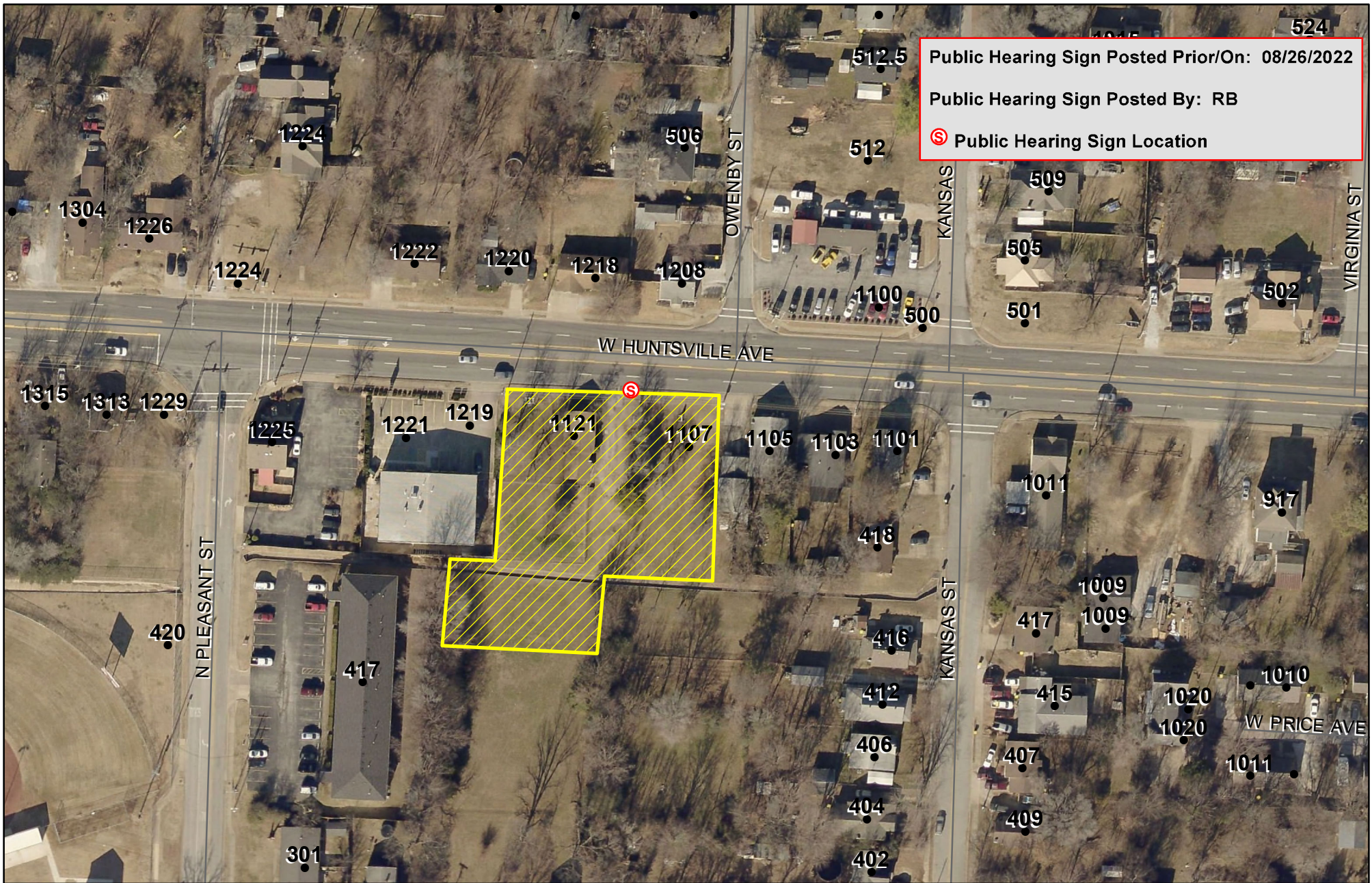
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

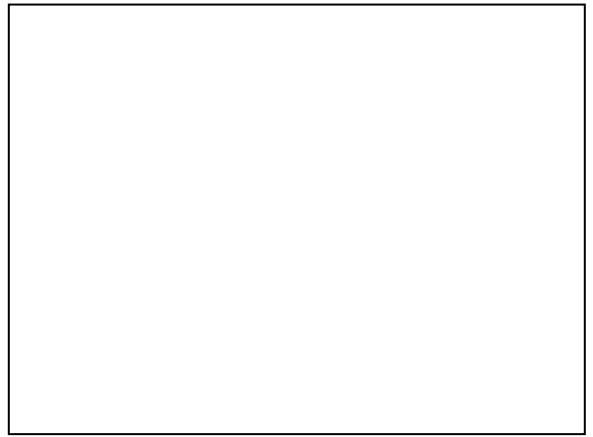
Ernest Cate, City Attorney



0 20 40 80 120 160
 Feet
 For Location Reference Only

FILE NO. R22-59
APPLICANT: ONG Cabling Services, LLC
REQUEST: Rezoning from MF-12 to C-2

PLANNING COMMISSION MEETING
 September 6, 2022



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) TO GENERAL COMMERCIAL DISTRICT (C-2) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of September 6, 2022 for hearing the matter of a petition of Long-Lykins, LLC, requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) to General Commercial District (C-2).

Layman's Description: .571 acre tract located south of Don Tyson Parkway, west of 48th Street

Legal Description: A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON

COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS

FOLLOWS, TO-WIT: COMMENCING AT THE NORTHWEST CORNER OF SAID

FORTY ACRE TRACT, AND RUNNING THENCE S02°33'45"W 456.26' TO

A FOUND 1/2" REBAR ON THE SOUTH RIGHT-OF-WAY LINE OF

JENNIFER TERRACE FOR THE POINT OF BEGINNING, THENCE ALONG

SAID RIGHT-OF-WAY LINE S89°05'08"E 39.31' TO A SET 5/8"

CAPPED REBAR TAGGED "AR PLS 1659 AR PLS 1826", THENCE

LEAVING SAID RIGHT-OF-WAY LINE S02°33'43"W 633.15' TO A SET
5/8" CAPPED REBAR TAGGED "AR PLS 1659 AR PLS 1826",
THENCE
N87° 39'19"W 39.30' TO A FOUND 1/2" REBAR WITH CAP, THENCE
N02°33'45"E 632.17' TO THE POINT OF BEGINNING. CONTAINING
0.571 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND
RIGHTS-
OF-WAY OF RECORD.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Agricultural District (A-1) to General Commercial District (C-2) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From Agricultural District (A-1) to General Commercial District (C-2).

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

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 _____ DAY OF _____, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



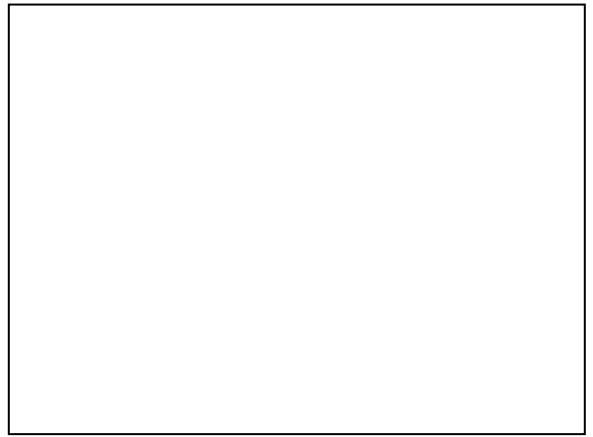
Public Hearing Sign Posted Prior/On: 08/26/2022
Public Hearing Sign Posted By: RB
S Public Hearing Sign Location



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Feet
For Location Reference Only

FILE NO. R22-60
APPLICANT: Long-Lykins, LLC
REQUEST: Rezoning from A-1 to C-2

PLANNING COMMISSION MEETING
September 6, 2022



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) AND NEIGHBORHOOD OFFICE DISTRICT (O-1) TO GENERAL COMMERCIAL DISTRICT (C-2) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of September 6, 2022 for hearing the matter of a petition of Jason, Jessica, Floyd & Linda Watson, requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) and Neighborhood Office District (O-1) to General Commercial District (C-2).

Layman's Description: 5191 & 5147 Har-Ber Avenue

Legal Description: Part of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) and Part of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty-three (33), Township Eighteen (18) North, Range Thirty (30) West, Washington County, Arkansas, described as follows: Beginning at the Northwest corner of the first mentioned forty acre tract, and running thence West Forty (40) feet; thence South Two Hundred Eight (208) feet; thence East Forty (40) feet; thence South Two Hundred Eighty-seven (287) feet; thence East Forty (40) feet; thence North four Hundred Ninety-five (495) feet to the North line of the first mentioned forty (40) acre tract thence West Four Hundred Forty (440) feet to place of beginning. **LESS AND EXCEPT:** Part of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section thirty-three (33), Township Eighteen (18) North, Range Thirty (30) West, more particularly described as follows, to-wit: Beginning at a point 120 feet East of the Northwest corner of said 40 acre tract, thence East 110 feet, thence South 200 feet, thence West 110 feet, thence North 200 feet to the point of beginning. **ALSO LESS AND EXCEPT:** Part of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 33, township

18 North, Range 30 West, Washington County, Arkansas described as follows, to-wit: Beginning at a point being 120 feet East and 200 feet South of the NW corner of said 40 acre tract, thence East 110 feet; thence South 65 feet; thence West 110 feet; thence North 65 feet to the point of beginning, **ALSO LESS AND EXCEPT:** A part of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty-three (33), Township Eighteen (18) North, Range Thirty (30) West, Washington County, Arkansas, being more particularly described as follows: Beginning at a point which is South 89 degrees 47'30" East 230.0 feet from the Northwest corner of said forty acre tract; thence South 89 degrees 47'30" East 105.12 feet; thence South 0 degrees 05'14" East 200.00 feet to a found iron pin; thence South 89 degrees 34'47" East 104.87 feet to a found iron pin; thence South 0 degrees 05'08" East 294.62 feet to a found iron pin; thence North 89 degrees 47'30" West 210.0 feet; thence North 0 degrees 05'16" West 495.0 feet to the point of beginning, containing 1.90 acres, more or less. **ALSO LESS AND EXCEPT:** A part of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section thirty-three (33) in Township Eighteen (18) North, Range thirty (30) West, being more particularly described as follows, to-wit: Beginning at a point 335.00 feet South 89 degrees 47 minutes 30 seconds East of the Northwest corner of said 40 acre tract, and running thence South 89 degrees 47 minutes 30 seconds East 105.00 feet; thence South 200.00 feet; thence North 89 degrees 47 minutes 30 seconds West 105.00 feet; thence North 200.00 feet to the point of beginning.

Subject to easements, rights-of-way, and protective covenants of record, if any.

Subject to all prior mineral reservations and oil and gas leases.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Agricultural District (A-1) and Neighborhood Office District (O-1) to General Commercial District (C-2) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From Agricultural District (A-1) and Neighborhood Office District (O-1) to General Commercial District (C-2).

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

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 _____ DAY OF _____, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



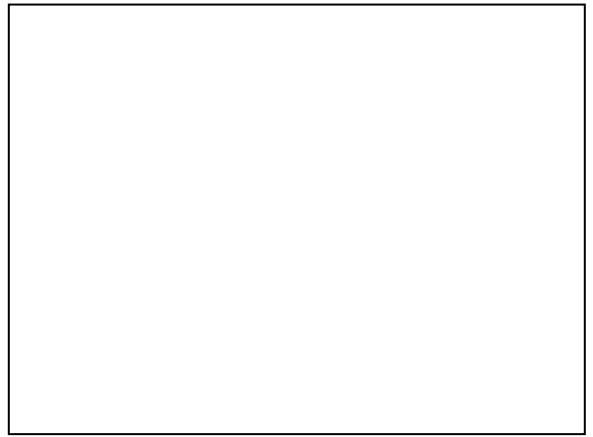
Public Hearing Sign Posted Prior/On: 08/26/2022
Public Hearing Sign Posted By: RB
⑤ Public Hearing Sign Location



0 20 40 80 120 160
Feet
For Location Reference Only

FILE NO. R22-61
APPLICANT: Jason, Jessica, Floyd & Linda Watson
REQUEST: Rezoning from A-1 and O-1 to C-2

PLANNING COMMISSION MEETING
September 6, 2022



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) TO GENERAL COMMERCIAL DISTRICT (C-2) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of September 6, 2022 for hearing the matter of a petition of Brooks Family, LLC requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) to General Commercial District (C-2).

Layman's Description: 1506 Shady Grove Road

Legal Description: SE 1/4 of the NW 1/4, except two acres out of the southeast corner thereof owned for church purposes, and also except eleven and one-half acres, described as follows, to-wit: Beginning at the Northwest corner of said SE 1/4 of the NW 1/4 and running thence East forty (40) rods; thence South forty six (46) rods; thence West thirty-nine (39) rods and one and one-half (1 ½) feet; thence South thirty-four (34) rods; thence West fifteen (15) feet; thence North eighty (80) rods to the place of beginning, all of said lands being in Section 14, Township 17 North, Range 30 West of the 5th Principal Meridian, containing in all twenty-six and one-half (26 1/2) acres, be the same more or less. ALSO, the West nineteen (19) acres of the SW 1/4 of the NE 1/4 of Section 14, Township 17 North, Range 30 West, being all of the said land that the Grantor owns which is located in the said SW1/4 of the NE 1/4 of said Section 14.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Agricultural District (A-1) to General Commercial District (C-2) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning,

and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From Agricultural District (A-1) to General Commercial District (C-2).

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

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 _____ DAY OF _____, 2022.

Doug Sprouse, Mayor

ATTEST:

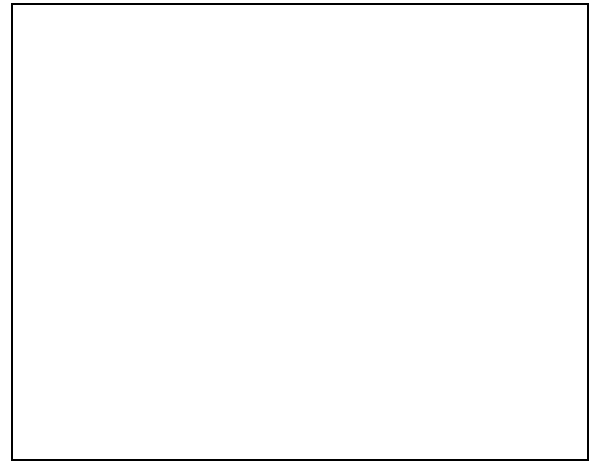
Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



Page 35



ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING THE RE-PLAT Lots 4-8 Conestoga Park
RP22-09
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:

Overall Lots (Based On Instrument L202176569)

Lots Numbered 4, 5, 6, 7, and 8, Conestoga Park, to the City of Springdale, Benton County, Arkansas, as shown on plat filed for record in Plat Book 2006 at Page 1093, Records of Benton County, Arkansas.

Lot 4R Conestoga Park Replat, to the City of Springdale, Benton County, Arkansas, records of Benton County, Arkansas.

Lot 6R Conestoga Park Replat, to the City of Springdale, Benton County, Arkansas, records of Benton County, Arkansas.

AND WHEREAS, said Planning Commission after conducting a public hearing, has approved the re-plat as presented by petitioner, and has approved the dedication of streets, rights-of-way and utility easements as shown upon said re-plat and join with the said petitioner in petitioning the City Council to accept the said Lots 4-8 Conestoga Park
RP22-09
to the City of Springdale, Arkansas.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF SPRINGDALE, ARKANSAS**, that the RE-PLAT Lots 4-8 Conestoga Park
RP22-09

, TO THE City of Springdale, Arkansas, as shown on the re-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 _____, 2022.

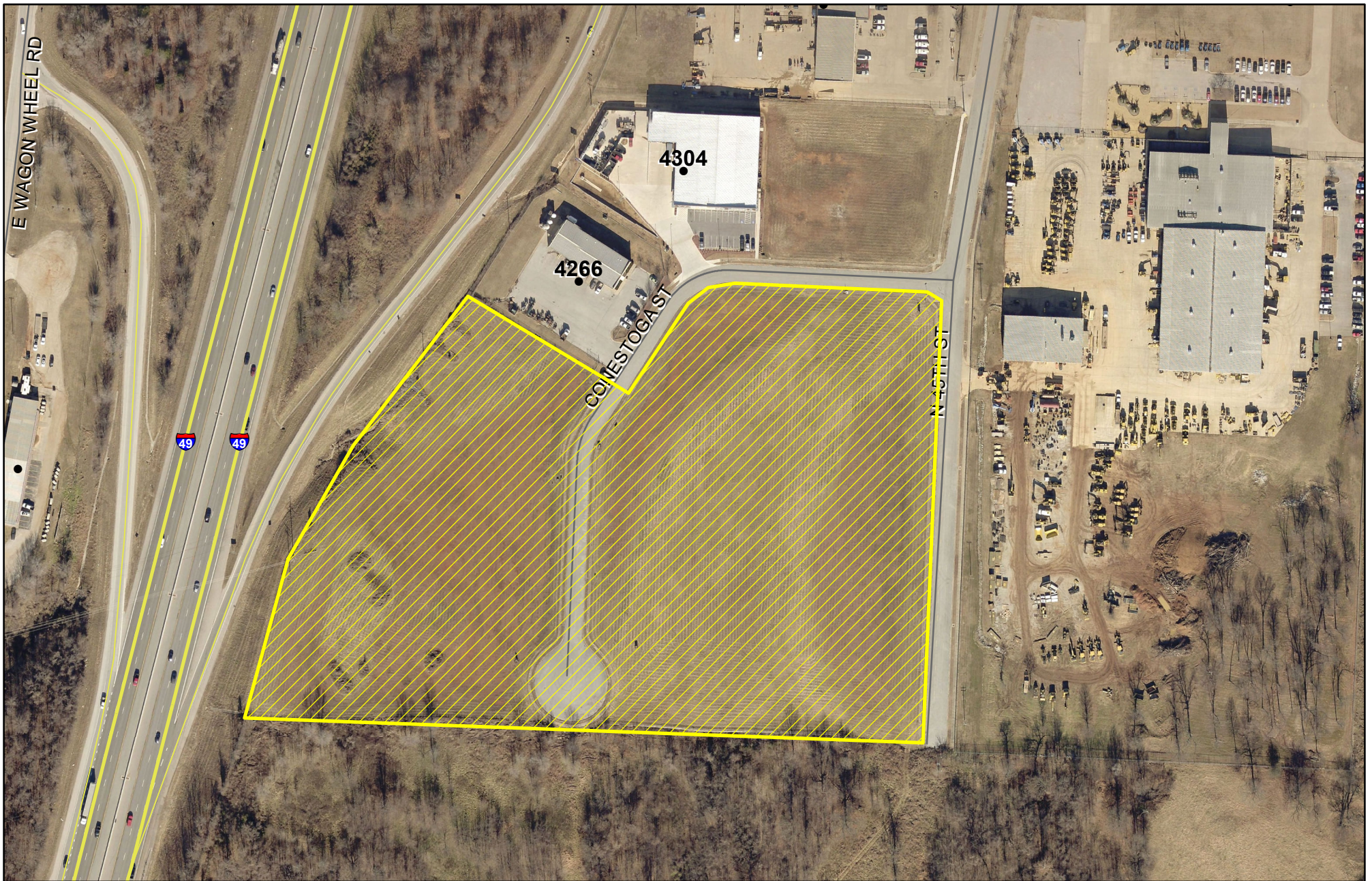
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest Cate, CITY ATTORNEY



0 40 80 160 240 320
Feet
For Location Reference Only

FILE NO. RP22-09
APPLICANT: Kal Freight
REQUEST: Replat of Conestoga Park Lots 4-8

PLANNING COMMISSION MEETING
September 6, 2022

RESOLUTION NO. _____

**A RESOLUTION APPROVING A CONDITIONAL USE AT
7993 WEST MILLER ROAD AS SET FORTH IN
ORDINANCE NO. 4030**

WHEREAS, Ordinance #4030 amending Chapter 130 (Zoning Ordinance) of the Springdale Code of Ordinance provides that an application for a conditional use on appeal must be heard first by the Planning Commission and a recommendation made to the City Council; and

WHEREAS, the Planning Commission held a public hearing on September 6, 2022 on a request by Clayton and Jennifer Wormington for a conditional use for a Tandem Lot Split in an Agricultural District (A-1) at 7993 West Miller Road; and

WHEREAS, following the public hearing the Planning Commission by a vote of seven (7) yes and zero (0) no recommends that a conditional use be granted to Clayton and Jennifer Wormington for a Tandem Lot Split in an Agricultural District (A-1) with the following conditions – No conditions set.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to Clayton and Jennifer Worminton for a Tandem Lot Split in an Agricultural District (A-1) with the following conditions – No conditions set.

