

- **The next Committee Meeting date will be discussed at tonight's City Council Meeting.**
- **Committee agendas will be available on the Friday before the meeting.**

**SPRINGDALE CITY COUNCIL
REGULAR MEETING
TIERED TRAINING ROOM
2ND FLOOR OF CRIMINAL JUSTICE BUILDING
Tuesday, August 23rd, 2022**

5:55 p.m. Pre-Meeting Activities

Pledge of Allegiance

Invocation – Councilman Kevin Flores

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, August 9th, 2022. Pg. 71-77**
7. **A Public Hearing** on a petition to vacate a drainage easement. Presented by Ernest Cate, City Attorney.
8. 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)* **10A-10E, 13, and 14.** *Motion must be approved by two-thirds (2/3) of the council members).*
9. **Employee Recognition.** Presented by Mayor Doug Sprouse.
10. 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 at the SW Corner of Har-Ber Ave. & Gene George Blvd. from Agricultural District (A-1) to Planned Unit Development (PUD) and declaring an emergency. Pgs. 1-30
- 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 2305 S Thompson Street from General Commercial District (C-2) to large product Retail Sales District (C-6) and declaring an emergency. Pgs. 31-32
- 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 from 2285 S. Maestri Road from Agriculture District (A-1) to Low/Medium Density Single Family Residential District (SF-2) and declaring an emergency. Pgs. 33-35
- 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 1443 W. Sunset Avenue from Low/Medium Density Single Family Residential District (SF-2) to General Commercial District (C-1) and declaring an emergency. Pgs. 36-37
- 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 at 735 Oak Grove Road from Agricultural District (A-1) to General Commercial District (C-2) and declaring an emergency. Pgs. 38-39
- F. **A Resolution** approving a Conditional Use for Grant and Katie Day at 2147 Reed Avenue, as set forth in Ordinance No. 4030. Pg. 40
- G. **A Resolution** approving a waiver of street improvements, drainage, curbs, gutters, and sidewalks as set forth in Ordinance No. 3725 to Whitney Raley in connection with 8577 W. Gibbs Road, a single-family dwelling. Pg. 41

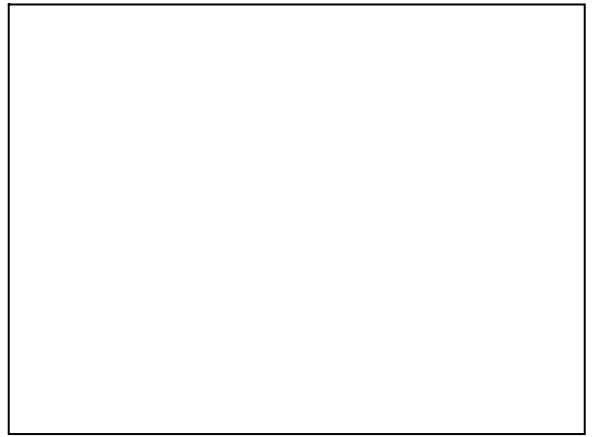
11. Finance Committee by Chairman Jeff Watson

A Resolution authorizing the City Attorney to settle a condemnation lawsuit wherein Stacy Perry is defendant (Project No. 18BPS1, Tract 36). Forwarded from Committee with recommendation for approval. Presented by Ernest Cate, City Attorney. Pgs. 42-44

12. Parks and Recreation Committee by Chairman Mike Lawson

A Resolution authorizing the Mayor to accept a grant from Walton Family Foundation to support the construction of Luther George Park. Forwarded from Committee with recommendation for approval. Presented by Patsy Christie, Director of Planning. Pgs. 45-51

13. **An Ordinance** releasing, vacating, and abandoning a drainage easement located on property in Springdale, Washington County, Arkansas, to declare an emergency, and for other purposes. Presented by Ernest Cate, City Attorney. Pgs. 52-57
14. **An Ordinance** authorizing the City Clerk to file a Clean-Up Lien for 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. 58-70
15. **A Discussion** on a date for the 1st City Council Committee Meeting of September.
16. Comments from Council Members.
17. Comments from City Attorney.
18. Comments from Mayor
19. Adjournment.