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

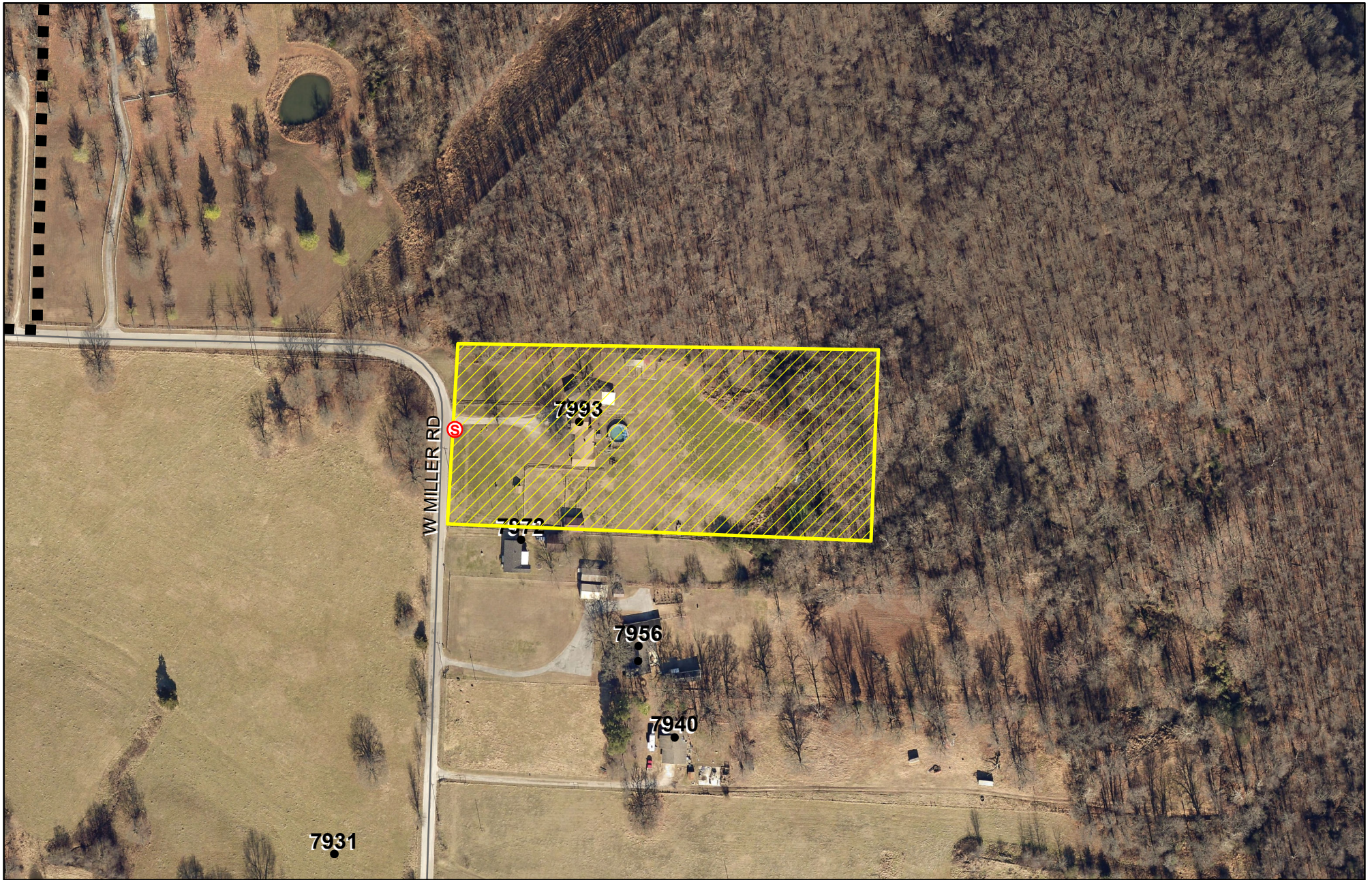
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



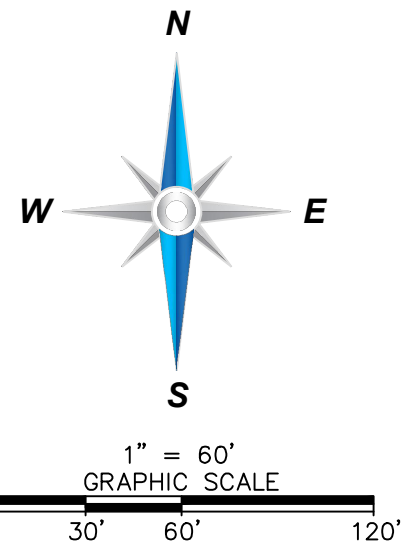
0 40 80 160 240 320
Feet
For Location Reference Only

FILE NO. C22-13
APPLICANT: Clayton & Jennifer Wormington
REQUEST: Conditional use for tandem lot in A-1

PLANNING COMMISSION MEETING
September 6, 2022

INFORMAL PLAT

7993 WEST MILLER ROAD, SPRINGDALE, AR 72762
BENTON COUNTY



SURVEY DESCRIPTION

PARENT TRACT (PARCEL #21-00167-335)
A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER IN SECTION EIGHTEEN (18), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTY (30) WEST AND RUNNING THENCE SOUTH 89°32' EAST 756.69 FEET, THENCE SOUTH 287.72 FEET, THENCE NORTH 89°32' WEST 756.69 FEET, THENCE NORTH 287.72 FEET TO THE POINT OF BEGINNING AND CONTAINING 5.0 ACRES, MORE OR LESS, ALL IN BENTON COUNTY ARKANSAS AND SUBJECT TO A ROAD EASEMENT ALONG THE WEST SIDE THEREOF.

TRACT 1
A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 5/8" REBAR AT THE NORTHWEST CORNER OF SAID 40 ACRE TRACT; THENCE S86°52'12"E A DISTANCE OF 756.43' TO A FOUND 1/2" REBAR; THENCE S02°37'29"W A DISTANCE OF 287.03' TO A FOUND 1/2" REBAR; THENCE N86°55'20"W A DISTANCE OF 335.57' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE N02°37'20"E A DISTANCE OF 249.76' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE N84°35'20"W A DISTANCE OF 171.30' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE S54°23'22"W A DISTANCE OF 180.57' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE N86°55'20"W A DISTANCE OF 107.89' TO A SET PK NAIL "AR PLS 1659" ON THE CENTERLINE OF WEST MILLER ROAD; THENCE N02°37'10"E A DISTANCE OF 143.86' TO THE POINT OF BEGINNING, CONTAINING 2.987 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

TRACT 2
A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 5/8" REBAR AT THE NORTHWEST CORNER OF SAID 40 ACRE TRACT; THENCE S02°37'10"W A DISTANCE OF 143.86' TO A SET PK NAIL "AR PLS 1659" ON THE CENTERLINE OF WEST MILLER ROAD, BEING THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID CENTERLINE S86°55'20"E A DISTANCE OF 107.89' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE N54°23'22"E A DISTANCE OF 180.57' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE S84°35'20"E A DISTANCE OF 171.30' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE S02°37'20"W A DISTANCE OF 249.76' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE N86°55'20"W A DISTANCE OF 420.82' TO A SET 5/8" CAPPED REBAR "AR PLS 1659" LOCATED ON THE CENTERLINE OF WEST MILLER ROAD; THENCE ALONG SAID CENTERLINE N02°37'10"E A DISTANCE OF 143.86' TO A SET PK NAIL "AR PLS 1659" TO THE POINT OF BEGINNING, CONTAINING 2.003 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

FLOOD ZONE INFORMATION

BY GRAPHIC PLOTTING ONLY, NO PORTION OF THIS PROPERTY IS IN ZONE "A" OR "AE" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 05007C0430J, WHICH BEARS AN EFFECTIVE DATE OF 09/28/2007 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

UTILITY INFORMATION

THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SURFACE GROUND MARKINGS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN USES.

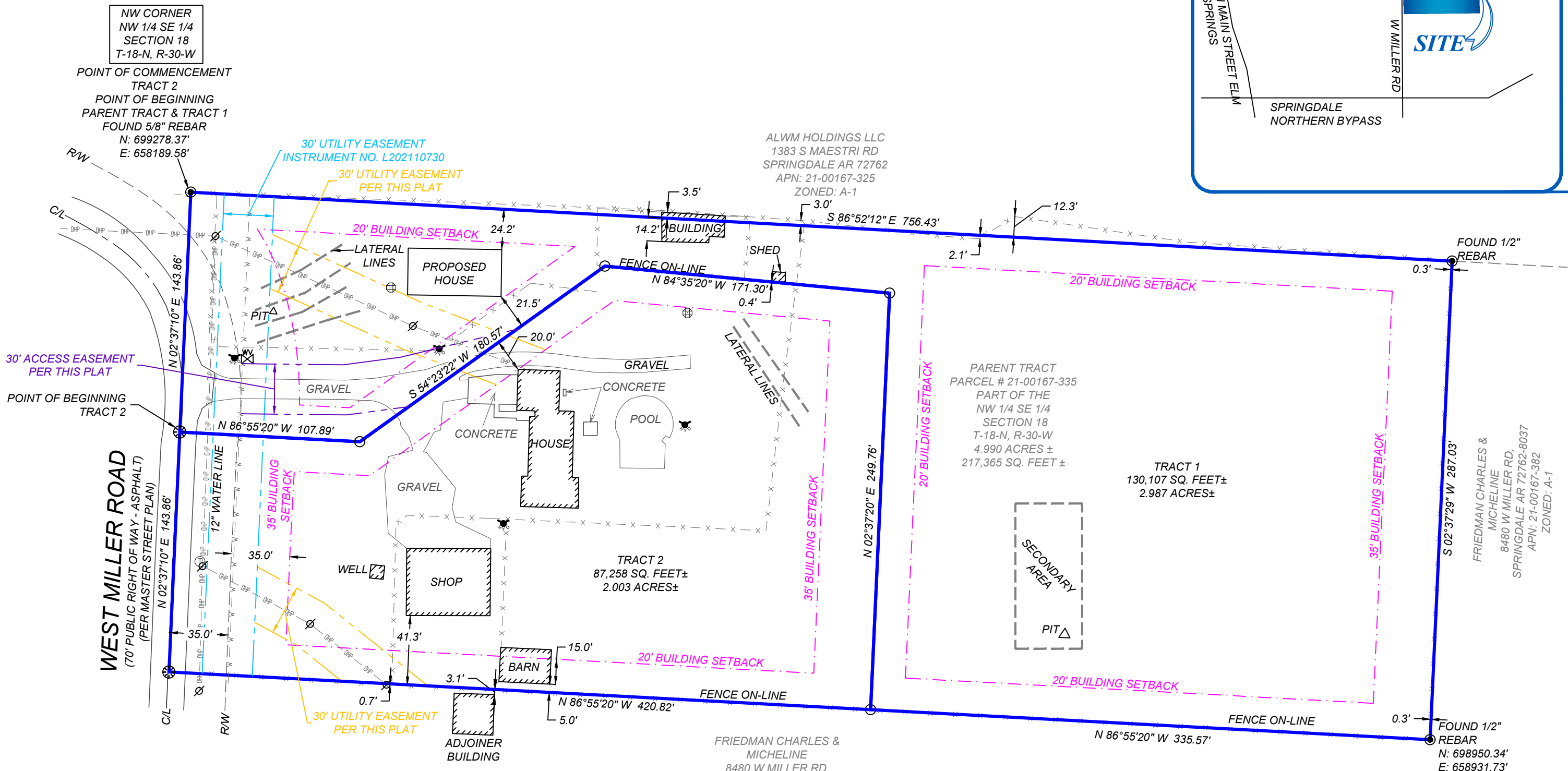
ZONING INFORMATION

CURRENT ZONING: A-1, AGRICULTURAL DISTRICT

SETBACKS:
FRONT: 35'
SIDE: 20'
REAR: 35'

OWNER INFORMATION

JENNIFER L WORMINGTON & CLAYTON D WORMINGTON
7993 W MILLER ROAD, SPRINGDALE AR 72762
PARCEL ID: 21-00167-335



LAND AREA

217,365 ± SQUARE FEET
4.990 ± ACRES

MISCELLANEOUS NOTES

STATE RECORDING NUMBER:
500-18N-30W-0-18-240-04-1659

COMPLETED FIELD WORK:
MAY 31, 2022

BASIS OF BEARING
THE BASIS OF BEARING OF THIS SURVEY IS GRID NORTH, BASED ON ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE NAD83.

REFERENCE DOCUMENTS:
1. SURVEY PLAT FILED IN PLAT BOOK 2 AT PAGE 143.
2. SURVEY PLAT FILED IN PLAT BOOK N AT PAGE 180.

SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY.

DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. MONUMENTS WERE FOUND AT POINTS WHERE INDICATED.

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT OF ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT PROPERTY: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF SURVEY; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS OR OTHER LAND USE REGULATIONS; AND ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

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

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 BENTON COUNTY, ARKANSAS, NOR AN ENDORSEMENT BY THE PLANNING BOARD OF SAID BUILDABILITY OF SAID LOTS.

ADH SEPTIC PERMIT #24922514

CERTIFICATE OF SURVEYING ACCURACY

I, WILLIAM GAGNER, HEREBY CERTIFY THAT THIS PLAT REPRESENTS A BOUNDARY SURVEY MADE BY ME AND BOUNDARY MARKERS AND LOT CORNERS SHOWN HEREON ACTUALLY EXIST AND THEIR LOCATION, TYPE, AND MATERIAL ARE CORRECTLY SHOWN AND ALL MINIMUM REQUIREMENTS OF THE ARKANSAS MINIMUM STANDARDS FOR LAND SURVEYORS HAVE BEEN MET.

DATE OF EXECUTION: _____

SIGNED: _____
REGISTERED LAND SURVEYOR
STATE OF ARKANSAS REGISTRATION NO. (1659)

CERTIFICATE OF OWNERSHIP:

AS OWNER OF THE PROPERTY SHOWN HEREON I HEREBY CERTIFY THAT I HAVE CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED, AND DEDICATED AS PRESENTED ON THIS PLAT.

DATE OF EXECUTION _____ SIGNED OWNER _____ SIGNED OWNER _____

STATE OF ARKANSAS
COUNTY OF _____
SUBSCRIBED AND SWORN BEFORE ME THIS _____ DAY OF _____, 2022.

NOTARY PUBLIC _____

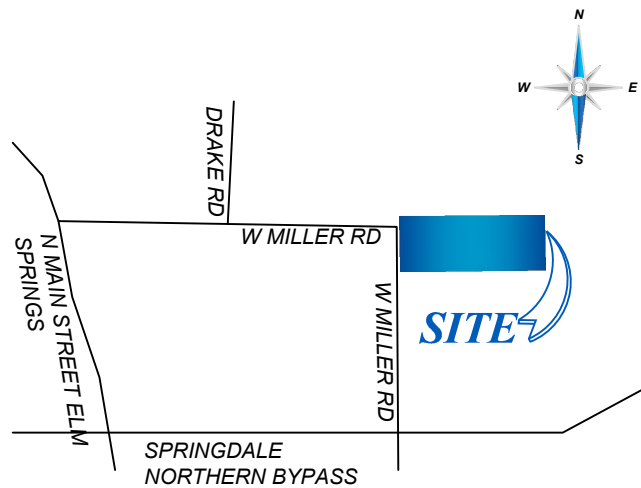
MY COMMISSION EXPIRES _____

CITY OF SPRINGDALE

APPROVAL FOR RECORDING _____ DATE _____ DIRECTOR, PLANNING AND COMMUNITY DEVELOPMENT DIVISION

VICINITY MAP

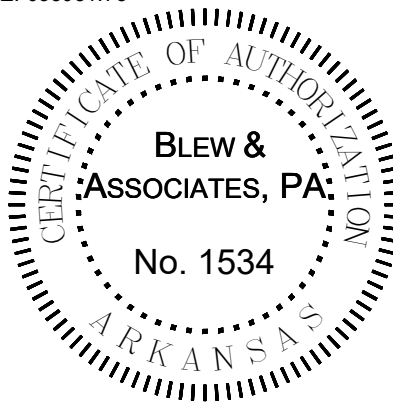
NOT TO SCALE



LEGEND & SYMBOLS

- FOUND MONUMENT (AS NOTED)
- SET 5/8" CAPPED REBAR "AR PLS 1659"
- SET PK NAIL "AR PLS 1659"
- YARD HYDRANT
- TELEPHONE PEDESTAL
- WATER VALVE
- SEPTIC LID
- POWER POLE
- BOUNDARY LINE
- ACCESS EASEMENT LINE
- ELECTRIC EASEMENT LINE
- UTILITY EASEMENT LINE
- RIGHT-OF-WAY LINE (R/W)
- CENTERLINE (C/L)
- FENCE LINE
- OVERHEAD POWER LINE
- SETBACK LINE

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 13TH DAY OF JUNE, 2022.



IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

Surveying
Engineering
Mapping

3825 N. SHILOH DRIVE - FAYETTEVILLE, AR 72703
EMAIL: SURVEY@BLEWINC.COM
OFFICE: 479.443.4506 - FAX: 479.582.1883
EMAIL: SURVEY@BLEWINC.COM-WWW.BLEWINC.COM

SURVEYOR JOB NUMBER: 21-1294	SURVEY DRAWN BY: DH - 06/13/2022
SURVEY REVIEWED BY: DH	SCALE: 1" = 60'
FOR THE USE AND BENEFIT OF: KATHY WORMINGTON	

SHEET 1 OF 1

COB PROJECT#

RESOLUTION NO. _____

**A RESOLUTION APPROVING A CONDITIONAL USE AT
1232 STULTZ ROAD AS SET FORTH IN ORDINANCE NO.
4030**

WHEREAS, Ordinance #4030 amending Chapter 130 (Zoning Ordinance) of the Springdale Code of Ordinance provides that an application for a conditional use on appeal must be heard first by the Planning Commission and a recommendation made to the City Council; and

WHEREAS, the Planning Commission held a public hearing on September 6, 2022 on a request by Bonnie-Coat, LLC for a conditional use for a Use Unit 5 (Institutional Facility) in an Agricultural District (A-1) at 1232 Stultz Road; and

WHEREAS, following the public hearing the Planning Commission by a vote of seven (7) yes and zero (0) no recommends that a conditional use be granted to Bonnie-Coat, LLC for a Use Unit 5 (Institutional Facility) in an Agricultural District (A-1) at 1232 Stultz Road with the following conditions – Necessary permits from State agencies and improvements required by adopted Building and Fire Codes.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to Bonnie-Coat, LLC for a Use Unit 5 (Institutional Facility) in an Agricultural District (A-1) at 1232 Stultz Road with the following conditions – Necessary permits from State agencies and improvements required by adopted Building and Fire Codes.

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



0 20 40 80 120 160
Feet
For Location Reference Only

FILE NO. C22-16
APPLICANT: Bonnie-Coat, LLC
REQUEST: Conditional use for Use Unit 5 in A-1

PLANNING COMMISSION MEETING
September 6, 2022



1232 W SHULTZ
DRIVE
SPRINGDALE, AR

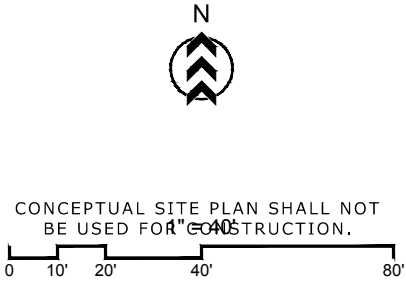
OWNER: MONTAGE LLC
PARCEL NUMBER: 21-00175-000
ZONING: A1
TOTAL SITE AREA: 6.118 AC
PROPOSED USE UNIT: 5
EXISTING PARKING SPACES: 5

LEGAL DESCRIPTION

ADJUSTED APNS: 21-00176-035 & 21-00175-000:
BEING A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 18 NORTH, RANGE 30 WEST, SPRINGDALE ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A SET MAG-NAIL BEING THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 23, THENCE N86°17'04"W 147.43' TO A SET MAG-NAIL BEING THE TRUE POINT OF BEGINNING; THENCE N86°17'04"W 144.85' TO A SET MAG-NAIL; THENCE N33°30'17"E 80.70'; THENCE N09°54'46"E 211.52'; THENCE N13°45'41"E 68.63'; THENCE N48°14'54"E 71.58'; THENCE N22°50'01"E 55.64'; THENCE N03°04'00"W 123.60'; THENCE N35°15'28"W 61.27'; THENCE N50°20'53"W 30.41'; THENCE N65°42'08"W 61.54'; THENCE N00°21'18"E 10.47'; THENCE S86°22'33"E 270.24' TO A FOUND 5/8" CAPPED REBAR TAGGED "1181"; THENCE S85°38'55"E 238.73' TO A SET 5/8" CAPPED REBAR TAGGED "AR PLS 1659 AR PLS 1826"; THENCE S02°36'22"W PASSING A FOUND 1" PIPE AT A DISTANCE OF 644.74' AND CONTINUING TO A SET MAG-NAIL FOR A TOTAL DISTANCE OF 669.69'; THENCE N86°17'04"W 197.76' TO A SET MAG-NAIL; THENCE N03°08'38"E 168.49' TO A SET 5/8" CAPPED REBAR TAGGED "AR PLS 1659 AR PLS 1826"; THENCE N86°17'04"W 185.10' TO A SET 5/8" CAPPED REBAR TAGGED "AR PLS 1659 AR PLS 1826"; THENCE S03°40'46"W 168.48' TO THE POINT OF BEGINNINGM CONTAINING 6.118 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT-OF-WAYS OF RECORD.

LINETYPE LEGEND		
PROPOSED	EXISTING	DESCRIPTION
	---	ACCESS EASEMENT
	---	BANK OF WATERBODY
	---	BOUNDARY LINE
	---	BUILDING SETBACK
	---	CABLE LINE
	---	CENTERLINE OF CREEK
	---	CENTERLINE OF RIVER
	---	CENTERLINE OF ROAD
	---	FENCE
	---	FIBER OPTIC LINE
	---	FLOW LINE
	---	FORCE MAIN
	---	GAS LINE
	---	GUY WIRE
	---	MATCH LINE
	---	OVERHEAD POWER LINE
	---	RAILROAD
	---	RIGHT-OF-WAY
	---	SEPTIC FIELD
	---	SEWER LINE
	---	SEWER SERVICE LINE
	---	STORM PIPE
	---	TELEPHONE LINE
	---	TIE LINE
	---	TREE LINE
	---	UNDERGROUND ELECTRIC
	---	UTILITY EASEMENT
	---	WATER LINE
	---	WATER SERVICE LINE
	---	ZONING LINE

SYMBOL LEGEND		
PROPOSED	EXISTING	DESCRIPTION
		AC CONDENSER UNIT
		ADA PARKING SPACE
		ADJ. LAND OWNER
		BACKFLOW PREVENTER
		CABLE PEDESTAL
		CLEANOUT
		ELECTRIC PEDESTAL
		ELECTRICAL BOX
		ELECTRICAL METER
		FIBER OPTIC PEDESTAL
		FIBER OPTIC VAULT
		FIRE DEPT CONNECTION
		FIRE HYDRANT
		GAS MAIN
		GAS METER
		GAS VALVE
		GRADED INLET
		GUY ANCHOR
		IRRIG CONT VALVE
		LIGHT
		MANHOLE
		POWER POLE
		RAILROAD TIE
		SANITARY SEWER MH
		SCHED. B, SEC II EXCEPTIONS
		SEPTIC LID
		SIGN
		SPOT ELEVATION
		STORM SEWER MH
		TELEPHONE PEDESTAL
		TELEPHONE VAULT
		TREE
		WALL ELEVATION
		WATER METER
		WATER VALVE
		YARD HYDRANT



CONCEPTUAL SITE PLAN

Miscellaneous Notes

STATE RECORDING NUMBER:
500-18N-30W-0-23-110-04-1826

COMPLETED FIELD WORK:
OCTOBER 12, 2021

REFERENCE DOCUMENTS:

1. WARRANTY DEED FILED IN DEED BOOK 2011 AT PAGE 49368.
2. WARRANTY DEED FILED IN DEED BOOK 2011 AT PAGE 49370.
3. WARRANTY DEED FILED IN DEED BOOK 2011 AT PAGE 51903.
4. WARRANTY DEED FILED IN FILE NO. 91-22676.
5. SURVEY PLAT FILED IN PLAT 9-326.

BASIS OF BEARING:

BEARINGS SHOWN ARE BASED ON GRID NORTH FOR ARKANSAS COORDINATE SYSTEM, NORTH ZONE, NAD83.
LATITUDE = 36°13'17.34033"
LONGITUDE = -94°08'31.23236"
CONVERGENCE ANGLE = -1°14'47.15939"
DISTANCES SHOWN ON PLAT ARE GROUND.

SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY

DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. MONUMENTS WERE FOUND AT POINTS WHERE INDICATED.

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE "X & A" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 050070043J, WHICH BEARS AN EFFECTIVE DATE OF 9/28/2007 AND IS PARTIALLY IN A SPECIAL FLOOD HAZARD AREA.

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT OF ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO SUBJECT PROPERTY: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF SURVEY; RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS OR OTHER LAND USE REGULATIONS; AND ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

THE PROPERTY SHOWN HEREON WAS ANNEXED FROM THE CITY OF BETHEL HEIGHTS, ARKANSAS INTO THE CITY OF SPRINGDALE, ARKANSAS DURING THE YEAR OF 2011.

WHILE IN THE CITY OF BETHEL HEIGHTS, ARKANSAS THE PROPERTY HAD THE FOLLOWING ASSOCIATED PARCEL ID #:

20-00078-025, 20-00715-000, 20-00078-030, & 21-00200-001

NOW IN THE CITY OF SPRINGDALE, ARKANSAS THE PROPERTY HAS THE FOLLOWING ASSOCIATED PARCEL ID #:

21-00200-015, 21-00200-001, 21-00176-035, & 21-00175-000

ANY INTERIOR LINES PREVIOUSLY SHOWN ON CITY/COUNTY GIS SERVERS ARE TO BE UNDERSTOOD AS INDETERMINABLE PARCEL LINES FOR THE BENEFIT OF TAX AND/OR ANOTHER UNKNOWN REASON THESE HAVE NO RECORDED WARRANTY DEEDS TO ESTABLISH THE "SUBDUED PARCEL LINES".

Survey Description

PREVIOUS PARCEL APNS 20-00078-025 & 20-00175-000

BOOK 2011, PAGE 49368 & BOOK 2011, PAGE 49370.
BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 18 NORTH, RANGE 30 WEST AND THENCE NORTH 654.00 FEET; THENCE NORTH 88°05' EAST 234.44 FEET; THENCE SOUTH 654.00 FEET; THENCE SOUTH 88°04' WEST 234.44 FEET TO THE POINT OF BEGINNING CONTAINING 3.52 ACRES, MORE OR LESS. LEGAL INCLUDES PARCELS 20-00078-025 AND 20-00175-000 PLAT 3-26 SECTION: 23 TOWNSHIP: 18N RANGE: 30W ACREAGE: 1.34 LOT: BLOCK: CITY: SPRINGDALE ADDITION: SD: C50

PREVIOUS PARCEL APN 21-00200-001 (FILE NO. 91-22676)

PART OF THE S1/2 OF THE NW1/4 OF THE NE1/4 OF SECTION 23, TOWNSHIP 18 NORTH, RANGE 30 WEST DESCRIBED AS BEGINNING AT THE SE CORNER OF SAID NW1/4 OF THE NE1/4; THENCE NORTH 660 FEET; THENCE WEST 182 FEET; MORE OR LESS. TO THE CENTER OF A DITCH; THENCE SOUTHWESTERLY WITH CENTER OF SAID DITCH 660 FEET. MORE OR LESS WEST OF THE SAID SE CORNER, THENCE EAST 274 FEET MORE OR LESS TO THE PLACE OF BEGINNING.

PREVIOUS PARCEL APN 20-00078-030 (BOOK 2011 PAGE 51903)

PART OF THE S1/2 OF THE NW1/4 OF THE NE1/4 OF SECTION 23, TOWNSHIP 18 NORTH, RANGE 30 WEST DESCRIBED AS BEGINNING AT THE SE CORNER OF SAID NW1/4 OF THE NE1/4; THENCE NORTH 660 FEET; THENCE WEST 182 FEET; MORE OR LESS. TO THE CENTER OF A DITCH; THENCE SOUTHWESTERLY WITH CENTER OF SAID DITCH 660 FEET. MORE OR LESS WEST OF THE SAID SE CORNER, THENCE EAST 274 FEET MORE OR LESS TO THE PLACE OF BEGINNING. SECTION: 23 TOWNSHIP: 18N RANGE: 30W ACREAGE: 1.9 LOT: BLOCK: CITY: BETHEL HEIGHTS ADDITION: SD: CBH50

ADJUSTED APNS: 21-00176-035 & 21-00175-000:

BEING A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 18 NORTH, RANGE 30 WEST, SPRINGDALE ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A SET MAG-NAIL BEING THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 23, THENCE N86°17'04"W 147.43' TO A SET MAG-NAIL BEING THE TRUE POINT OF BEGINNING; THENCE N86°17'04"W 144.85' TO A SET MAG-NAIL; THENCE N33°30'17"E 80.70'; THENCE N09°54'46"E 21.152'; THENCE N13°45'41"E 68.63'; THENCE N48°14'54"E 71.58'; THENCE N22°50'01"E 55.64'; THENCE N03°04'00"W 123.60'; THENCE N35°15'28"W 61.27'; THENCE N50°20'53"W 30.41'; THENCE N65°42'08"W 61.54'; THENCE N09°21'47"E 10.47'; THENCE S86°22'33"E 270.24' TO A FOUND 5/8" CAPPED REBAR TAGGED "1181"; THENCE S85°38'55"E 238.73' TO A SET 5/8" CAPPED REBAR TAGGED "AR PLS 1659 AR PLS 1826"; THENCE S02°36'22"W PASSING A FOUND 1" PIPE AT A DISTANCE OF 644.74' AND CONTINUING TO A SET MAG-NAIL FOR A TOTAL DISTANCE OF 669.69'; THENCE N86°17'04"W 197.76' TO A SET MAG-NAIL; THENCE N03°08'38"E 168.49' TO A SET 5/8" CAPPED REBAR TAGGED "AR PLS 1659 AR PLS 1826"; THENCE N86°17'04"W 185.10' TO A SET 5/8" CAPPED REBAR TAGGED "AR PLS 1659 AR PLS 1826"; THENCE S03°40'46"W 168.48' TO THE POINT OF BEGINNING CONTAINING 6.118 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT-OF-WAYS OF RECORD.

ADJUSTED APNS: 21-00200-015 & 21-00200-001

BEING A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 18 NORTH, RANGE 30 WEST, SPRINGDALE ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A SET MAG-NAIL BEING THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 23, THENCE N86°17'04"W 147.43' TO A SET MAG-NAIL; THENCE N03°40'46"E 168.48' TO A SET 5/8" CAPPED REBAR TAGGED "AR PLS 1659 AR PLS 1826"; THENCE S86°17'04"E 185.10' TO A SET 5/8" CAPPED REBAR TAGGED "AR PLS 1659 AR PLS 1826"; THENCE S03°40'46"W 168.49' TO A SET MAG-NAIL; THENCE N86°17'04"W 39.24' TO THE POINT OF BEGINNING, CONTAINING 0.719 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT-OF-WAYS OF RECORD.

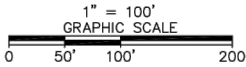
INFORMAL PLAT

Owner/Developer

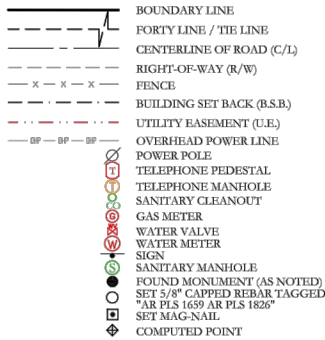
DIANNE DAVIS
ADDRESS: 1308 W STULTZ RD.
SPRINGDALE, AR 72764
PHONE: 937-241-5170

Zoning & Setback Information

ZONED: "A-1" ZONED: "SF-2"
SETBACKS: FRONT: 35' SIDE: 20' REAR: 35' SETBACKS: FRONT: 30' SIDE: 8' REAR: 20'



Legend of Symbols & Abbreviations



Utility Notes

THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SURFACE GROUND MARKINGS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN USES.

BEFORE DIGGING IN THIS AREA, CALL "ONE CALL" 811 FOR FIELD LOCATIONS (REQUEST FOR GROUND MARKINGS) OF UNDERGROUND UTILITY LINES



CERTIFICATE OF OWNERSHIP:

AS OWNER OF THE PROPERTY SHOWN HEREBY I HEREBY CERTIFY THAT I HAVE CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED, AND DEDICATED AS PRESENTED ON THIS PLAT.

DATE OF EXECUTION _____ SIGNED _____
OWNER

STATE OF ARKANSAS
COUNTY OF MADISON
SUBSCRIBED AND SWORN BEFORE ME THIS _____ DAY OF _____ 2022.

NOTARY PUBLIC _____
MY COMMISSION EXPIRES _____

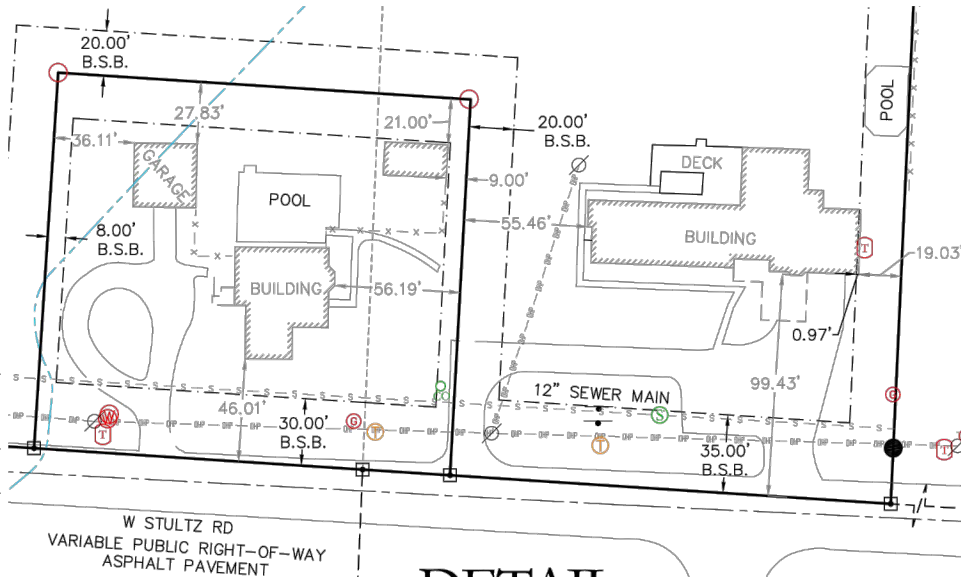
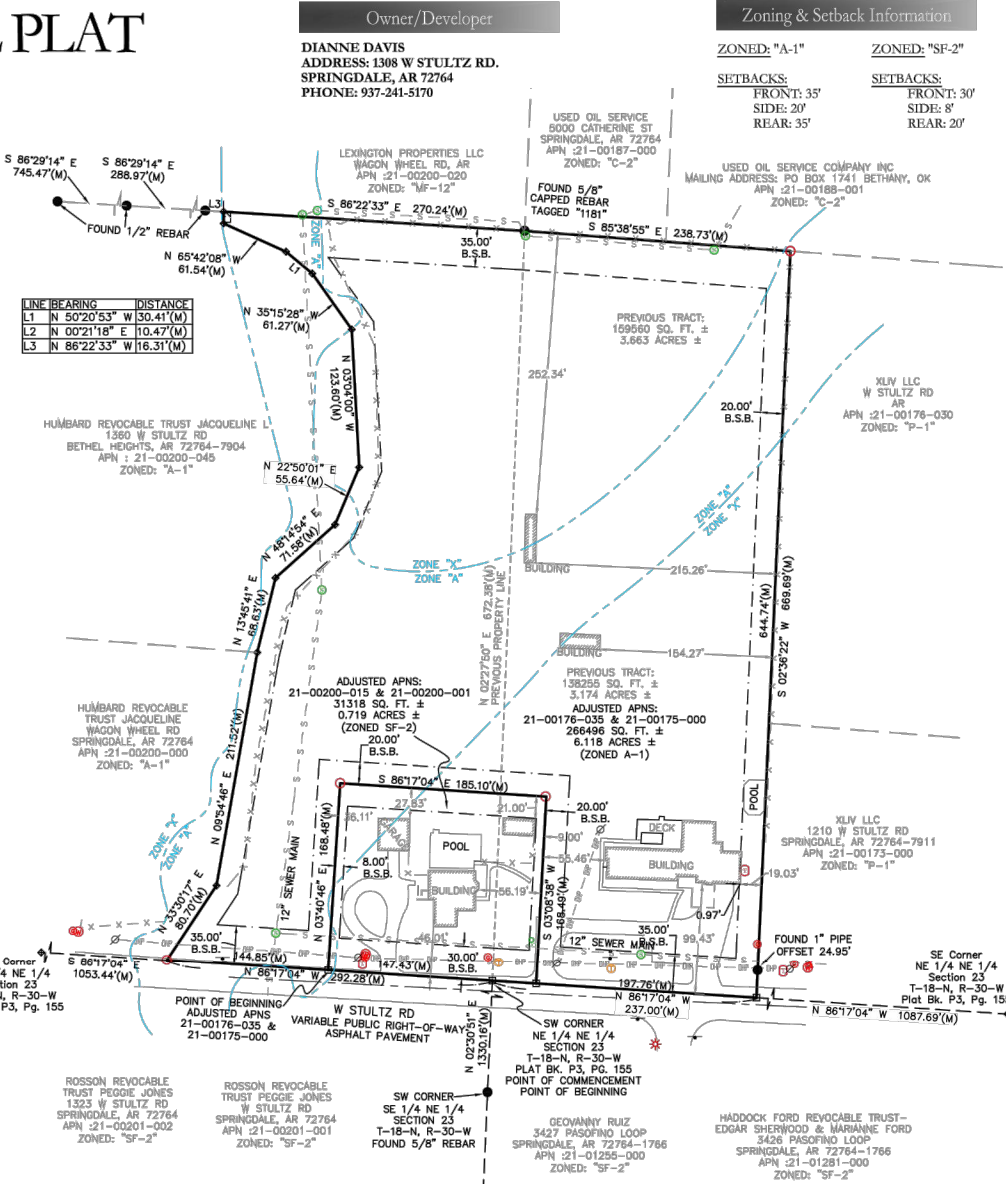
CERTIFICATE OF SURVEYING ACCURACY

I, _____, HEREBY CERTIFY THAT THIS PLAT REPRESENTS A BOUNDARY SURVEY MADE BY ME AND BOUNDARY MARKERS AND LOT CORNERS SHOWN HEREON ACTUALLY EXIST AND THEIR LOCATION, TYPE, AND MATERIAL ARE CORRECTLY SHOWN AND ALL MINIMUM REQUIREMENTS OF THE ARKANSAS MINIMUM STANDARDS FOR LAND SURVEYORS HAVE BEEN MET.
DATE OF EXECUTION: _____

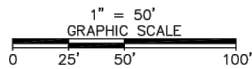
SIGNED: _____
REGISTERED LAND SURVEYOR
STATE OF ARKANSAS REGISTRATION NO. 1826
CITY OF SPRINGDALE

DATE _____ SIGNATURE _____
APPROVAL FOR RECORDING _____ DIRECTOR, PLANNING AND COMMUNITY DEVELOPMENT DIVISION
ACCEPTANCE OF DEDICATIONS _____ CITY CLERK
MAYOR _____

PARCEL # BEFORE ANNEXATION FROM CITY OF BETHEL HEIGHTS	PARCEL # AFTER ANNEXATION TO CITY OF SPRINGDALE
21-00200-001	21-00200-001
20-00078-025	21-00176-035
20-00078-030	21-00200-015
20-00715-000	21-00175-000

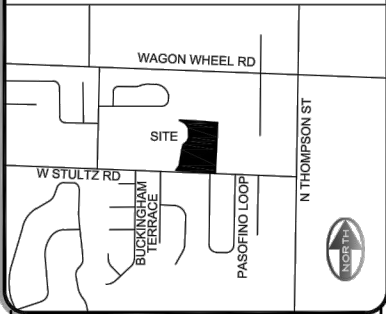


DETAIL



Vicinity Map

NOT TO SCALE



I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 27TH DAY OF JANUARY, 2022.



IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

BLEW & ASSOCIATES, PA
CIVIL ENGINEERS & LAND SURVEYORS

3825 N. SHILOH DRIVE
FAYETTEVILLE, ARKANSAS 72703
OFFICE: 479.443.4506
FAX: 479.582.1883
www.BLEWINC.com

Certificate of Authorization No. 1534

DRAWN BY & DATE: AJO 10/19/2021	REVIEWED BY: TPN	SURVEYED BY: LP
COUNTY & STATE: BENTON COUNTY, ARKANSAS	JOB NUMBER: 21-7643	
LOCATION: 1308 W STULTZ RD., SPRINGDALE, AR		

FOR THE USE AND BENEFIT OF:

KEVIN SIEMENS & DIANNE DAVIS

PAGE 1 OF 1



CONCEPTUAL SITE PLAN SHALL NOT BE USED FOR CONSTRUCTION.
NOT TO SCALE

SURVEY

E I R S T C H O I C E
DESIGNS

JAKECHAVIS@GMAIL.COM

CONCEPTUAL SITE PLANS

501-538-5281



7230 Pleasant Ridge Dr. / Fayetteville, AR 72704
PH: 479-442-9350 * FAX: 479-521-9350

July 12, 2022

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

SUBJECT: Bonnie-Coat, LLC Rezone

Dear Planning Staff,

Please see below for the Parcel Map and list of Adjacent Property Owners for the Rezoning at 1232 Stultz Road: (Benton County Parcel Nos. 21-00175-000 and 21-00176-035).