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 PLANNED UNIT DEVELOPMENT (PUD) 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 August 2, 2022 for hearing the matter of a petition of Jerry D. Martens and Debra K. Martens, requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) to Planned Unit Development (PUD).

Layman's Description: Approximately 20 acres at the southwest corner of the intersection of Har-Ber Avenue and Gene George Boulevard.

Legal Description: A PART OF THE SOUTH ONE-HALF OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION THIRTY-TWO (32) OF TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE ARKANSAS GEOLOGICAL SURVEY PERPETUATION MONUMENT WHICH MARKS THE SOUTHEAST CORNER OF SAID SECTION 32; THENCE NORTH 01°23'35" EAST ALONG THE EAST LINE OF SAID SECTION 32 A DISTANCE OF 284.72 FEET TO A FOUND STEEL PIN ON THE NORTHEASTERLY LINE OF PHASE VII OF HAR-BER MEADOWS PLANNED UNIT DEVELOPMENT AS SHOWN ON SUBDIVISION PLAT 15-28, SAID PIN BEING THE POINT OF BEGINNING (POB) AND RUN THENCE NORTH 88°36'25" WEST ALONG SAID NORTHEASTERLY LINE A DISTANCE OF 40.00 FEET; THENCE CONTINUING ALONG SAID NORTHEASTERLY LINE NORTH 59°36'46" WEST A DISTANCE OF 509.23 FEET TO THE FOUND STEEL PIN AT THE NORTHWESTERLY CORNER OF SAID PHASE VII; THENCE CONTINUING NORTH 59°36'46" WEST ALONG THE NORTHEASTERLY LINE OF PHASE V OF HAR-BER MEADOWS P.U.D., SUBDIVISION PLAT 15-32, A DISTANCE OF 1478.87 FEET TO A FOUND STEEL PIN; THENCE CONTINUING ALONG THE NORTHEASTERLY LINE OF SAID PHASE V NORTH 01°49'58" EAST A DISTANCE OF 72.00 FEET TO THE CENTERLINE OF THE

DRIVING SURFACE OF HAR-BER AVENUE AS IT PRESENTLY EXISTS; THENCE ALONG SAID CENTERLINE SOUTH 89°21'03" EAST A DISTANCE OF 70.00 FEET; THENCE CONTINUING ALONG SAID CENTERLINE NORTH 87°08'06" EAST A DISTANCE OF 86.00 FEET; THENCE ALONG SAID CENTERLINE SOUTH 89°46'08" EAST A DISTANCE OF 47.00 FEET; THENCE ALONG SAID CENTERLINE SOUTH 86°00'33" EAST A DISTANCE OF 530.00 FEET; THENCE ALONG SAID CENTERLINE SOUTH 83°58'13" EAST A DISTANCE OF 305.00 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 499.56 FEET AND A CHORD WHICH BEARS SOUTH 89°36'12" EAST, THENCE ALONG SAID CURVE A DISTANCE OF 144.96 FEET; THENCE NORTH 82°12'59" EAST A DISTANCE OF 72.51 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1650.28 FEET AND A CHORD WHICH BEARS NORTH 85°16'00" EAST, THENCE ALONG SAID CURVE A DISTANCE OF 159.79 FEET; THENCE NORTH 89°33'39" EAST A DISTANCE OF 172.23 FEET; THENCE SOUTH 89°32'11" EAST A DISTANCE OF 195.24 FEET TO THE COTTON SPINDLE WHICH MARKS THE NORTHEAST CORNER OF THE SE 1/4 OF THE SE 1/4 OF SAID SECTION 32; THENCE SOUTH 1°23'35" WEST ALONG THE EAST LINE OF SAID SECTION 32 A DISTANCE OF 1035.03 FEET TO THE POINT OF BEGINNING, CONTAINING 20.65 ACRES, MORE OR LESS, SUBJECT TO THE RIGHT-OF-WAY OF HAR-BER AVENUE, BEING 1.43 ACRES, MORE OR LESS.