ADJACENT PROPERTY OWNERS:

See attached.

If you have any questions or require additional information, please feel free to contact me at your convenience.

Geoff Bates
Bates & Associates, Inc.
479-442-9350



Owner	Parcel Id	Address	Owner Address
CASTRO E SA TEI, NATACHA CATARINA & WARREN, JODY PHILLIP	21-00200-015	WAGON WHEEL RD	1308 W STULTZ RD SPRINGDALE AR 72764
USED OIL SERVICE	21-00187-000	5000 CATHERINE ST	PO BOX 1741 BETHANY OK 73008-1741
LEXINGTON PROPERTIES LLC	21-00200-020	WAGON WHEEL RD	PO BOX 1210 WEST MEMPHIS AR 72303-1210
MONTAGE LLC	21-00175-000	1232 STULTZ RD	102 RIVERBURCH RUN CLEMSON SC 29631-2073
XLIV LLC	21-00173-000	1210 W STULTZ RD	PO BOX 180 GATEWAY AR 72733

RESOLUTION NO. _____

**A RESOLUTION APPROVING A CONDITIONAL USE AT
4784 NORTH THOMPSON AS SET FORTH IN
ORDINANCE NO. 4030**

WHEREAS, Ordinance #4030 amending Chapter 130 (Zoning Ordinance) of the Springdale Code of Ordinance provides that an application for a conditional use on appeal must be heard first by the Planning Commission and a recommendation made to the City Council; and

WHEREAS, the Planning Commission held a public hearing on September 6, 2022 on a request by McFryar, LLC for a conditional use for a Use Unit 24 (Dedicated Warehouse) and Use Unit 25 (Limited Manufacturing) in a Thoroughfare Commercial District (C-5) at 4784 North Thompson; and

WHEREAS, following the public hearing the Planning Commission by a vote of seven (7) yes and zero (0) no recommends that a conditional use be granted to the McFryar, LLC for a Use Unit 24 (Dedicated Warehouse) and Use Unit 25 (Limited Manufacturing) in a Thoroughfare Commercial District (C-5) at 4784 North Thompson with the following conditions – More detail needed on site plan to determine if conditional uses proposed are acceptable and subject to approval of the Large Scale Development.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to McFryar, LLC for a Use Unit 24 (Dedicated Warehouse) and Use Unit 25 (Limited Manufacturing) in a Thoroughfare Commercial District (C-5) at 4784 North Thompson with the following conditions – More detail needed on site plan to determine if conditional uses proposed are acceptable and subject to approval of the Large Scale Development.

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

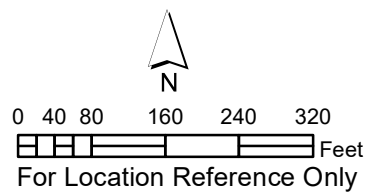
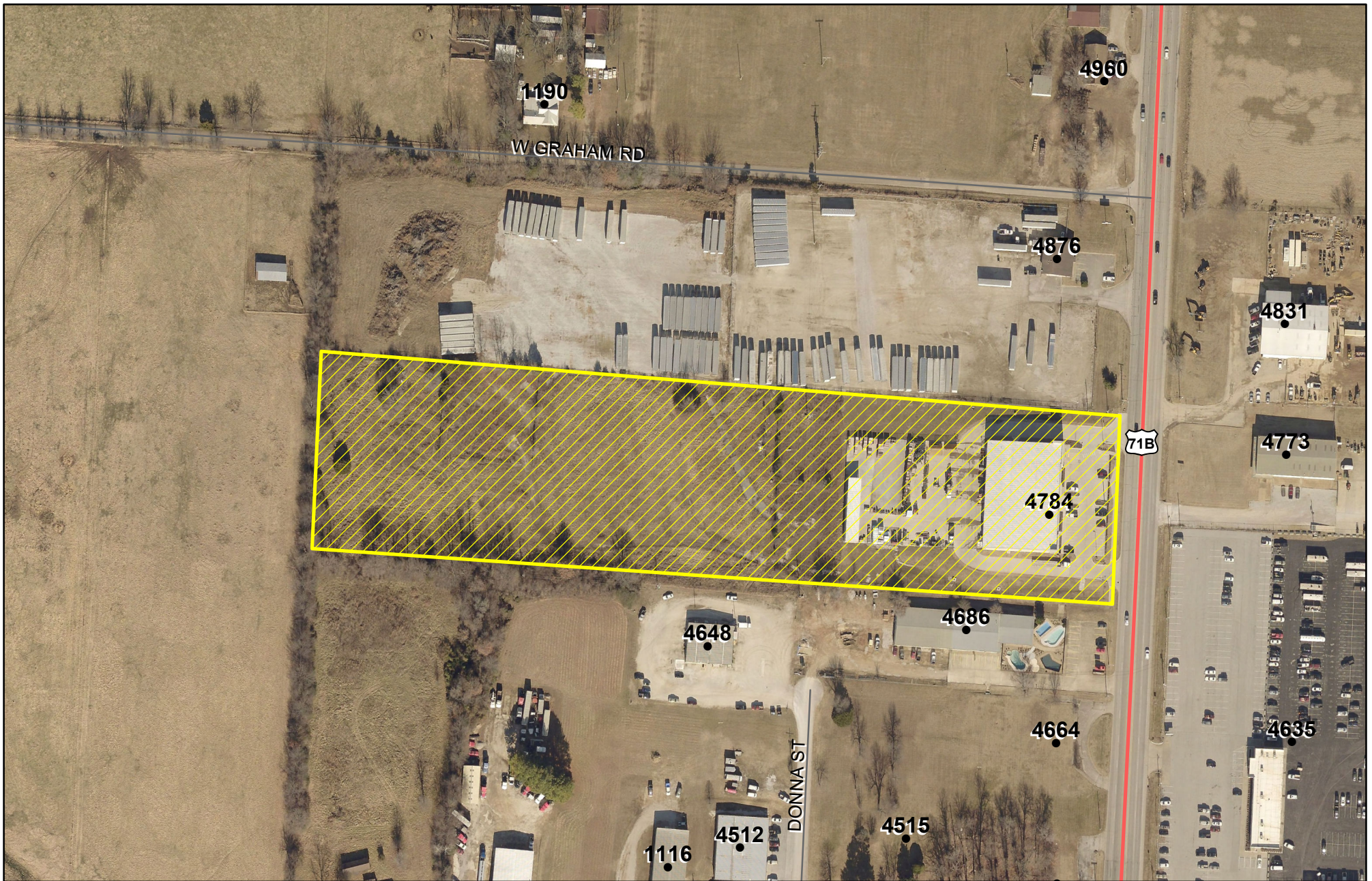
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

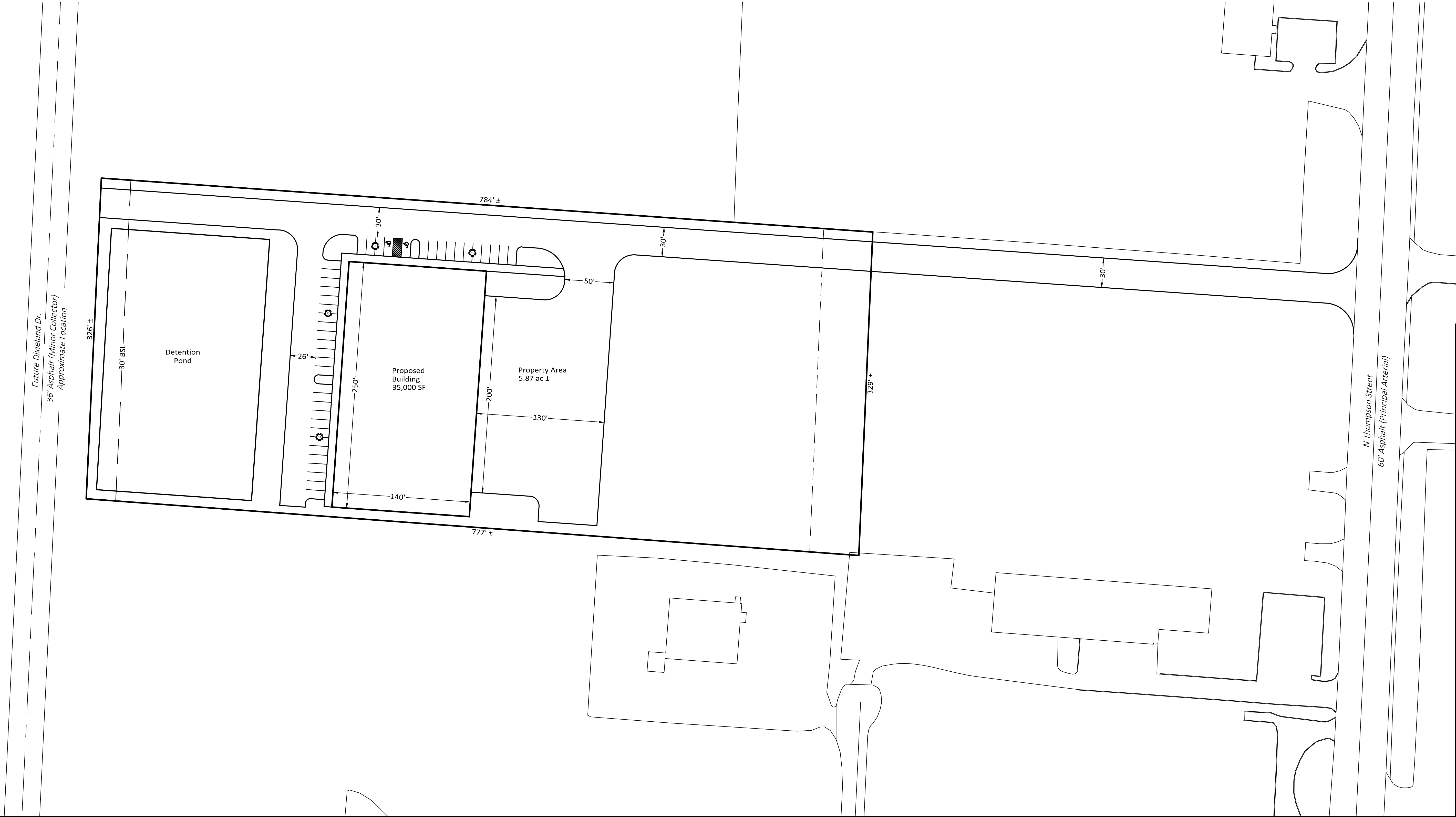
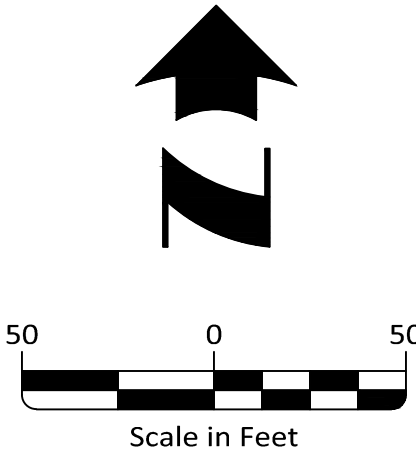


FILE NO. C22-18
APPLICANT: McFryar, LLC
REQUEST: Conditional use for Use Unit 24
(dedicated warehousing) in C-5

PLANNING COMMISSION MEETING
September 6, 2022

Drawing Name: P:\PRELIMINARY PROJECTS\John\Bill McIard\Drawing\Concept 06-19-2022.dwg List Modified: Aug 19, 2022 - 11:14am Plotted on: Aug 19, 2022 - 11:17am by ah4629

Zone: C-5
Minimum Lot Width: 100'
Minimum Square Footage: 14,000 SF





HALFF ASSOCIATES, INC.
2407 SE COTTONWOOD ST., STE 1
BENTONVILLE, AR 72712
478.273.2209 • HALFF.COM

CONCEPT
FOR
BILL MCCLARD

Springdale, Arkansas

Issued for Review
06.01.22

Preliminary
Site Plan

Revisions	

Drawn By: CVL	Vert. Scale: 1"=X'
Approved By: JW	Horiz. Scale: 1"=50'
Date: 05.23.22	Plot Scale: 1
Project No.: xxx-xx	DWG Name: CONCEPT



3866 W. Sunset
Springdale, AR 72762
479-582-9383
www.realtytitleinc.com

File No.: 22-75496W

Property Owners- ADJACENT

SUBJECT PROPERTY:

A PARCEL OF LAND SITUATE IN THE SE1/4 OF THE SE1/4 OF SECTION 14, TOWNSHIP 18 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 14; THENCE NORTH ALONG THE SECTION LINE A DISTANCE OF 681.05 FEET TO A POINT; THENCE N88°16'00"W A DISTANCE OF 40.00 FEET TO AN IRON PIN, THE POINT OF BEGINNING; THENCE CONTINUING N88°16'00"W A DISTANCE OF 429.49 FEET TO AN IRON PIN; THENCE S00°01'25"W A DISTANCE OF 25.00 FEET TO AN IRON PIN; THENCE N88°16'00"W A DISTANCE OF 787.31 FEET TO AN IRON PIN; THENCE N00°11'47"E A DISTANCE OF 325.94 FEET TO AN IRON PIN; THENCE S88°29'08"E A DISTANCE OF 1281.68 FEET TO AN IRON PIN ON THE WEST RIGHT OF WAY OF HIGHWAY 71-B; THENCE WITH SAID RIGHT OF WAY, S00°35'08"W A DISTANCE OF 305.79 FEET TO THE POINT OF BEGINNING. SUBJECT TO EASEMENTS, RIGHTS OF WAY OF RECORD, AND OTHER RESTRICTIONS OF RECORD, IF ANY.

Current Owner: McFRYAR, LLC

Parcel Number: 21-00141-000

Property Address: 4784 N THOMPSON ST., SPRINGDALE, AR

Mailing Address:

C/O BILL MCCLARD

3801 W. WALNUT ST.

ROGERS, AR 72756-1826

ADJACENT Property Owners:

Current Owner: PAUL D. AND RENEE MOFFAT

Parcel Number: 21-00140-000

Property Address: 4686 N THOMPSON ST., SPRINGDALE, AR

**Mailing Address: 5504 BRYANT PLACE
SPRINGDALE, AR 72764-2592**

Current Owner: CYGNUS PROPERTIES, LLC

Parcel Number: 21-00146-000

Property Address: 4648 DONNA ST., SPRINGDALE, AR

**Mailing Address: P.O. BOX 165
MARSHALL, MN 56258**

Current Owner: THE B & J FAMILY LIMITED PARTNERSHIP

Parcel Number: 21-00148-000

Property Address: WAGON WHEEL RD., SPRINGDALE, AR

**Mailing Address: 3474 NATCHEZ TRACE
FAYETTEVILLE, AR 72703-4843**

**Current Owner: BEN P. DANIEL AND ELSHEEN L. DANIEL, TRUSTEES
THE PHIL & SHEENA DANIEL REVOCABLE TRUST, UTD 5/14/2021**

Parcel Number: 21-00150-000

Property Address: 1238 WAGON WHEEL RD., SPRINGDALE, AR

**Mailing Address: P.O. BOX 726
TONTITOWN, AR 72770**

Current Owner: LONETA M. BLEVINS

Parcel Number: 21-00142-010

Property Address: 1190 W. GRAHAM RD., SPRINGDALE, AR

**Mailing Address: 3302 W. PERRY RD.
ROGERS, AR 72758-1401**

Current Owner: NETS GLOBAL HOLDINGS, LLC

Parcel Number: 21-00141-001

Property Address: 4676 N. THOMPSON ST., SPRINGDALE, AR

**Mailing Address: 8528 DAVIS BLVD., SUITE 134-369
N. RICHLAND HILLS, TX 76182-8367**

**Current Owner: THE SCOTT CORPORATION, L.L.C.
D/B/A SCOTT REALTY COMPANY
Parcel Number: 21-00105-000
Property Address: 4831 N. THOMPSON ST., SPRINGDALE, AR
Mailing Address: 1000 MARTIN LUTHER KING JR. DR.
MONROE, LA 71203-5543**

**Current Owner: JOHNELLE HUNT, LLC
Parcel Number: 21-00104-000
Property Address: 822 W. AR 264 HWY, SPRINGDALE, AR
Mailing Address: 5100 JB HUNT DR., SUITE 1000
ROGERS, AR 72758-6601**

**Current Owner: WGST, LLC
Parcel Number: 21-00106-000
Property Address: 4773 N. THOMPSON ST., SPRINGDALE, AR
Mailing Address: 1435 WOODSON RD.
ST. LOUIS, MO 63132-2506**

This list is compiled from the BENTON County Assessor's Office and is certified through August 16, 2022.

Issued Through the Office of
Realty Title & Closing Services, LLC
Arkansas Title Agency License No.: 100102353
3866 W. Sunset
Springdale, AR 72762
479-582-9383 fax 479-582-2925

By:



Authorized Signatory

Dennis C. McDonald

RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO SPRINGDALE’S BEST STORAGE QOF, LLC IN CONNECTION WITH PP22-10 A PRELIMINARY PLAT

WHEREAS, Ordinance #3047 provides for the waiver of street improvements, drainage relating thereto, curbs, gutters and sidewalks to be first heard by the Planning Commission and a recommendation made to the City Council, with any waivers to be granted by the City Council only; and

WHEREAS, the Planning Commission reviewed a request for waiver of street improvements to Huntsville and Emma Avenues including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with PP22-10 a Preliminary Plat for Springdale’s Best Storage QOF, LLC and the Planning Commission recommends approval of the waiver request.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby:

Option 1: Grants a waiver of street improvements to East Emma Ave, and Casteel Lane including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with PP22-10 a Preliminary Plat for Springdale’s Best Storage QOF, LLC.

Option 2: Denies a waiver of street improvements to East Emma Ave. and Casteel Lane including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with PP22-10 a Preliminary Plat for Springdale’s Best Storage QOF, LLC.

Option 3: Approves payment in lieu of improvements to East Emma and Casteel Avenues in connection with PP22-10 a Preliminary Plat for Springdale’s Best Storage QOF, LLC. with estimated cost to be submitted by the developer’s engineer for confirmation by the Planning Department.

Option 4: Denies a waiver and allow a Bill of Assurance for a period not to exceed _____ years for street improvements to East Emma and Casteel Avenues including drainage improvements related thereto, curbs, gutters, sidewalks and street lights to be built in connection with PP22-10 a Preliminary Plat for Springdale’s Best Storage QOF, LLC.

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



0 70 140 280 420 560
 Feet
 For Location Reference Only

FILE NO. W22-13
APPLICANT: Springdale's Best Storage QOF, LLC
REQUEST: Waiver of street improvements

PLANNING COMMISSION MEETING
 September 6, 2022

RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO WHISPERING SPRINGS IN CONNECTION WITH PP22-11 A PRELIMINARY PLAT

WHEREAS, Ordinance #3047 provides for the waiver of street improvements, drainage relating thereto, curbs, gutters and sidewalks to be first heard by the Planning Commission and a recommendation made to the City Council, with any waivers to be granted by the City Council only; and

WHEREAS, the Planning Commission reviewed a request for waiver of street improvements to Howard Anderson Road including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with PP22-11 a Preliminary Plat for Whispering Springs and the Planning Commission recommends approval of the waiver request.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby:

Option 1: Grants a waiver of street improvements to Howard Anderson Road including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with PP22-11 a Preliminary Plat for Whispering Springs.

Option 2: Denies a waiver of street improvements to Howard Anderson Road including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with PP22-11 a Preliminary Plat for Whispering Springs.

Option 3: Approves payment in lieu of improvements to Howard Anderson Road in connection with PP22-11 a Preliminary Plat for Whispering Springs with estimated cost to be submitted by the developer's engineer for confirmation by the Planning Department.

Option 4: Denies a waiver and allow a Bill of Assurance for a period not to exceed _____ years for street improvements to Howard Anderson Road including drainage improvements related thereto, curbs, gutters, sidewalks and street lights to be built in connection with PP22-11 a Preliminary Plat for Whispering Springs.

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

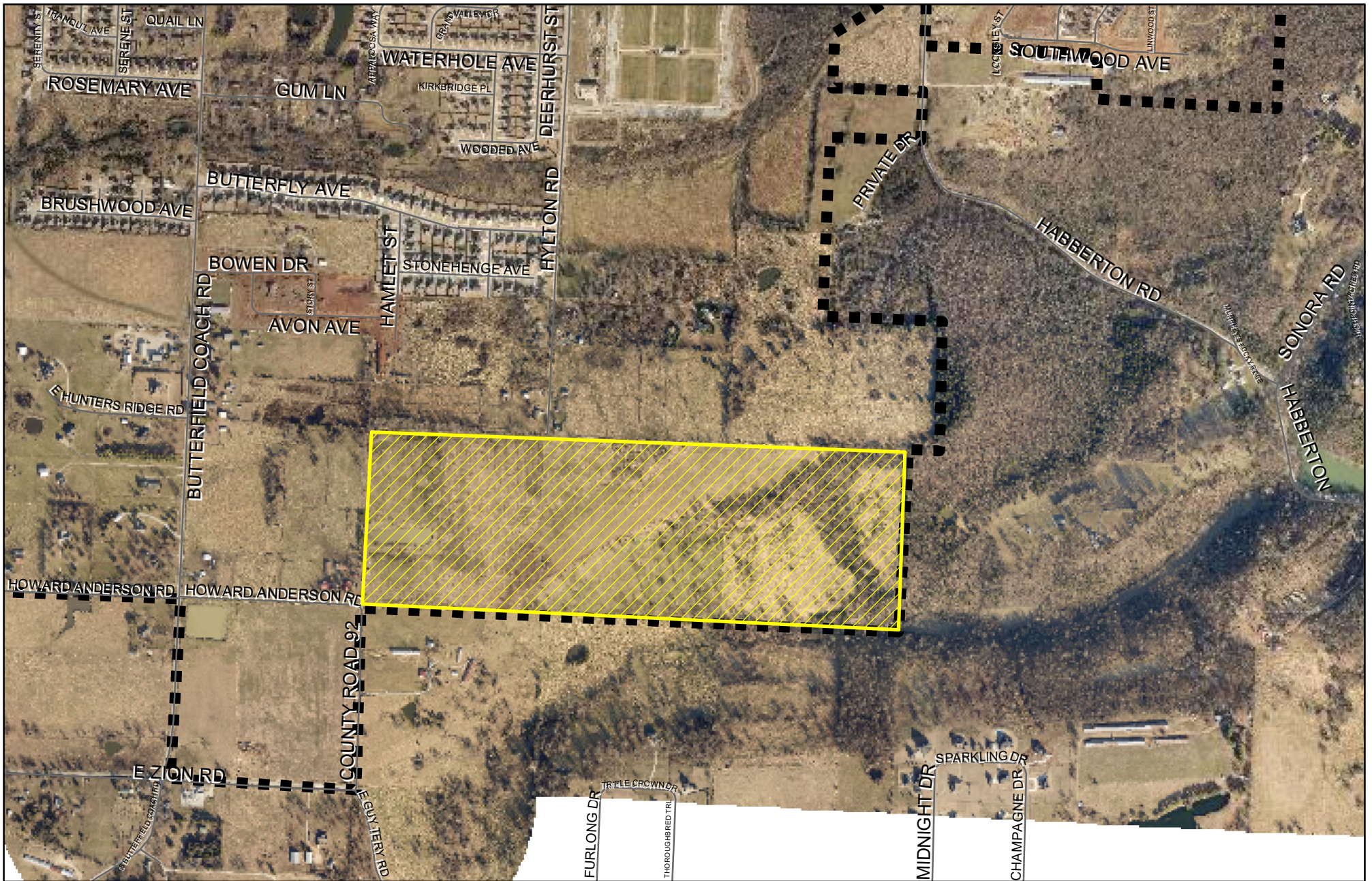
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



0 200 400 800 1,200 1,600
 Feet
 For Location Reference Only

FILE NO. W22-14
APPLICANT: Crossings GG412, LLC
REQUEST: Waiver of street improvements

PLANNING COMMISSION MEETING
 September 6, 2022

RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO NICK AND JILL SCHMIDT IN CONNECTION WITH 6495 COPPERHEAD ROAD A SINGLE-FAMILY DWELLING

WHEREAS, Ordinance #3047 provides for the waiver of street improvements, drainage relating thereto, curbs, gutters and sidewalks to be first heard by the Planning Commission and a recommendation made to the City Council, with any waivers to be granted by the City Council only; and

WHEREAS, the Planning Commission reviewed a request for waiver of street improvements including drainage improvements related thereto, sidewalks in connection with 6495 Copperhead Road a single family dwelling for Nick and Jill Schmidt and the Planning Commission recommends approval of the waiver request.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby:

Option 1: Grants a waiver of street improvements to 6495 Copperhead Road including drainage improvements related thereto, sidewalks in connection with 6495 Copperhead Road a single family dwelling for Nick and Jill Schmidt.

Option 2: Denies a waiver of street improvements to 6495 Copperhead Road including drainage improvements related thereto, sidewalks in connection with 6495 Copperhead Road a single family dwelling for Nick and Jill Schmidt.

Option 3: Approves payment in lieu of improvements to 6495 Copperhead Road in connection with 6495 Copperhead Road, a single family dwelling for Nick and Jill Schmidt with estimated cost to be submitted by the developer's engineer for confirmation by the Planning Department.

Option 4: Denies a waiver and allow a Bill of Assurance for a period not to exceed _____ years for street improvements to 6495 Copperhead Road including drainage improvements related thereto, sidewalks to be built in connection with 6495 Copperhead Road a single family dwelling for Nick and Jill Schmidt.

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

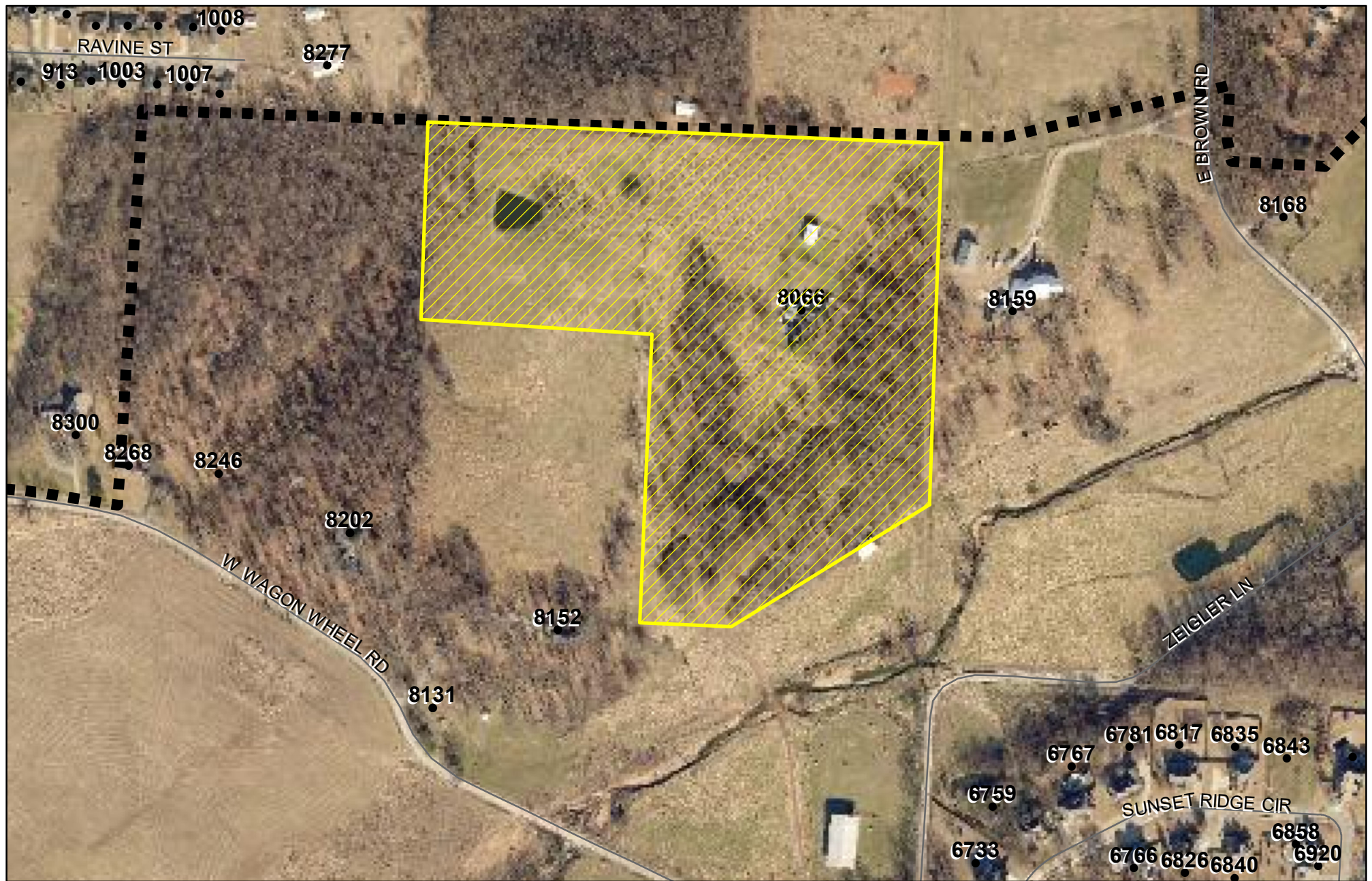
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



0 70 140 280 420 560
Feet
For Location Reference Only

FILE NO. W22-16
APPLICANT: Nick & Jill Schmidt
REQUEST: Waiver of sidewalk requirements

PLANNING COMMISSION MEETING
September 6, 2022

RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO COUNTY LINE COMMERCIAL PARK IN CONNECTION WITH L22-51 A LARGE SCALE DEVELOPMENT

WHEREAS, Ordinance #3047 provides for the waiver of street improvements, drainage relating thereto, curbs, gutters and sidewalks to be first heard by the Planning Commission and a recommendation made to the City Council, with any waivers to be granted by the City Council only; and

WHEREAS, the Planning Commission reviewed a request for waiver of street improvements including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L22-51 a Large Scale Development for County Line Commercial Park and the Planning Commission recommends approval of the waiver request.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby:

Option 1: Grants a waiver of street improvements to East County Line Road including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L22-51 Large Scale Development for County Line Commercial Park.

Option 2: Denies a waiver of street improvements to East County Line Road including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L22-51 a Large Scale Development for County Line Commercial Park.

Option 3: Approves payment in lieu of improvements to East County Line Road in connection with L22-51 a Large Scale Development for County Line Commercial Park with estimated cost to be submitted by the developer's engineer for confirmation by the Planning Department.

Option 4: Denies a waiver and allow a Bill of Assurance for a period not to exceed _____ years for street improvements to East County Line Road including drainage improvements related thereto, curbs, gutters, sidewalks and street lights to be built in connection with L22-51 a Large Scale Development for County Line Commercial Park.

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



0 40 80 160 240 320
 Feet
 For Location Reference Only

FILE NO. W22-17
APPLICANT: County Line Commercial Park
REQUEST: Waiver of street improvements

PLANNING COMMISSION MEETING
 September 6, 2022

RESOLUTION NO. _____

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 \$225,000.00 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 \$225,000.00 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 _____ day of _____, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

AGREEMENT

THIS AGREEMENT made and entered into this 1st day of January, 2023, by and between the City of Springdale, Arkansas, hereinafter referred to as "City," and the Chamber of Commerce of Springdale, Arkansas, hereinafter referred to as "Chamber;"

WITNESSETH:

WHEREAS, the City of Springdale recognizing the need for continued development and economic diversification, a broader tax base, and increased employment opportunities and improved quality of life for its citizens, wishes to provide for a coordinated effort to encourage, foster and promote the economic development of the City and its environs; and

WHEREAS, the Chamber of Commerce of the City of Springdale, Arkansas has actively promoted business development and economic growth within the region for the purpose of creating jobs, and as a result thereof has obtained certain knowledge and expertise in this field of endeavor;

WHEREAS, it is the desire of the parties that the Chamber provide economic development services to the City utilizing, among other things, the provisions of Act 686 of 2017; and

WHEREAS, it is the desire of the parties hereto that the entities involved in furthering the economic well being combine and coordinate their efforts for such purpose and provide as effective economic development program for Springdale, to be operated as hereinafter provided;

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable considerations, the parties agree as follows:

1. That the Chamber agrees to serve as the economic development marketing arm of the City for 2023 and 2024, subject to paragraph 5 of this Agreement.
2. Further, Chamber agrees that it shall be assigned the following responsibilities:
 - a. Chamber shall develop coordinate, administer and have overall management of economic development marketing activities and the coordination and administration of the functions above described for the City;
 - b. The Chamber shall be responsible for advancing the improvement, in the broadest sense, of the quality and the quantity of life in the City, utilizing, among other things, the provisions of Act 686 of 2017.
 - (1) Implementation, development and management of all marketing and advertising campaigns designed to attract a diverse segment of manufacturing, service industries, commercial and retail establishments, if such campaigns are used.
 - (2) Design and execution of an industrial retention and expansion program to encourage local manufacturing to remain and expand in the City.
 - (3) Operation of an on-going communications and promotions program for economic development activities in the City.
 - c. The Chamber shall provide a written report to the City Council on a quarterly basis relative to its economic development work. The reports will be due in January, April, July, and October of each year.

3. Further, it is agreed by and between the parties that in the role of serving as the economic development marketing arm for the City, Chamber shall be responsible for:

- a. Representing the City as the initial contact for manufacturing, service industries, commercial and retail prospects.
- b. Development of financial proposals to help accomplish the economic development goals, which includes development of financial proposals for project funding, which includes working with the City, AEDC, and regional and local financial institutions.
- c. Maintaining economic development files that will pertain to manufacturing, service industry, commercial and retail projects.

4. For the services to be provided by the Chamber to the City for the year 2023, the City shall pay \$225,000.00 to the Chamber. The sum of \$56,250.00 shall be paid on January 1, April 1, July 1, and October 1 in 2023, subject to paragraph 5 of this Agreement. For the services to be provided by the Chamber to the City for the year 2024, the City shall pay \$225,000.00 or an amount mutually agreed upon in writing and approved by the City, whichever amount is greater, to the Chamber. The sum shall be paid in four (4) equal installments on January 1, April 1, July 1, and October 1 in 2024, subject to paragraph 5 of this Agreement.

5. This Agreement shall terminate on December 31, 2024. However, should the City not appropriate the funds to pay the Chamber for 2024, this Agreement shall terminate December 31, 2023.

6. This Agreement does not create an exclusive right to conduct marketing of economic development by the Chamber on behalf of the City.

7. If the City appropriates the necessary funds through 2023 to fund this Agreement, this Agreement shall be automatically renewed for 2024 on the same terms and conditions as 2023 provided the Chamber requests renewal on or before October 1, and upon condition the City appropriates the necessary funds for 2024. If either party wants to change any of the terms or conditions set out in the Agreement, the party must submit those changes to the other party within 60 days prior to the expiration of the Agreement year. If the parties cannot agree to the changes, the Agreement will renew on the same terms and conditions set out herein provided the Chamber has requested renewal as provided herein, and provided the City appropriates the necessary funds.

WITNESS our hands and seals this 1st day of January, 2023.

CITY OF SPRINGDALE

BY _____

ATTEST:

SPRINGDALE CHAMBER OF COMMERCE

BY _____

ATTEST:

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE EXECUTION OF A
TEMPORARY USE AGREEMENT ON PROPERTY
OWNED BY THE CITY OF SPRINGDALE, ARKANSAS.**

WHEREAS, the City of Springdale owns the following real property located in the City of Springdale, Arkansas, said land being more particularly described as follows ("the Property"):

Washington County Tax Parcel No. 815-28444-000, Washington County Tax Parcel No. 815-28445-000, Washington County Tax Parcel No. 815-28446-000, and Washington County Tax Parcel No. 815-28445-001 (collectively "the Property"), containing 1.47 acres, more or less, as shown on the attached map which is attached hereto and incorporated herein by reference.

WHEREAS, Ark. Code Ann. §14-54-302 empowers and authorizes municipalities to sell, convey, lease, rent, let, or dispose of any real property it owns, subject to approval by the City Council;

WHEREAS, the City has approved a Large Scale Development project known as the NWA Food Systems Project ("the Project") on property adjacent to the Property;

WHEREAS, the contractor for the Project, CDI Contractors, LLC, wishes to utilize the Property for the staging of equipment/materials and for the placement of a construction trailer during the construction of the Project; and

WHEREAS, the City and CDI Contractors, LLC, wish to enter into a Temporary Use Agreement, a copy of which is attached hereto and incorporated herein by reference, governing the terms by which the Property may be used during the Project.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor and City Clerk of the City of Springdale, Arkansas, are hereby authorized to execute a Temporary Use Agreement with CDI Contractors, LLC, for the use of the Property during the construction of the Project, subject to the terms of the Temporary Use Agreement.

PASSED AND APPROVED this _____ day of _____, 2022.

Doug Sprouse, Mayor

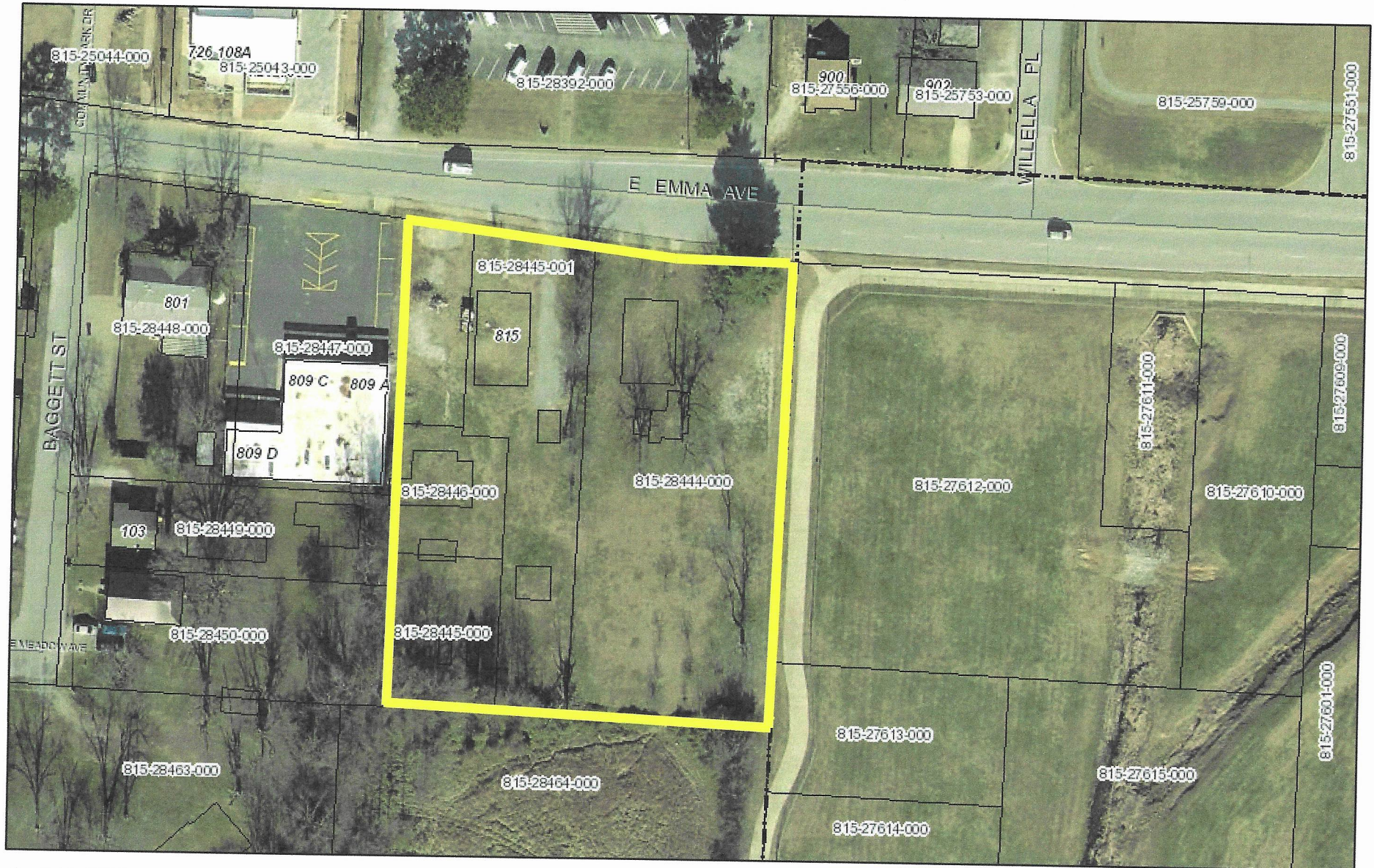
ATTEST:

Denise Pearce, City Clerk

APPROVED:

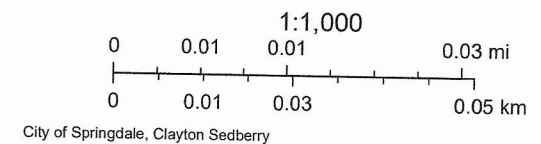
Ernest B. Cate, City Attorney

City of Springdale Zoning Map



April 14, 2022

- | | | | |
|-------------------------------------|--------------------|-----------|---------------|
| Form-Based Code District Overlay | Benton Co. Parcels | TRIBUTARY | RAILROAD |
| S.E.E.D. Overlay District - Outline | SCHOOLS | LAKES | STREETS - ALL |
| Washington Co. Parcels | STREAMS | Buildings | INTERSTATE |
| | MAIN CHANNEL | RAMP | |



TEMPORARY USE AGREEMENT

Grantor: City of Springdale, Arkansas
Grantee: CDI Contractors, LLC

IN CONSIDERATION of the benefits that will inure to Grantor and to the public, the undersigned do hereby grant to Grantee, upon the terms and conditions hereinafter set forth, the right of entry onto the following property owned by Grantor situated in the City of Springdale, County of Washington, State of Arkansas, to-wit :

Washington County Tax Parcel No. 815-28444-000, 815-28445-001, 815-28446-000, and 815-28445-000 and more commonly known as 815 East Emma Ave. and 819 East Emma Ave. ("the Property"), and as shown on the Exhibit attached hereto.