LESS AND EXCEPT,

A PART OF THE SOUTH ONE-HALF (S1/2) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 32 (32) TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTY (30) WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE ARKANSAS GEOLOGICAL SURVEY PERPETUATION MONUMENT WHICH MARKS THE SOUTHEAST CORNER OF SAID SECTION 32; THENCE N02°32'04"E ALONG THE EAST LINE OF SAID SECTION 32 - 284.72 FEET TO A FOUND STEEL PIN ON THE NORTHEASTERLY LINE OF PHASE VII OF HAR-BER MEADOWS PLANNED UNIT DEVELOPMENT AS SHOWN IN SUBDIVISION PLAT 15-28; THENCE CONTINUE N02°32'04"E ALONG THE EAST LINE OF SAID SECTION 32 - 979.53 FEET; THENCE N87°45'41"W - 208.50 FEET; THENCE N87°14'04"W - 1036.99 FEET TO THE POINT OF BEGINNING; THENCE S60°00'00"W - 138.58 FEET; THENCE N86°14'40"W - 289.36 FEET; THENCE S40°00'00"W - 18.72 FEET; THENCE N58°28'17"W - 132.56 FEET; THENCE N02°58'27"E - 31.12 FEET; THENCE S87°14'04"E - 73.30 FEET; THENCE S70°32'07"E - 52.20 FEET; THENCE N66°12'02"E - 55.90 FEET; THENCE S87°14'04"E - 359.97 FEET; THENCE S02°45'56"W - 20.00 FEET TO THE POINT OF BEGINNING CONTAINING 40,815 SQUARE FEET OR 0.94 ACRES MORE OR LESS.

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 Planned Unit Development (PUD) 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 Planned Unit Development (PUD).

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

**DECLARATION OF COVENANTS OF ASSURANCE
AND RESTRICTIONS OF THE GRAYS CROSSING
SUBDIVISION TO THE CITY OF SPRINGDALE, ARKANSAS**

KNOW ALL MEN BY THE PRESENTS:

WITNESS:

WHEREAS, the undersigned is the owner of all of property referenced in Exhibit A, attached hereto and incorporated herein, which property has been subdivided into the lots of Grays Crossing Subdivision to the City of Springdale and is reflected upon a plat of said subdivision which plat, on_____, 202__ was recorded and filed in the Plat Records of Washington County, Arkansas, in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and bears document number_____, and which plat is made a part of this Declaration, by reference, and this Declaration is likewise made a part by reference of said plat; and,

NOW, THEREFORE, the Developer declares that the real property described herein, and the soon-to-be-created lots on such property and in said Grays Crossing Subdivision, are and shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements, charges and liens hereinafter set forth or as hereinafter changed or amended.

ARTICLE I

PROPERTY SUBJECT TO THIS DECLARATION

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

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN.

ARTICLE II

DEFINITIONS

2.1. The following terms as used in this Declaration of Covenants of Assurance and Restrictions are defined as follows:

- a. "Declaration" means this Declaration of Covenants of Assurance and Restrictions for Grays Crossing Subdivision to the City of Springdale, Arkansas.
- b. "Property" means the Grays Crossing Subdivision to the City of Springdale, Arkansas, as the same may be shown on the plat referenced hereinabove and recorded in Washington County, Arkansas.

- c. "Lot" means any numbered Lot designated on the Plat of the property, except as may be herein excepted.
- d. "Plat" means the map of the plat of Grays Crossing Subdivision to the City of Springdale, Arkansas, as it is recorded.
- e. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any lot subject to this Declaration, except that such term shall not mean Developer regardless of whether Developer has a fee simple interest in any lot.
- f. "Developer" shall mean and refer to Grays Crossing, LLC.
- g. "Subdivision" shall mean Grays Crossing Subdivision to the City of Springdale, Arkansas, as per plat on file in the office of the Circuit Clerk, and Ex-Officio Recorder of Washington County, Arkansas.
- h. "Association" shall mean and refer to Grays Crossing Homeowners Association, organized and existing pursuant to the laws of the State of Arkansas.
- i. "Common Properties" shall mean and refer to those real properties owned by or hereafter acquired by the Association including, but not limited to, any Detention Basins, as the same are shown on the Plat. Common properties are intended to be devoted to the common use and enjoyment of owners of the properties. The Association shall maintain all Common Properties. The Association shall also maintain the improved private street and private street lights.
- j. "ARC" shall mean and refer to the Architectural Review Committee as established and maintained by the Association. Initially, the ARC shall consist of members of Grays Crossing, LLC, who shall serve until their resignation. Should anyone from Grays Crossing, LLC resign, the person to replace them shall be determined by a majority vote of Lot Owners with Developer having votes as provided in Section 3.18. The Association may change the number and composition of the ARC by a majority vote of Lot Owners with Developer having votes as provided in Section 3.18.

ARTICLE III

RESTRICTIONS ON RESIDENTIAL LOTS

3.1. Fences: Only fences constructed of wood or wrought iron may be installed. There shall be no other fences allowed. In no event shall any fence be built which would detract from the appearance or obstruct visibility of the entry signs to the Property. All privacy fences

shall be constructed so that the framing shall be toward the inside of the Owner's Lot and shall be constructed at a maximum height of six (6) feet to maintain uniformity. Any fence, once constructed, must be maintained by the property owner who had it constructed or their successor-in-interest. No double fences shall be allowed. No fences shall protrude past the front of a home into the front yard or past the rear of a home into the rear yard.

3.2. Nuisances: No noxious or offensive activities or nuisances shall be permitted on any Lot or Parcel.

3.3. Signs: No person shall erect or maintain upon any Lot, or improvement thereto, any sign or advertisement, except a real estate sign when the property is listed for sale, provided, however, that this restriction shall not apply to Developer during development and construction of the Subdivision and shall not apply to campaign signs.

3.4. Animals: No animals shall be kept or maintained on any Lot except the usual household pets which shall be kept reasonably confined so as not to become a nuisance and all Owners shall comply with applicable laws, ordinances and regulations concerning animals.

3.5. Garbage and Refuse Disposal: No Owner shall accumulate on his or her Lot litter, refuse or garbage, except in approved receptacles. All Owners shall be required to have a mandatory trash pick up as provided or required by the City of Springdale, Arkansas. Trash shall be picked up along the improved private street at the rear of the lots.

3.6. Limited Access: There shall be no vehicle access to any Lot on the perimeter except from designated streets or roads within the Subdivision.

3.7. Drilling and Mining: No drilling, refining, quarrying or mining operations of any kind shall be permitted on any Lot.

3.8. Communication Towers, Satellite Dishes: No communications mast, tower, or structure may be installed on any Lot, except that satellite dishes may be installed only on the rear roof of a dwelling (rear roof being the roof toward the improved private street) and shall not exceed the height of the lowest roof ridge line of such dwelling.

3.9. Solar Panels: Any solar panels within the Subdivision must be installed only on the roof of a dwelling.

3.10. Charging Stations: Any charging stations for electric vehicles must be located within the garage. No exterior charging stations shall be allowed.

3.11. Parking on the Street: Parking shall be allowed along the south and west sides of the improved private street, but overnight parking along the street shall be prohibited. No vehicles may be parked in front, side, or rear yards at any time. No semi-trailer trucks or commercial vehicles shall be allowed to park in the Subdivision, either on the streets or on the Lots, provided, however, that this restriction shall not apply to Developer during construction

and development of the Subdivision. Moving trucks shall be allowed on a short-term basis.