It is further agreed between the parties as follows:

1. Purpose. The temporary use granted herein is being granted for the sole purpose of allowing Grantee to have a staging area for equipment/materials and a construction trailer on the Property in connection with the NWA Food Systems Project, 821 East Emma Avenue, Springdale, Arkansas 72764 ("the Project").
2. Term. This Agreement shall remain in effect until such time as the construction of the Project has been completed, and the Property has been reasonably returned to its original condition, but in no event shall this Agreement extend beyond April 1, 2024, without the written approval of Grantor. Grantor shall have the right to terminate this Agreement sooner should Grantor accept an offer to purchase the Property from a third party, at which time Grantee shall have thirty (30) days to cease its use of the Property and return the Property to its original condition.
3. Grantee's Use. Grantee shall use the Property in such a manner as to minimize the impact to the Property and adjacent lands, businesses, and infrastructure. No permanent improvements may be constructed upon the Property. No noxious, unlawful or hazardous activity shall be allowed on the Property. Grantee shall be responsible for obtaining any permits from the City of Springdale and from the State of Arkansas related to the use of the property, including any permits required from the ADEQ. Grantee shall follow reasonable directions from the City of Springdale Public Works Department regarding the appropriate streets and roadways to use in order to access the Property. Grantee shall be entitled to install temporary fencing on the Property and to utilize temporary electric service.
4. Grantee's Responsibility. Grantee shall be solely responsible for all costs associated with its use of the Property and shall hold Grantor harmless for any such costs. Grantee shall restore the Property to its original condition and shall be responsible for the costs and expense of restoring any infrastructure or adjacent lands damaged by Grantee's use of the Property or operations. Grantee shall indemnify, save and hold harmless Grantor from any damages for which Grantee is responsible and from any other injury to person or property, caused by the negligence of Grantee, its employees, agents or anyone acting on behalf of Grantee.

IN WITNESS WHEREOF, this Agreement has been executed on this _____ day of _____, 2022.

Grantor:

CITY OF SPRINGDALE, ARKANSAS

Grantee:

CDI CONTRACTORS, LLC.

By: _____
Doug Sprouse, Mayor

By: [Signature]
Matt Bodishbaugh, Vice President

By: _____
Denise Pearce, City Clerk

ACKNOWLEDGMENT

STATE OF ARKANSAS)
COUNTY OF WASHINGTON)

On this the _____ day of _____, 2022, before me, a Notary Public, personally appeared Doug Sprouse and Denise Pearce, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, who acknowledged themselves to be the duly elected Mayor and City Clerk of the City of Springdale, Arkansas, Grantor herein, and that they, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained.

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

MY COMMISSION EXPIRES: _____ NOTARY PUBLIC

ACKNOWLEDGMENT

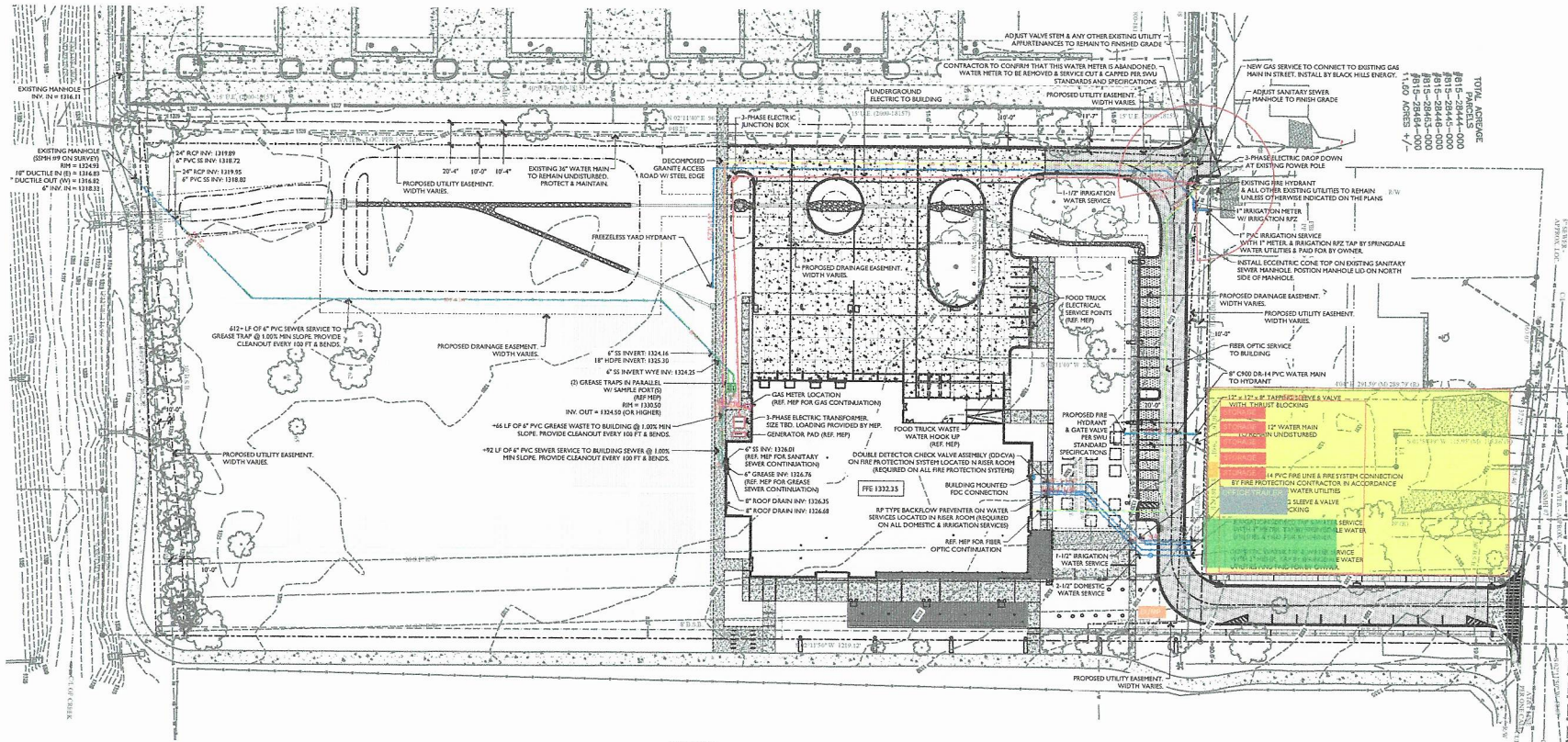
STATE OF ARKANSAS)
COUNTY OF WASHINGTON)



BE IT REMEMBERED, that on this day before the undersigned, a Notary Public, within and for the County and state aforesaid, duly commissioned and acting, appeared in person Matt Bodishbaugh, to me well known as the duly authorized representative of CDI Contractors, LLC., Grantee herein, and stated that he had executed the same for the consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public this 13th day of Sept 2022.

MY COMMISSION EXPIRES: 01-05-2032 Brianna Elizabeth Cento
NOTARY PUBLIC



UTILITY NOTES:

- EXISTING STRUCTURES & UTILITY LOCATIONS SHOWN ARE APPROXIMATE FOR INFORMATION PURPOSES ONLY. ALL STRUCTURES & UTILITIES MAY NOT BE SHOWN. ALL EXISTING UTILITY LOCATIONS MUST BE FIELD VERIFIED PRIOR TO CONSTRUCTION (WHETHER SHOWN OR NOT SHOWN). UTILITY SERVICE MUST BE MAINTAINED DURING & AFTER CONSTRUCTION.
- CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE FEDERAL, STATE, & LOCAL CODES.
- ALL WATER LINE & SANITARY SEWER WORK MUST BE PERFORMED IN ACCORDANCE WITH LOCAL JURISDICTION STANDARD SPECIFICATIONS & DETAILS & SHALL BE COORDINATED WITH LOCAL JURISDICTION.
- THE CONTRACTOR SHALL COORDINATE THE CONNECTIONS TO THE EXISTING WATER LINES WITH THE LOCAL JURISDICTION.
- PROVIDE THRUST BLOCKING FOR THE PROPOSED WATERLINES AS SHOWN ON THE DETAIL SHEETS & AS REQUIRED BY THE LOCAL JURISDICTION.
- ALL WATER & SEWER LINES & SERVICES CROSSING ROADWAYS ARE TO BE BACKFILLED WITH COMPACTED CLASS 7 AGGREGATE BASE COURSE.
- ALL WATER MAINS SHALL BE A MINIMUM OF 4-FT BELOW FINISHED GRADE & A MINIMUM OF 1-FT BELOW STORM DRAIN.
- ALL WATER MAINS ARE TO CROSS OVER SEWER MAINS WITH A MINIMUM OF 18-IN OF VERTICAL SEPARATION & WATER & SEWER MAINS SHALL HAVE A MINIMUM OF 10-FT HORIZONTAL SEPARATION.
- ALL SANITARY SEWER WORK SHALL BE PERFORMED & INSTALLED IN ACCORDANCE WITH THE LOCAL JURISDICTIONS STANDARD SPECIFICATIONS AND DETAILS & SHALL BE COORDINATED WITH THE LOCAL JURISDICTION.
- ALL PROPOSED FIRE HYDRANTS & WATER METERS MUST BE LOCATED A MINIMUM OF 4' BEHIND ANY CURB & GUTTER, & 4' BEHIND ANY SIDEWALK.
- THE CONTRACTOR SHALL VERIFY THE ELEVATION & LOCATION OF THE EXISTING WATER & SEWER LINES ON SITE. IF THE COVER IS FOUND TO BE BELOW THE MINIMUM STANDARD OR IF THE EXISTING WATER OR SANITARY SEWER LINES ARE DAMAGED DUE TO CONSTRUCTION ACTIVITY, THEN THE OWNER/DEVELOPER SHALL BE RESPONSIBLE FOR REPLACING THE EXISTING WATER AND SANITARY SEWER LINES WITHIN THE PROPOSED PROJECT AREA AT THE OWNER/DEVELOPER'S EXPENSE.
- THE CONTRACTOR, SUB-CONTRACTOR, & OTHERS ARE HEREBY NOTIFIED THAT A 36-INCH WATER TRANSMISSION LINE IS LOCATED ON THE WORK SITE. NO WORK, GRADING, UNDERCUT, FILL OR OTHER ACTIVITIES SHALL BE ALLOWED WITHIN THE EASEMENT AREA OR WITHIN 15-FEET OF THE WATERLINE WITHOUT THE APPROVAL OF SPRINGDALE WATER UTILITIES.
- REQUESTS FOR WATER METER SERVICES LARGER THAN A 5/8-INCH METER SETTER FOR IRRIGATION OR LARGER THAN 1-INCH METER SETTER FOR PORTABLE WATER WILL HAVE TO BE APPROVED IN WRITING BY THE ENGINEERING DIRECTOR OF SPRINGDALE WATER UTILITIES. APPROPRIATE REQUEST FORMS ARE AVAILABLE AT SPRINGDALE WATER UTILITIES ENGINEERING DEPARTMENT.

UTILITY LINE TYPE LEGEND

- PROPOSED WATER SERVICE
- PROPOSED SANITARY SEWER SERVICE
- PROPOSED GAS SERVICE
- PROPOSED FIBER OPTIC SERVICE
- PROPOSED UNDERGROUND ELECTRIC SERVICE
- PROPOSED DRAINAGE EASEMENT
- PROPOSED UTILITY EASEMENT

NORTH WEST ARIZONA FOOD SYSTEMS

A Division of Northwest Design Group, Inc.

ARCHITECT
pattern lives llc
1000 S. GILBERT AVENUE
SUITE 100
MESA, AZ 85204
PH: 480.244.4400
WWW.PATTERNLIVESLLC.COM

FOOD SERVICE & KITCHEN
RICCA DESIGN STUDIOS
1000 S. GILBERT AVENUE
SUITE 100
MESA, AZ 85204
PH: 480.244.4400
WWW.RICCADESIGNSTUDIOS.COM

CIVIL/LANDSCAPE
ECOLOGICAL DESIGN
GROUP
1000 S. GILBERT AVENUE
SUITE 100
MESA, AZ 85204
PH: 480.244.4400
WWW.ECLOGICALDESIGNGROUP.COM

MEPE
HEA ENGINEERING
1000 S. GILBERT AVENUE
SUITE 100
MESA, AZ 85204
PH: 480.244.4400
WWW.HEAENGINEERING.COM

STRUCTURAL
BARTIN & BARTIN
ENGINEERS
1000 S. GILBERT AVENUE
SUITE 100
MESA, AZ 85204
PH: 480.244.4400
WWW.BARTIN-ENGINEERS.COM

LIGHTING
HEATLIGHTING DESIGN
1000 S. GILBERT AVENUE
SUITE 100
MESA, AZ 85204
PH: 480.244.4400
WWW.HEATLIGHTINGDESIGN.COM

PROJECT NUMBER
2017-009

REVISION HISTORY
NO. DESCRIPTION DATE

PROFESSIONAL SEALS
STATE OF ARIZONA
Professional Engineer
No. 12345
Name: J. M. Smith
Exp. Date: 12/31/2024

DESIGNED BY: J. M. Smith
DATE: 10/10/2017

REVISION HISTORY
NO. DESCRIPTION DATE

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DATE: 10/10/2017

REVISION HISTORY
NO. DESCRIPTION DATE

PROFESSIONAL SEALS
STATE OF ARIZONA
Professional Engineer
No. 12345
Name: J. M. Smith
Exp. Date: 12/31/2024

DESIGNED BY: J. M. Smith
DATE: 10/10/2017

REVISION HISTORY
NO. DESCRIPTION DATE

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DESIGNED BY: J. M. Smith
DATE: 10/10/2017

REVISION HISTORY
NO. DESCRIPTION DATE

RESOLUTION NO. _____

A RESOLUTION TO LEVY BENTON COUNTY AD VALOREM TAXES OF THE CITY OF SPRINGDALE, ARKANSAS.

WHEREAS, governing bodies of the municipalities of the State of Arkansas are required by law to levy ad valorem taxes no later than October of each year; and,

WHEREAS, certain levies are needed to properly finance the operation of the City of Springdale, Arkansas.

WHEREAS, all property taxes will be collected by the County Clerk and Tax Collector of Benton County.

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

SECTION 1: That the following levies be approved for collection in the year 2023 and that copies of this Resolution be sent to the County Clerk and Tax Collector of Benton County.

The 2022 property tax levy to be collected by the Benton County Tax Collector are as follows:

	REAL ESTATE	PERSONAL PROPERTY
GENERAL FUND	.0047	.0047
FIREMEN’S PENSION	.0005	.0005
POLICEMEN’S PENSION	.0005	.0005
TOTAL	<u>.0057</u>	<u>.0057</u>

PASSED AND APPROVED this _____ day of _____, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

RESOLUTION NO. _____

A RESOLUTION TO LEVY WASHINGTON
COUNTY AD VALOREM TAXES OF THE CITY
OF SPRINGDALE, ARKANSAS.

WHEREAS, governing bodies of the municipalities of the State of Arkansas are required by law to levy ad valorem taxes no later than October of each year; and,

WHEREAS, certain levies are needed to properly finance the operation of the City of Springdale, Arkansas.

WHEREAS, all property taxes and voluntary taxes will be collected by the Tax Collector of Washington County.

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

SECTION 1: That the following levies be approved for collection in the year 2023 and that copies of this Resolution be sent to the County Clerk and Tax Collector of Washington County.

The 2022 property tax levy to be collected by the Washington County Tax Collector are as follows:

	REAL ESTATE	PERSONAL PROPERTY
GENERAL FUND	.0047	.0047
FIREMEN’S PENSION	.0005	.0005
POLICEMEN’S PENSION	.0005	.0005
TOTAL	.0057	.0057

SECTION 2: The 2022 voluntary taxes to be collected by the Washington County Tax Collector are as follows:

	REAL ESTATE	PERSONAL PROPERTY
CITY FIRE FUND	.0015	.0015
LIBRARY	.001	.001
TOTAL	.0025	.0025

SECTION 3: The voluntary taxes will be printed in the Washington County Tax Collector’s office and shall be billed and collected by the Washington County Tax Collector's office.

PASSED AND APPROVED this _____ day of _____, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE EXECUTION OF A
TEMPORARY USE AGREEMENT ON PROPERTY
OWNED BY THE CITY OF SPRINGDALE, ARKANSAS.**

WHEREAS, the City of Springdale owns the following real property located in the City of Springdale, Arkansas, said land being more particularly described as follows ("the Property"):

Lot 3, Holcombs First Subdivision to the City of Springdale, Washington County, Arkansas, more commonly known as Washington County Tax Parcel No. 815-22945-000, and more commonly known as 100 E. Emma Ave.

-and-

Adjacent public property held by the City of Springdale, currently comprising a portion of the Razorback Greenway Trail, formerly known as Mill Street, immediately to the west of the above described parcel (collectively "the Property").

WHEREAS, Ark. Code Ann. §14-54-302 empowers and authorizes municipalities to sell, convey, lease, rent, let, or dispose of any real property it owns, subject to approval by the City Council;

WHEREAS, Emma Holdings, LLC, has a pending development plan ("the Project") on property west of, and adjacent to, the Property;

WHEREAS, in connection with the Project, it is necessary that geotechnical testing be conducted on the Property; and

WHEREAS, the City and Emma Holdings, LLC, wish to enter into a Temporary Use Agreement, a copy of which is attached hereto and incorporated herein by reference, governing the terms by which the Property may be used for geotechnical testing associated with the Project.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor and City Clerk of the City of Springdale, Arkansas, are hereby authorized to execute a Temporary Use Agreement with Emma Holdings, LLC, for the purposes of conducting geotechnical testing on the Property associated with the Project, subject to the terms of the Temporary Use Agreement.

PASSED AND APPROVED this _____ day of _____, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

TEMPORARY USE AGREEMENT

Grantor: City of Springdale
Grantee: Emma Holdings, LLC

IN CONSIDERATION of the benefits that will inure to Grantor and to the public, the undersigned do hereby grant to Grantee, upon the terms and conditions hereinafter set forth, the right of entry onto the following property owned by Grantor situated in the City of Springdale, County of Washington, State of Arkansas, to-wit :

Lot 3, Holcombs First Subdivision, to the City of Springdale, Washington County, Arkansas, more commonly known as Washington County Parcel No. 815-22945-000, and more commonly known as 100 E. Emma Ave.

-and-

Adjacent public property held by the city of Springdale, currently comprising a portion of the Greenway Trail, formerly known as Mill Street, immediately to the west of the above described parcel ("the Property").

It is further agreed between the parties as follows:

1. Purpose. The temporary use granted herein is being granted for the sole purpose of allowing Grantee to conduct geotechnical testing on the Property.
2. Term. This Agreement shall remain in effect until such time as the geotechnical testing has been completed, the results of said testing have been disclosed to Grantor, and the Property has been reasonably returned to its original condition, but in no event shall this Agreement extend beyond 60 days without the written approval of Grantor.
3. Grantee's Responsibility. Grantee shall be solely responsible for all costs associated with the geotechnical testing to be done on the Property, and shall hold Grantor harmless for any such costs. In addition, Grantee shall be responsible for all costs associated with returning the Property to its original condition after the completion of the geotechnical testing, and shall hold Grantor harmless for any such costs. Grantee shall hold Grantor harmless for any loss, injury, or other act caused by Grantee's use of the Property, and shall indemnify Grantor for any loss which may occur due to the negligence of Grantee.

IN WITNESS WHEREOF, this Agreement has been executed on this _____ day of September, 2022.

Grantor:
CITY OF SPRINGDALE

Grantee:
EMMA HOLDINGS, LLC

By: : _____
Doug Sprouse, Mayor

By: : _____
Ken Hall

By: : _____
Denise Pearce, City Clerk

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)SS
COUNTY OF WASHINGTON)

On this the _____ day of _____, 20____, before me, a Notary Public, personally appeared Doug Sprouse and Denise Pearce, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, who acknowledged themselves to be the Mayor and City Clerk of the City of Springdale, Arkansas, Grantor herein, and that they, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained.