3.12. Recreational Vehicles and Boats: Recreational and camping vehicles, trailers and boats may not be stored or parked on the Lots.

3.13. Minimum/Maximum Square Footage: All Dwellings in the Subdivision shall have a minimum of eight hundred (800) square feet of heated area on the first floor, and thirteen hundred (1,300) square feet overall, for all floors. All Dwellings shall have a maximum square footage of three thousand (3,000) square feet overall. The minimum and maximum square footage requirements are exclusive of garages, porches, patios and decks. Irrespective of other provisions regarding amendments of these covenants, the minimum and maximum square footage requirements cannot be amended except with the express approval of the Developer and the City of Springdale.

3.14. Restriction of Type of Dwelling: There shall be no Dwellings erected on any Lot other than a detached single family dwelling having an enclosed garage.

3.15. Approval of Plans by ARC: All plans for improvements to be constructed on each Lot shall be first submitted for review and approval by the ARC. Approval by the ARC must be obtained in writing before construction of any improvement on any Lot begins. Developer is exempt from this requirement to obtain written approval from the ARC.

3.16. Exterior of Dwellings: All exterior walls of all Dwellings erected on the Lots shall be finished with high quality materials. Primary building materials will include brick, stone, manufactured stone, wood, and concrete siding (such as Hardy brand). Vinyl siding shall be allowed only above the first floor, and shall not exceed 20% of the building's exterior. Soffits and fascia may be covered with steel, vinyl, aluminum, or concrete composition materials. All roof pitches shall be a minimum of 6/12 pitch. No metal roofs shall be permitted. Roofs shall be covered with shingles using architectural composition or better.

3.17. Lot maintenance: All Lots shall be maintained, mowed and kept free of noxious weeds whether they be improved or unimproved. Provided, however, that this section shall not apply to Developer during construction and development of the Subdivision. If Owner allows grass to grow such that it is more than 4 inches high, Developer or Association shall have the right, but not the obligation, to have it mowed without giving notice to the Owner and shall charge Seventy Five Dollars (\$75.00) or the amount it costs Developer or Association to have it mowed, whichever is greater.

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

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

by said record owners so as to be recorded with the registrar of deeds of Washington County, Arkansas. Any such amendments must be approved by the City of Springdale.

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

It is further provided that this Declaration may be amended after its execution, either by adding to or taking from said Declaration in their present form, providing that said amendment or amendments shall be incorporated in a written instrument executed by no less than a majority of the Lots, through their record owners, and which instrument shall be capable of being recorded as above referred to under the same terms and conditions thereof. Any amendment to this Declaration requires approval by City of Springdale.

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

ARTICLE IV

HOMEOWNERS ASSOCIATION AND COVENANT AND PLAN FOR MAINTENANCE AND OTHER ASSESSMENTS

4.1. Homeowners Association: Grays Crossing Homeowners Association (referred to herein as "Association") has been or will be formed as an unincorporated association. All Lot Owners must be members of the Association and each shall automatically become a member of the Association upon the conveyance of a lot to him or her. The Association shall be governed by By-Laws accepted and approved by the Association.

All association memberships will pass with Lot ownership in the Subdivision. All Lots will carry one (1) vote in the Association, except that the Developer shall have four (4) votes per Lot which Developer owns.

4.2. Creation of Lien: Each Owner of any Lot of the Subdivision, by acceptance of a deed therefore, whether or not it shall be so expressed in any such deed, contract of purchase, or other conveyance, shall be deemed to covenant and agree to pay to the Association: (1) Annual assessments or charges; (2) special assessments for capital improvements and other purposes, such assessments to be fixed, established and corrected from time to time as hereinafter provided. The annual and special assessments, together with such interest thereon and costs of collection thereof as hereinafter provided, shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made. In no event shall an annual

or special assessment be applicable at any time to any lot owned by the Developer and the Developer shall not be obligated to pay any annual or special assessment.

4.3. Purpose of Assessments: The assessments levied pursuant hereto by the Association shall be used for the purposes of acquisition, improvement and maintenance of the Common Properties, services and facilities (including the detention pond on lot 149, the private street, and private street lights) devoted to this purpose and related to the use and enjoyment of the common properties, insurance thereon, and repair, replacement, and modifications thereto, and for the cost of labor, equipment, materials, management and supervision thereof. In addition, assessments may also be used for expenses related to the necessary and reasonable operation of the Association, including, but not limited to, collection of assessments and related costs and enforcement of the covenants and restrictions of the Subdivision.

4.4. Basis and Maximum of Annual Assessments: The annual assessment for each lot shall be \$300.00. An Owner's first such assessment shall be prorated and paid to the Association at closing according to time of conveyance of a Lot to the Owner. The annual assessment may be increased, as hereinafter provided, by a majority vote of the votes entitled to be cast by the members of the Association for the next succeeding "assessment year" (beginning January 1) and at the end of each such period of one year for each succeeding period of one year. At no time shall the annual assessment per lot be increased more than twenty-five percent (25%) above the prior year's annual assessment. Said annual assessment shall be payable in advance on the 1st day of January each year. The Board of Directors may, after consideration of current maintenance costs and future needs of the Association, fix the actual assessment for any year at a lesser amount.

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

4.6. Change in Basis of Maximum of Annual Assessments: Subject to the limitations of other sections of this Article, and for the purposes therein specified, the Association may change the maximum and basis of the assessments fixed by this Article prospectively for any such period, provided that any such change shall have the assent of 2/3 of the votes entitled to be cast by members who are voting in person or by proxy, at a meeting duly called for this purpose, where a quorum is present, written notice of which shall be mailed to all members at the last known mailing address of each voting member at least fifteen (15) days in advance and shall set forth the purpose of the meeting.

4.7. Quorum for any Action Authorized Under This Article: The quorum of any action authorized by this Article, the presence at the meeting of members, or of proxies, entitled to cast fifty percent (50%) of all votes of the membership shall constitute a quorum. If the

required quorum is not forthcoming at any meeting, another meeting may be called, subject to the notice requirement set forth in this Article

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

The due date of any special assessment under this Article shall be fixed in the resolution of the members of the Association authorizing such assessments, with the same option on the part of the Association in the event of default.

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

The Secretary of the Association, upon demand at any reasonable time, shall furnish to any member liable for said assessment a certificate in writing signed by an officer of the Association, setting forth whether said assessments have been paid. Such certificate shall be conclusive evidence of payment of any assessment therein stated to have been paid.

4.10. Seed Money Provided by Developer: Upon recording of the Final Plat for the Subdivision, Developer shall pay an initial \$2,500 into the account of the Association to cover any expenses incurred prior to establishment/stabilization of the Subdivision.

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

4.12. Subordination of the Lien or Mortgages: The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage or first deed of trust now or hereafter placed upon the lots subject to assessment; provided however, that such subordination shall apply only to the assessments which have become due and payable prior to a sale or transfer of such lot

pursuant to a Decree of Foreclosure, or any other proceeding in lieu of foreclosure. Such sale or transfer shall not relieve such lot from liability for any assessments thereafter becoming due, nor from the lien of any such subsequent assessment.

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

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

4.14 Maintenance of Common Properties: The Association shall have the responsibility of maintaining all common properties, including but not limited to:

- A) Mowing and maintaining all common properties,
- B) Maintaining the Detention Pond situated on POA Lot 149, and
- C) Maintaining the improved private street (Idell Drive) and private streetlights, and
- D) Maintaining Monument signs and associated landscaping.

The Association shall use assessments as provided in this Article IV for such purpose.

ARTICLE V

PROPERTY RIGHTS OF THE COMMON PROPERTIES

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

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

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

ARTICLE VI

MISCELLANEOUS

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

6.2 Notices: Any notice required to be sent to any Owner under the provisions

of this Declaration shall be deemed to have been properly sent when mailed, postpaid, to the last known address of the person who appears as Owner on the records of the Association at the time of such mailing.