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

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

BE IT REMEMBERED, that on this the _____ day of _____, 20____, before the undersigned, a Notary Public, within and for the County and state aforesaid, duly commissioned and acting, appeared in person Ken Hall, to me well known as the duly authorized representative of Emma Holdings, LLCp, Grantee herein, and stated that he had executed the same for the consideration and purposes therein mentioned and set forth.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC



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: Elizabeth R. Doyel

LEGAL DESCRIPTION:: Lot Eleven (11) in Block Three (3) of NEFF SUBDIVISION PHASE ONE in the City of Springdale, Arkansas, as per the recorded plat of said Subdivision on file in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

LAYMAN'S DESCRIPTION: 2403 Toni

PARCEL NUMBER: 815-23741-000

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:

\$445.16 clean-up costs and \$22.53 administrative costs – \$467.69 (Parcel No. 815-23741-000)

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:

\$467.69 plus 10% for collection – 2403 Toni. (Parcel No. 815-23741-000)

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 _____ day of _____, 20____.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

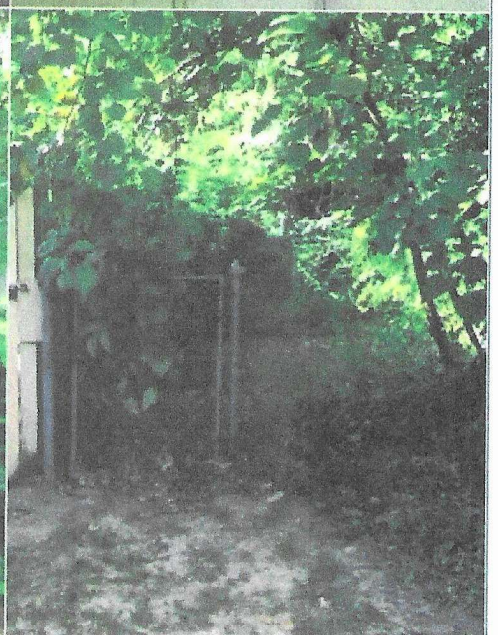
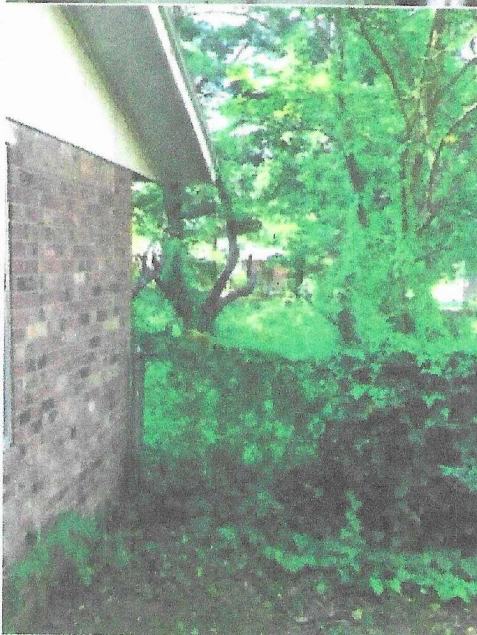
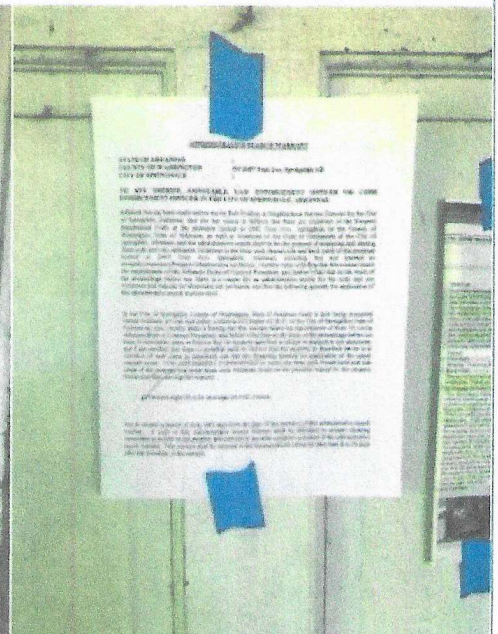
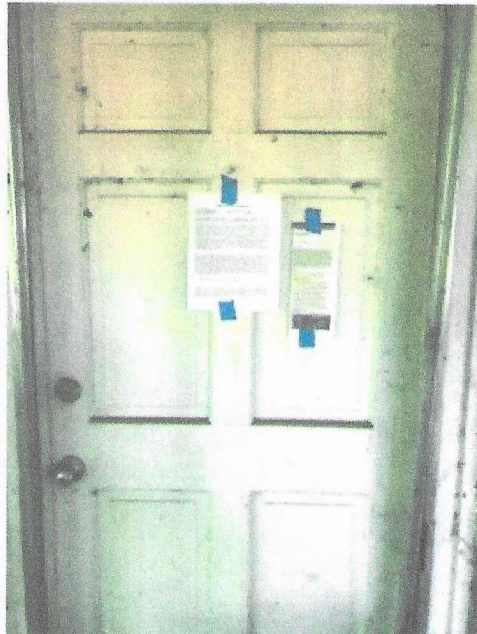
APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY



CITY ABATEMENT-2022 - Friday, July 22, 2022 7:32:21 AM (SHANE PEGRAM)

User Name SHANE PEGRAM
User # 4798416178
Form Started 7/22/2022 7:32:21 AM
Form Submitted 7/22/2022 10:01:00 AM
Property Address 2403 Toni
Before Picture Attached Data



Before Picture

Attached Data



Type of Abatement	Lien
Date of Abatement	Friday, July 22, 2022 8:32:00 AM
Officer on Site-	S. Pegram
Labor Rate Recovery	
Employee	Henry Hernandez
HH Benefit Rate	\$54.84
Method of Compliance	
1 Method of Compliance	Mowing
Equipment Used	
Equipment	660/652 New Bulky Waste Truck,781 Trailor,6013 Service Pick Up Truck
660 New Bulky Waste Truck	\$200.00
781 Trailor	\$55.00
6013 Service Pick up Truck	\$35.00
Time of Abatement in Hours	1
Number of Temporary Laborers	3
Temporary Labor Rate Recovery	72.00
Employee labor recovery per hour	54.84
Total Employee Cost	54.84
Equipment Cost per hour	200.00
Total Equipment Cost	200.00
Disposal Cost Recovery	\$118.32
Number of Tires Removed (\$2 Each)	0

Number of Electronics
Removed (\$10 Each) 0

Containers of Chemicals
(\$1 Each) 0

Freon Removal Recovery
(\$20 each) 0

Total Cost of Abatement 445.16

Items Removed from
Property Brush and tree limbs

Final Photos

Attached Data



Final Photos

Attached Data

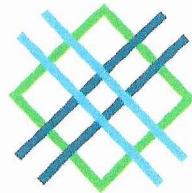


Ernest B. Cate
City Attorney
ecate@springdalear.gov

Taylor Samples
Senior Deputy City Attorney
tsamples@springdalear.gov

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

Garrett Harlan
Deputy City Attorney
gharlan@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

Jacque Roth
File/Discovery Clerk
jroth@springdalear.gov

August 22, 2022

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

Elizabeth Doyel
220 W. McElory
Stillwater, OK 74075

RE: Notice of clean-up lien on property located at 2403 Toni Avenue, Springdale, Washington County, Arkansas, Tax Parcel No. 815-23741-000

Dear Property Owner/Lienholder:

On July 11 and July 19, 2022, notice was posted on property located at 2403 Toni Avenue, 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 May 26, 2022, 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 July 22, 2022. As of this date, the total costs incurred by the City of Springdale to clean this property are \$445.16. 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 \$7.53 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 September 22, 2022, 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, September 27, 2022, 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 \$452.69, which includes \$445.16 for cleaning up the property and \$7.53 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 Elizabeth Doyel 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,



Ernest B. Cate
City Attorney

Enclosures
EBC:dp

Track Another Package +

Tracking Number: 70190700000044938888

Remove X

This is a reminder to arrange for redelivery of your item or your item will be returned to sender.

USPS Tracking Plus® Available ∨

Reminder to Schedule Redelivery of your item

September 4, 2022

Get Updates ∨

Feedback

Text & Email Updates ∨

Tracking History ^

September 4, 2022

Reminder to Schedule Redelivery of your item

This is a reminder to arrange for redelivery of your item or your item will be returned to sender.

August 30, 2022, 12:28 pm

Notice Left (No Authorized Recipient Available)

STILLWATER, OK 74075

August 29, 2022

In Transit to Next Facility

August 29, 2022, 12:14 amDeparted USPS Regional Facility
TULSA OK DISTRIBUTION CENTER**August 27, 2022, 12:52 pm**Arrived at USPS Regional Facility
TULSA OK DISTRIBUTION CENTER**August 25, 2022, 9:18 pm**Arrived at USPS Regional Facility
FAYETTEVILLE AR DISTRIBUTION CENTER

USPS Tracking Plus®

Product Information

See Less

Feedback

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Go to our FAQs section to find answers to your tracking questions.

FAQs

The City Council of the City of Springdale met in regular session on Tuesday, September 13, 2022, in the tiered training room in the new Criminal Justice 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 Williams	Ward 4
Jeff Watson	Ward 3
Mike Overton	Ward 2
Mike Lawson	Ward 1
Vacant Seat	Ward 2
Randall Harriman	Ward 1
Mark Fougrousse	Ward 4
Ernest Cate	City Attorney
Debbie Pounders	Planning Admin. Assistant

Department heads present:

Colby Fulfer	Chief of Staff
Blake Holte	Fire Chief
Frank Gamble	Police Chief
Patsy Christie	Planning Director
Mike Chamlee	Building Official
Ron Findley	Neighborhood Services
James Smith	Public Works Director

APPROVAL OF MINUTES

Council Member Harriman moved the minutes of the August 23, 2022 City Council meeting be approved as presented. Council Member Williams made the second.

There was a voice vote of all ayes and no nays.

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 Fougrousse made the second.

The vote:

Yes: Powell, Williams, Watson, Overton, Lawson, Harriman, Fougrousse

No: None

RESOLUTION NO. 86-22 – AMENDING THE 2022 BUDGET OF THE CITY OF SPRINGDALE FIRE DEPARTMENT

Fire Chief Blake Holte presented a Resolution amending the 2022 Budget of the City of Springdale Fire Department for vehicle maintenance.

RESOLUTION NO. ____

**A RESOLUTION AMENDING THE 2022 BUDGET OF
THE CITY OF SPRINGDALE FIRE DEPARTMENT**

WHEREAS, the Fire Department has received funds that have not been appropriated from vehicle insurance settlements, and

WHEREAS, the Fire Chief has requested that these funds be appropriated for vehicle maintenance,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the 2022 budget of the City of Springdale Fire Department is hereby amended as follows:

<u>Department</u>	<u>Account No.</u>	<u>Description</u>	<u>Present Budget</u>	<u>Increase</u>	<u>Proposed Budget</u>
Fire	10106014225111	Vehicle Maintenance	\$195,0000	\$54,321.49	\$249,321.49

PASSED AND APPROVED this ____ day of September, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Council Member Watson moved the Resolution be adopted. Council Member Powell made the second.

The vote:

Yes: Williams, Watson, Overton, Lawson, Harriman, Fougrousse, Powell

No: None

The Resolution was numbered 86-22.

ORDINANCE NO. 5757 – ACCEPTING THE FINAL PLAT OF COLLIN’S COVE SUBDIVISION IN THE CITY OF SPRINGDALE, ARKANSAS AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance accepting the Final Plat of Collin’s Cove Subdivision in the City of Springdale, Arkansas and declaring an emergency. Part of this subdivision is located in Elm Springs.

A public hearing was held at Planning Commission.

After reading the title of the Ordinance, Council Member Harriman moved the Ordinance “Do Pass”. Council Member Fougrousse made the second.

The vote:

Yes: Watson, Overton, Lawson, Harriman, Fougrousse, Powell, Williams

No: None

Council Member Powell moved the Emergency Clause be adopted. Council Member Harriman made the second.

The vote:

Yes: Overton, Lawson, Harriman, Fougrousse, Powell, Williams, Watson

No: None

The Ordinance was numbered 5757.

ORDINANCE NO. 5758 – REZONING PROPERTY OWNED BY CJCJ HOLDINGS, LLC, LOCATED AT 2815 N. 56TH STREET AND 5531 W. COUNTY LINE ROAD, FROM A-1 TO SF-2 AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning property owned by CJCJ Holdings, LLC, located at 2815 N. 56th Street and 5531 W. County Line Road, from A-1 to SF-2 and declaring an emergency.

A public hearing was held at Planning Commission.

After reading the title of the Ordinance, Council Member Harriman moved the Ordinance “Do Pass”. Council Member Williams made the second.

The vote:

Yes: Lawson, Harriman, Fougrousse, Powell, Williams, Watson, Overton

No: None

Council Member Powell moved the Emergency Clause be adopted. Council Member Harriman made the second.

The vote:

Yes: Harriman, Fougrousse, Powell, Williams, Watson, Overton, Lawson

No: None

The Ordinance was numbered 5758.

RESOLUTION NO. 87-22 – APPROVING A CONDITIONAL USE APPEAL BY ROOTED CHURCH FOR A USE UNIT 42 (CHURCH/SYNAGOGUE) IN A C-2 ZONE LOCATED AT 1396 AND 1404 CHESTER AVENUE

Planning Director Patsy Christie presented a Resolution approving a conditional use appeal by Rooted Church for a Use Unit 42 (Church/Synagogue) in a C-2 Zone located at 1396 and 1404 Chester Avenue.

A public hearing was held at Planning Commission.

RESOLUTION NO. ____

A RESOLUTION APPROVING A CONDITIONAL USE AT 1396 AND 1404 CHESTER AVENUE AS SET FORTH IN ORDINANCE NO. 4030

WHEREAS, Ordinance #4030 amending Chapter 130 (Zoning Ordinance) of the Springdale Code of Ordinance provides that an application for a conditional use on appeal must be heard first by the Planning Commission and a recommendation made to the City Council; and

WHEREAS, the Planning Commission held a public hearing on September 6, 2022 on a request by Rooted Church for a conditional use for a Use Unit 42 (Church/Synagogue) in a General Commercial District (C-2) at 1396 and 1404 Chester Avenue; and

WHEREAS, following the public hearing the Planning Commission by a vote of seven (7) yes and zero (0) no recommends that a conditional use be granted to the Rooted Church for a Use Unit 42 (Church/Synagogue) in a General Commercial District (C-2) at 1396 and 1404 Chester Avenue with the following conditions – Meet sound Ordinance requirements and meet building and fire code requirements.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to Rooted Church for a Use Unit 42 (Church/Synagogue) in a General Commercial District (C-2) at 1396 and 1404 Chester Avenue with the following conditions – Meet sound Ordinance and meet building and fire code requirements.

PASSED AND APPROVED THIS ____ DAY OF SEPTEMBER, 2022.

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 Fougrousse made the second.

The vote:

Yes: Fougrousse, Powell, Williams, Watson, Overton, Lawson, Harriman

No: None

The Resolution was numbered 87-22.

RESOLUTION NO. 88-22 – APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS TO JEREMY AND KENDRA WILLIAMS IN CONNECTION WITH 8080 W. WAGON WHEEL ROAD, A SINGLE-FAMILY DWELLING

Planning Director Patsy Christie presented a Resolution approving a waiver of street improvements, drainage, curbs, gutters and sidewalks to Jeremy and Kendra Williams in connection with 8080 W. Wagon Wheel Road, a single-family dwelling.

A public hearing was held at Planning Commission.

Council Member Powell moved the Resolution be adopted with Option 1. Council Member Lawson made the second.

RESOLUTION NO. ____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO JEREMY AND KENDRA WILLIAMS IN CONNECTION WITH 8080 W. WAGON WHEEL ROAD, A SINGLE-FAMILY DWELLING

WHEREAS, Ordinance #3047 provides for the waiver of street improvements, drainage relating thereto, curbs, gutters and sidewalks to be first heard by the Planning Commission and a recommendation made to the City Council, with any waivers to be granted by the City Council only; and

WHEREAS, the Planning Commission reviewed a request for waiver of street improvements to Jeremy and Kendra Williams in connection with 8080 W. Wagon Wheel Road a single-family dwelling and the Planning Commission recommends approval of the waiver request.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby:

Option 1: Grants a waiver of street improvements to Jeremy and Kendra Williams including improvements related thereto, sidewalks in connection with 8080 W. Wagon Wheel Road a single-family dwelling.

PASSED AND APPROVED THIS ____ DAY OF SEPTEMBER, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

The vote:

Yes: Powell, Williams, Watson, Overton, Lawson, Harriman, Fougrousse

No: None

The Resolution was numbered 88-22.

RESOLUTION NO. 89-22 – AUTHORIZING THE EXECUTION OF AMENDMENT NO. 3 TO A DESIGN CONTRACT FOR DEAN’S TRAIL

Council Member Jeff Watson presented a Resolution authorizing the execution of Amendment No. 3 to the Garver Engineering contract for the design for Dean’s Trail in an additional amount not to exceed \$534,500.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 3 TO A DESIGN CONTRACT FOR DEAN'S TRAIL.

WHEREAS, the City of Springdale entered into a contract with Garver Engineers, dated October 15, 2018, for partial design of Dean's Trail; and

WHEREAS, in order to take advantage of grant funding which may be available for this project, the City wishes to enter into an agreement for the design of a further Phase of the Project, and to amend the design contract with Garver Engineers;

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

Section 1: Expenditures for this contract will be paid from the 2022 Street fund budget.

Section 2: The Mayor and City Clerk are hereby authorized to execute Amendment No. 3 to the Garver Engineering contract for Dean's Trail in an additional amount not to exceed \$534,500;

Section 3: The Mayor is hereby authorized, for this project, to institute eminent domain proceedings in any instance that an agreement has not been reached with the property owner regarding the amount of just compensation to be paid for the acquisition of property and easements. All settlements proposed by the Mayor that exceed the appraised value will be presented to the City Council for approval.

Section 4: The Mayor is hereby authorized to execute change orders to this contract provided the change order does not exceed 10% of the original contract price.

PASSED AND APPROVED THIS ____ DAY OF SEPTEMBER, 2022.

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 Fougrousse made the second.

The vote:

Yes: Williams, Watson, Overton, Lawson, Harriman, Fougrousse, Powell

No: None

The Resolution was numbered 89-22.

RESOLUTION NO. 90-22 – AUTHORIZING THE EXECUTION OF AN ENGINEERING SERVICES CONTRACT WITH MCCLELLAND CONSULTING ENGINEERS FOR DESIGN OF AN EXTENSION OF THE SPRING CREEK TRAIL

Council Member Jeff Watson presented a Resolution authorizing the execution of an engineering services contract McClelland Consulting Engineers for design of an extension of Spring Creek Trail from the Hunt Family Ozark Highlands Nature Center to Whittle Road.

RESOLUTION NO. ____

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN
ENGINEERING SERVICES CONTRACT FOR AN EXTENSION
OF THE SPRING CREEK TRAIL.**

WHEREAS, the City of Springdale is planning an extension of the Spring Creek Trail, Phase III, from the Hunt Family Ozark Highlands Nature Center to Whittle Road;

WHEREAS, using the procurement procedures required by State law, the program management team has selected McClelland Consulting Engineers as the most qualified firm, and they have designed prior phases of this Project; and

WHEREAS, the engineer's fee shall not exceed \$110,670.00 for Design Services, Geotechnical Investigations, Right-of-Way Surveys, Property Records Searches, and Easement Document Preparation. Construction Services are not included in this contract.

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

Section 1: Expenditures for this contract will be paid from the 2022 Street fund budget.

Section 2: The Mayor and City Clerk are hereby authorized to execute an engineering services contract with McClelland Consulting Engineers for design of an extension of Spring Creek Trail from the Hunt Family Ozark Highlands Nature Center to Whittle Road;

Section 3: The Mayor is hereby authorized, for this project, to institute eminent domain proceedings in any instance that an agreement has not been reached with the property owner regarding the amount of just compensation to be paid for the acquisition of property and easements. All settlements proposed by the Mayor that exceed the appraised value will be presented to the City Council for approval.

Section 4: The Mayor is hereby authorized to execute change orders to this contract provided the change order does not exceed 10% of the original contract price.

PASSED AND APPROVED THIS ____ DAY OF SEPTEMBER, 2022.

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 Williams made the second.

The vote:

Yes: Williams, Watson, Overton, Lawson, Harriman, Fougrousse, Powell

No: None

The Resolution was numbered 90-22.

RESOLUTION NO. 91-22 – AUTHORIZING THE EXECUTION OF A CONTRACT FOR ARCHITECT SERVICES FOR THE PROPOSED NEW SENIOR CENTER

Council Member Jeff Watson presented a Resolution authorizing the execution of a contract with Core Architects to design the Springdale Senior Center.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR ARCHITECT SERVICES

WHEREAS, the City of Springdale is planning to construct a new Senior Center, and

WHEREAS, using the procurement procedures required by State Law, the city has selected Core Architects to design the Springdale Senior Center, and

WHEREAS, the contract proposes a fee of 6% of the cost of work, totaling \$660,000.00, and

WHEREAS, project construction has been estimated to be \$11,000,000.00.

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

Section 1. Expenditures for the architectural work on this project will be paid from the General Fund.