6.3 Severance: Invalidation of any one of these covenants by judgment or court order shall, in no way, affect any other provisions herein contained.

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

6.5 Any changes to these covenants shall require Springdale Planning Commission approval.

IN WITNESS WHEREOF, the undersigned has set its hand and seal this _____ day of _____, 2022.

DEVELOPER:

By: _____

_____, Member

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

BE IT REMEMBERED, That on this day came before the undersigned, a Notary Public within and for the County aforesaid, duly commissioned and acting, appeared in person the within named _____, to me personally known, who stated that he was a Member of _____, an Arkansas limited liability company, and was duly authorized in such capacity to execute the foregoing instrument for and in the name and behalf of

said company, and further stated and acknowledged that he had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

Witness my hand and seal as such Notary Public this _____ day of _____, 2022.

My Commission Expires:

Notary Public

**EXHIBIT "A" TO
DECLARATION OF COVENANTS OF ASSURANCE
AND RESTRICTIONS OF
THE GRAYS CROSSING SUBDIVISION
TO THE CITY OF SPRINGDALE**

LEGAL DESCRIPTION:

A PART OF THE SOUTH ONE-HALF OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION THIRTY-TWO (32) OF TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE ARKANSAS GEOLOGICAL SURVEY PERPETUATION MONUMENT WHICH MARKS THE SOUTHEAST CORNER OF SAID SECTION 32; THENCE NORTH 01°23'35" EAST ALONG THE EAST LINE OF SAID SECTION 32 A DISTANCE OF 284.72 FEET TO A FOUND STEEL PIN ON THE NORTHEASTERLY LINE OF PHASE VII OF HAR-BER MEADOWS PLANNED UNIT DEVELOPMENT AS SHOWN ON SUBDIVISION PLAT 15-28, SAID PIN BEING THE POINT OF BEGINNING (POB) AND RUN THENCE NORTH 88°36'25" WEST ALONG SAID NORTHEASTERLY LINE A DISTANCE OF 40.00 FEET; THENCE CONTINUING ALONG SAID NORTHEASTERLY LINE NORTH 59°36'46" WEST A DISTANCE OF 509.23 FEET TO THE FOUND STEEL PIN AT THE NORTHWESTERLY CORNER OF SAID PHASE VII; THENCE CONTINUING NORTH 59°36'46" WEST ALONG THE NORTHEASTERLY LINE OF PHASE V OF HAR-BER MEADOWS P.U.D., SUBDIVISION PLAT 15-32, A DISTANCE OF 1478.87 FEET TO A FOUND STEEL PIN; THENCE CONTINUING ALONG THE NORTHEASTERLY LINE OF SAID PHASE V NORTH 01°49'58" EAST A DISTANCE OF 72.00 FEET TO THE CENTERLINE OF THE DRIVING SURFACE OF HAR-BER AVENUE AS IT PRESENTLY EXISTS; THENCE ALONG SAID CENTERLINE SOUTH 89°21'03" EAST A DISTANCE OF 70.00 FEET; THENCE CONTINUING ALONG SAID CENTERLINE NORTH 87°08'06" EAST A DISTANCE OF 86.00 FEET; THENCE ALONG SAID CENTERLINE SOUTH 89°46'08" EAST A DISTANCE OF 47.00 FEET; THENCE ALONG SAID CENTERLINE SOUTH 86°00'33" EAST A DISTANCE OF 530.00 FEET; THENCE ALONG SAID CENTERLINE SOUTH 83°58'13" EAST A DISTANCE OF 305.00 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 499.56 FEET AND A CHORD WHICH BEARS SOUTH 89°36'12" EAST, THENCE ALONG SAID CURVE A DISTANCE OF 144.96 FEET; THENCE NORTH 82°12'59" EAST A DISTANCE OF 72.51 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1650.28 FEET AND A CHORD WHICH BEARS NORTH 85°16'00" EAST, THENCE ALONG SAID CURVE A DISTANCE OF 159.79 FEET; THENCE NORTH 89°33'39" EAST A DISTANCE OF 172.23 FEET; THENCE SOUTH 89°32'11" EAST A DISTANCE OF 195.24 FEET TO THE COTTON SPINDLE WHICH MARKS THE NORTHEAST CORNER OF THE SE 1/4 OF THE SE 1/4 OF SAID SECTION 32; THENCE SOUTH 1°23'35" WEST ALONG THE EAST LINE OF SAID SECTION 32 A DISTANCE OF 1035.03 FEET TO THE POINT OF BEGINNING, CONTAINING 20.65 ACRES, MORE OR LESS, SUBJECT TO THE RIGHT-OF-WAY OF HAR-BER AVENUE, BEING 1.43 ACRES, MORE OR LESS.

LESS AND EXCEPT,

A PART OF THE SOUTH ONE-HALF (S1/2) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 32 (32) TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTY (30) WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE ARKANSAS GEOLOGICAL SURVEY PERPETUATION MONUMENT WHICH MARKS THE SOUTHEAST CORNER OF SAID SECTION 32; THENCE N02°32'04"E ALONG THE EAST LINE OF SAID SECTION 32 - 284.72 FEET TO A FOUND STEEL PIN ON THE NORTHEASTERLY LINE OF PHASE VII OF HAR-BER MEADOWS PLANNED UNIT DEVELOPMENT AS SHOWN IN SUBDIVISION PLAT 15-28; THENCE CONTINUE N02°32'04"E

ALONG THE EAST LINE OF SAID SECTION 32 – 979.53 FEET; THENCE N87°45'41"W – 208.50 FEET; THENCE N87°14'04"W – 1036.99 FEET TO THE POINT OF BEGINNING; THENCE S60°00'00"W – 138.58 FEET; THENCE N86°14'40"W – 289.36 FEET; THENCE S40°00'00"W - 18.72 FEET; THENCE N58°28'17"W – 132.56 FEET; THENCE N02°58'27"E – 31.12 FEET; THENCE S87°14'04"E – 73.30 FEET; THENCE S70°32'07"E – 52.20 FEET; THENCE N66°12'02"E – 55.90 FEET; THENCE S87°14'04"E – 359.97 FEET; THENCE S02°45'56"W – 20.00 FEET TO THE POINT OF BEGINNING CONTAINING 40,815 SQUARE FEET OR 0.94 ACRES MORE OR LESS.

**Development Plan for
GRAYS CROSSING P.U.D.
Planned Unit Development
August 4, 2022**

NOTE: The approved final development plan shall be binding on all subsequent owners of the land until revised or repealed as authorized in Chapter 130 of the Springdale Code of Ordinances.

General Eligibility and Staging Requirements

1. Location: The intent is to apply the PUD district to the approximately 19.8 acres included in the project, all of which are within the municipal limits of Springdale. The Comprehensive Land Use Plan designates this area for Medium Density Residential use.
2. Ownership: The property is owned by Jerry D. and Debra K. Martens, and is under contract to be sold to Grays Crossing, LLC, the developer.
3. Project size: The net acreage of the subject property is approximately 19.8 acres in size.
4. Staging: The PUD as shown in the submitted preliminary plat represents the entirety of the project. The developer reserves the right to bring additional/other properties into the PUD. Construction is anticipated to take place in two phases.

Developer intends to begin construction as quickly as is practical once construction plans are approved by all appropriate regulatory entities. Anticipated timeframe to complete infrastructure construction is twelve to eighteen months from City Council PUD approval.

APPLICATION REVIEW PROCEDURES

1. Three Phases:
 - a. A preapplication conference with planning and community development staff. – A pre-application conference has been held with the planning department staff.
 - b. The preliminary development plan is submitted