Section 2. The Mayor and City Clerk are hereby authorized to execute an architecture services contract with Core Architects, P.A. for the construction of the Springdale Senior Center.

PASSED AND APPROVED this ____ day of SEPTEMBER, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Council Member Lawson moved the Resolution be adopted. Council Member Harriman made the second.

The vote:

Yes: Watson, Overton, Lawson, Harriman, Fougrousse, Powell, Williams

No: None

The Resolution was numbered 91-22.

RESOLUTION NO. 92-22 – AUTHORIZING FUNDING FOR
REPAIRS/IMPROVEMENTS TO THE MOUNTAIN ROAD RAILROAD CROSSING,
PURSUANT TO AN ADDENDUM TO A RAILROAD CROSSING EASEMENT
AGREEMENT WITH THE ARKANSAS & MISSOURI RAILROAD COMPANY
(AMRR)

Council Member Jeff Watson presented a Resolution authorizing funding for repairs/improvements to the Mountain Road Railroad Crossing, pursuant to an addendum to a railroad crossing easement agreement with the Arkansas & Missouri Railroad Company (AMRR).

RESOLUTION NO. ____

**A RESOLUTION AUTHORIZING FUNDING FOR
REPAIRS/IMPROVEMENTS TO THE MOUNTAIN ROAD
RAILROAD CROSSING, PURSUANT TO AN ADDENDUM TO A
RAILROAD CROSSING EASEMENT AGREEMENT WITH THE
ARKANSAS & MISSOURI RAILROAD COMPANY (AMRR).**

WHEREAS, on October 27, 2021, the City Council for the City of Springdale, Arkansas, passed Resolution No. 135-21, authorizing the Mayor and City Clerk to enter into an Addendum ("the Addendum") to a Railroad Crossing Easement Agreement with the Arkansas & Missouri Railroad Company (AMRR);

WHEREAS, the Addendum provides that the City will fund certain improvements/repairs to existing railroad crossings, and authorizes the Mayor to recommend the contemplated improvements/repairs, and to seek funding approval for the same from the Springdale City Council;

WHEREAS, the City and AMRR have agreed, pursuant to the Addendum, to the scope and estimated costs of improvements/repairs to the Mountain Road AMRR crossing, a copy of which is attached hereto and incorporated by reference;

WHEREAS, the amounts expended by the City associated with the improvements/repairs to the Mountain Road AMRR crossing will be applied towards the City's obligations under the Addendum;

WHEREAS, the City finds that it is in the best interests of the citizens of the City of Springdale to undertake the improvements/repairs to the Mountain Road AMRR crossing;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS that an amount not to exceed \$69,841.54 is hereby appropriated from the General Fund for the improvements/repairs to the Mountain Road AMRR crossing, and that the amounts expended by the City associated with the improvements/repairs to the Mountain Road AMRR crossing be applied towards the City's obligations under the Addendum.

PASSED AND APPROVED this ____ day of SEPTEMBER, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Williams moved the Resolution be adopted. Council Member Harriman made the second.

The vote:

Yes: Overton, Lawson, Harriman, Fougrousse, Powell, Williams, Watson

No: None

The Resolution was numbered 92-22.

RESOLUTION NO. 93-22 – AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE SANDERS TRAILHEAD AND LAKE SPRINGDALE TRAILHEAD REPAIR PROJECTS

Council Member Jeff Watson presented a Resolution authorizing the execution of a contract for the Sanders Trailhead and Lake Springdale Trailhead repair projects.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE SANDERS TRAILHEAD AND LAKE SPRINGDALE TRAILHEAD REPAIR PROJECTS

WHEREAS, the trailheads at both the Sanders Trailhead and the Lake Springdale Trailhead are in need of repair;

WHEREAS, the competitive bidding process provided by Arkansas law was utilized by the City of Springdale Public Works Department to obtain bids for the Trailhead Repair Projects; and

WHEREAS, the lowest responsible bidder for the Trailhead Repair Projects was Crabtree Concrete, LLC, in the amount of \$239,912.98.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS THAT the Mayor and City Clerk/Treasurer are hereby authorized to execute a contract with Crabtree Concrete, LLC, for the repairs to the Sanders Trailhead and the Lake Springdale Trailhead in an amount not to exceed \$239,912.98, to be paid from the Street Fund.

PASSED AND APPROVED this ____ day of SEPTEMBER, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

Council Member Harriman moved the Resolution be adopted. Council Member Fougrousse made the second.

The vote:

Yes: Lawson, Harriman, Fougrousse, Powell, Williams, Watson, Overton

No: None

The Resolution was numbered 93-22.

ORDINANCE NO. 5759 – CONFIRMING A SECOND AMENDMENT TO AN INTER-MUNICIPAL AGREEMENT BETWEEN THE CITY OF SPRINGDALE, ARKANSAS AND THE CITY OF LOWELL, ARKANSAS; DECLARING AN EMERGENCY

Council Member Jeff Watson presented an Ordinance confirming a second amendment to an inter-municipal agreement between the City of Springdale, Arkansas and the City of Lowell, Arkansas and declaring an emergency.

Springdale operates a public sewerage system consisting of gravity lines, sewage lift stations and force mains located within the corporate limits of Lowell. Springdale owns and operates a wastewater treatment facility which has sufficient capacity to treat current and foreseeable wastewater flows generated in the future within the existing corporate limits of Lowell.

The parties have previously entered into an agreement dated October 11, 2005 to provide a public sewerage system to serve that portion of Lowell's city limits being provided water service by Springdale.

The parties previously amended the Agreement by written agreement executed by the parties on August 21, 2013. The parties desire to again amend the terms and conditions of the Agreement.

In consideration of the mutual covenants and conditions hereinafter set forth, and for other good and valuable consideration, the receipt of which is hereby acknowledged, Springdale and Lowell hereto mutually agree as follows:

29. PURCHASE OF CAPACITY. The Puppy Creek Interceptor, which a gravity sewer line serving Lowell and a portion of Springdale, has an estimated capacity of 5238 gpm (gallons per minute). Of that, Lowell has been allocated 1262 gpm.. Springdale anticipates the need to reserve 1300 gpm capacity in the Puppy Creek Interceptor for Springdale's use. Thus, there is 2676 gpm capacity available to be sold to Lowell, of which Lowell wishes to purchase 1000 gpm of the capacity of the Puppy Creek Interceptor. Based upon the cost of construction of the Puppy Creek Interceptor, Lowell agrees to pay Springdale Nine Hundred Ninety Seven Thousand One Hundred Thirty Seven and 00/100 Dollars (\$997,140.00) for that additional capacity. In order to utilize the full capacity of the Puppy Creek Interceptor, upgrades are necessary to the Benton Farm Lift Station. The parties have reviewed estimates of the cost of those improvements to the Lift Station. Due to inflation, the parties agree not to rely on estimates to allocate the cost to Lowell of its proportional share of the needed improvements to the Benton Farm Lift Station. The improvements, as currently planned, will increase capacity at the Benton Farm Lift Station by 5030 gpm. The following formulae will be used to allocate Lowell's share of the cost of those improvements:

[the actual cost of the improvements to the Benton Farm Lift Station] *divided by* [the additional capacity added to the Benton Farm Lift Station (measured in gallons per minute)] *equals* [the cost per gpm]. That quotient shall then be multiplied times 1000 gpm, the amount of the additional capacity in the Puppy Creek Interceptor sought by Lowell. That quotient shall be utilized to determine the cost to Lowell of any additional capacity Lowell may desire to purchase, and that Springdale is willing to sell, in advance or in the future. The cost shall be the quotient times the additional capacity agreed upon by the parties.

30. PAYMENT FOR ADDITIONAL CAPACITY. Lowell agrees to pay Springdale Nine Hundred Ninety Seven Thousand One Hundred Thirty Seven and 00/100

Dollars (\$997,140.00) upon execution of this Amendment. Springdale shall then proceed with the design, bidding and construction of the improvements needed for the Benton Farm Lift Station. Springdale shall keep Lowell apprized of the various steps towards completion of those improvements. As Springdale receives requests for progress payments from the contractor, those requests shall be forwarded to Lowell. Within thirty (30) days from receipt of each request, Lowell shall pay its proportionate share thereof. Upon Springdale’s acceptance of the improvements after construction, the parties shall reconcile all payments made against the amount due from Lowell as provided in the previous paragraph to determine the final amount due from Lowell. Final payment shall be due within thirty (30) days of written notice of the amount due.

After reading the title of the Ordinance, Council Member Harriman moved the Ordinance “Do Pass”. Council Member Watson made the second.

The vote:

Yes: Harriman, Powell, Williams, Watson, Lawson

No: Fougrousse, Overton

Council Member Watson moved the Emergency Clause be adopted. Council Member Powell made the second.

The vote:

Yes: Fougrousse, Powell, Williams, Watson, Lawson, Harriman

No: Overton

The Ordinance was numbered 5759.

RESOLUTION NO. 94-22 – AUTHORIZING THE MAYOR AND CITY CLERK OF THE CITY OF SPRINGDALE TO ACCEPT A QUITCLAIM OF LAND FROM THE BENTONVILLE/BELLA VISTA TRAILBLAZER’S ASSOCIATION INC, D/B/A NWA TRAILBLAZERS

Council Member Mike Lawson presented a Resolution authorizing the Mayor and City Clerk of the City of Springdale to accept a quitclaim of land from the Bentonville/Bella Vista Trailblazer’s Association Inc., d/b/a NWA Vista Trailblazer’s Association.

Mike Peters explained the Trailblazer’s Association came in and built a trail connecting the Jones Center to Fitzgerald Mountain Bike Trails and are turning it over to the City of Springdale.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE MAYOR AND THE CITY CLERK OF THE CITY OF SPRINGDALE TO ACCEPT A QUITCLAIM OF LAND FROM THE BENTONVILLE/BELLA VISTA TRAILBLAZER'S ASSOCIATION, INC., d/b/a NWA TRAILBLAZERS.

WHEREAS, the Bentonville/Bella Vista Trailblazer's Association d/b/a NWA Trailblazers is desirous of executing a quitclaim deed to the City of Springdale, Arkansas, pertaining to lands being more particularly described as follows:

TRACT 1:

Lot 63 in Hidden Hills Subdivision, Phase 1, in the City of Springdale, Arkansas, as per plat in Plat Book 23A at Page 114 and Correction Plat 23 at Page 196 among the records

of the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

Subject to easements, rights of way, and protective covenants of record, if any. Subject to all prior mineral reservations and oil and gas leases. Also known as Washington County Parcel No. 815-36714-000, and as shown on the attached Exhibit.

TRACT 2:

PART OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 30, TOWNSHIP 18 NORTH, RANGE 29 WEST, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SE CORNER OF THE SW1/4 OF SAID SECTION 30; THENCE ALONG THE EAST LINE OF SAID SW1/4 N02°48'39"E 644.19 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID EAST LINE N87°07'11"W 125.00 TO THE EAST RIGHT-OF-WAY LINE OF ARKANSAS-MISSOURI RAILROAD; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING COURSES: ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 240.00 FEET, AN ARC LENGTH OF 103.09 FEET, A CENTRAL ANGLE OF 24°36'43", AND A CHORD BEARING AND DISTANCE OF N15°12'11"E 102.30 FEET; THENCE N27°30'33"E 70.03 FEET; THENCE ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 260.00 FEET, AN ARC LENGTH OF 112.07 FEET, A CENTRAL ANGLE OF 24°41'50", AND A CHORD BEARING AND DISTANCE OF N15°09'36"E 111.21 FEET; THENCE N02°48'39"E 1006.79 FEET; THENCE ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 260.00 FEET, AN ARC LENGTH OF 357.44 FEET, A CENTRAL ANGLE OF 78°46'04", AND A CHORD BEARING AND DISTANCE OF N36°34'25"W 329.95 FEET; THENCE S87°07'11"E 259.36 FEET; THENCE S02°48'39"W 1533.82 FEET TO THE POINT OF BEGINNING, CONTAINING 100,112.14 SQUARE FEET OR 2.30 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT. Also known as Washington County Tax Parcel No. 815-28697-006, and as shown on the attached Exhibit.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor and City Clerk of the City of Springdale, Arkansas, are hereby authorized to accept the above described property from the Bentonville/Bella Vista Trailblazer's Association d/b/a NWA Trailblazers subject to the use restrictions contained in the Quitclaim Deed.

PASSED AND APPROVED this ____ day of SEPTEMBER, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

Council Member Harriman moved the Resolution be adopted. Council Member Fougrousse made the second.

The vote:

Yes: Fougrousse, Powell, Williams, Watson, Overton, Lawson, Harriman

No: None

The Resolution was numbered 94-22.

RESOLUTION NO. 95-22 – APPROVING THE UPDATED OPERATIONS AND
MANAGEMENT PLAN FOR THE NORTHWEST ARKANSAS RAZORBACK
GREENWAY

Council Member Mike Lawson presented a Resolution approving the updated Operations and Management Plan for the Northwest Arkansas Razorback Greenway.

RESOLUTION NO. ____

**A RESOLUTION APPROVING THE UPDATED OPERATIONS
AND MANAGEMENT PLAN FOR THE NORTHWEST ARKANSAS
RAZORBACK GREENWAY.**

WHEREAS, during the planning phase of the Northwest Arkansas Razorback Greenway, it was acknowledged that because of its unique regional characteristics, stewardship of the facility would require a non-traditional and uniquely cooperative approach to management and operations with integral involvement of all cities through which the Greenway traversed;

WHEREAS, uniform and consistent guiding principles of quality for maintenance, operational standards, management, signage, public information, promotion, and future improvements were outlined in the “Northwest Arkansas Razorback Greenway Operations and Management Plan;”

WHEREAS, the Plan, which was adopted by all cities in the corridor, included a commitment from each city to participate through membership in a regional committee with the purpose of jointly and cooperatively facilitating uniformity and consistency in the standards, operations, and management of the Greenway;

WHEREAS, on March 10, 2020, the City of Springdale, Arkansas, passed Resolution No. 28-20, which authorized the City's participation in the Northwest Arkansas Razorback Greenway Alliance; and

WHEREAS, the Plan is in need of being updated by the Northwest Arkansas Razorback Greenway Alliance, and requires the approval by each participating member of the Alliance

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, that the City of Springdale hereby approves the updated Northwest Arkansas Razorback Greenway Operations and Management Plan (attached hereto and incorporated herein by reference), and the Mayor is hereby authorized to execute the updated plan upon approval of all other members of the Northwest Arkansas Razorback Greenway Alliance.

PASSED AND APPROVED this ____ day of SEPTEMBER, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Powell moved the Resolution be adopted. Council Member Harriman made the second.

The vote:

Yes: Powell, Williams, Watson, Overton, Lawson, Harriman, Fougrousse

No: None

The Resolution was numbered 95-22.

RESOLUTION NO. 96-22 – ADOPTING AND APPROVING THE ACTION PLAN FOR COVID-19 FUNDS REALLOCATION

Council Member Mike Lawson presented a Resolution adopting and approving the action plan for Covid-19 funds reallocation.

The council wanted to take a percentage off of all of the nonprofits to equal the 178,632. The percentage reduction will be 26.7% as follows:

Non profit	Asking amount	26.7% difference	New amount
Feed the 479	\$18,900	-\$5,046	\$13,854
ACOM	\$40,000	-\$10,680	\$29,320
Returning Home	\$25,000	-\$6,675	\$18,325
VFW AUX	\$24,000	-\$6,408	\$17,592
Bread of Life	\$24,000	-\$6,408	\$17,592
VFW Post	\$25,000	-\$6,675	\$18,325
RootED NWA	\$20,000	-\$5,340	\$14,660
Epikos NWA	438,000	-\$10,146	\$27,854
Comm. Clinic	\$28,800	-\$7,690	\$21,110
Total	\$243,700	-\$65,068	\$178,632

RESOLUTION NO. ____

A RESOLUTION ADOPTING AND APPROVING THE ACTION PLAN FOR COVID19 FUNDS (REALLOCATION)

WHEREAS, the City of Springdale, as an entitlement city of the Community Development Block Grant Program, has been allocated a reallocation round of COVID19 funds in the amount of \$178,632;

WHEREAS, these funds are to be used "[t]o prevent, prepare for, and respond to the Coronavirus" pandemic;

WHEREAS, City staff has worked with nonprofit organizations in the City that are on the front line assisting the needs of the community with rental assistance, food distribution, clothing, utility subsidies and other essential needs during the pandemic to solicit their needs and to review their ability to administer grants consistent with federal guidelines; and

WHEREAS, The City wishes to allocate the COVID19 CV Reallocation Funds as set forth on the attached schedule, which is incorporated herein by reference.

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

1. The allocation schedule for the distribution of the COVID19 CV Reallocation Funds, a copy of which is attached and made a part as though set out herein word or word, is approved and authorized for submission to the United States Department of Housing and Urban Development.
2. That Mayor Doug Sprouse is hereby designated as the authorized official to execute all documents pertaining to the COVID19 CV Reallocation Funds.

PASSED AND APPROVED this ____ day of SEPTEMBER, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVE AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Overton moved the Resolution be adopted. Council Member Harriman made the second.

The vote:

Yes: Williams, Watson, Overton, Lawson, Harriman, Fougerousse, Powell

No: None

The Resolution was numbered 96-22.

ORDINANCE NO. 5760 – AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF OVERGROWN BRUSH AND DEBRIS ON PROPERTY LOCATED AT 4003 DIXON AVENUE WITHIN THE CITY OF SPRINGDALE, ARKANSAS

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 at 4003 Dixon Avenue within the City of Springdale, Arkansas.

After reading the title of the Ordinance, Council Member Lawson moved the Ordinance “Do Pass”. Council Member Powell made the second.

The vote:

Yes: Powell, Williams, Watson, Overton, Lawson, Harriman, Fougerousse

No: None

Council Member Watson moved the Emergency Clause be adopted. Council Member Harriman made the second.

The vote:

Yes: Williams, Watson, Overton, Lawson, Harriman, Fougerousse, Powell

No: Overton

The Ordinance was numbered 5760.

RESOLUTION NO. 97-22 – MAKING AN APPOINTMENT TO THE UNEXPIRED
TERM OF OFFICE FOR SPRINGDALE CITY COUNCIL, WARD 2, POSITION 2,
PURSUANT TO ARK. CODE ANN. §14-43-411

Chief of Staff Colby Fulfer said with there being a vacancy on the City Council due to Kevin Flores’ resignation, the City Council has two options: Either appoint someone to the vacant position or hold a special election (which would be in February 2023).

Council Member Overton made the motion to adjourn to Executive Session for the purpose of discussing how to fill the vacancy on the City Council. Council Member Fougrousse made the second.

Mayor Sprouse said they have had three people come forward willing to serve. This will be discussed in Executive Session.

The vote:

Yes: Watson, Overton, Lawson, Harriman, Fougrousse, Powell, Williams

No: None

Mayor Sprouse called the meeting to order after Executive Session. The following Resolution was presented:

RESOLUTION NO. ____

**A RESOLUTION MAKING AN APPOINTMENT TO THE
UNEXPIRED TERM OF OFFICE FOR SPRINGDALE CITY
COUNCIL, WARD 2, POSITION 2, PURSUANT TO ARK. CODE
ANN. §14-43-411.**

WHEREAS, on August 31, 2022, Kevin Flores resigned his seat on the Springdale City Council, Ward 2, Position 2, thereby creating a vacancy on the Springdale City Council;

WHEREAS, the term of office for Springdale City Council, Ward 2, Position 2, will expire on December 31, 2024, and as such the unexpired term of office for Springdale City Council, Ward 2, Position 2, is more than one (1) year;

WHEREAS, given that the unexpired term of office for Springdale City Council, Ward 2, Position 2, is more than one (1) year, a successor to fill the unexpired term shall be chosen pursuant to the provisions of Ark. Code Ann. §14-43-411(b)(1);

WHEREAS, given that a special election to fill the unexpired term of office could not take place until February of 2023, the City Council for the City of Springdale wishes to fill the unexpired term of office for Springdale City Council, Ward 2, Position 2, by a majority vote of the remaining members elected to the Springdale City Council, pursuant to Ark. Code Ann. §14-43-411(b)(1);

WHEREAS, the City Council for the City of Springdale finds that Rex Bailey should be appointed to fill the vacancy for Springdale City Council, Ward 2, Position 2, with the appointment to expire on December 31, 2024;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that Rex Bailey be appointed to serve the unexpired term of Springdale City Council, Ward 2, Position 2, effective upon the date of passage of this Resolution, with said term expiring on December 31, 2024.

PASSED AND APPROVED, this ____ day of SEPTEMBER, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate

Council Member Overton moved the Resolution be adopted. Council Member Harriman made the second.

The vote:

Yes: Williams, Watson, Overton, Lawson, Harriman, Fougerousse, Powell

No: None

The Resolution was numbered 97-22.

COMMITTEE MEETING DATE

Council Member Watson made the motion to hold the next City Council committee meeting on Wednesday, September 21, 2022. Council Member Williams made the second.

There was a voice vote of all ayes and no nay.

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 7:30 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer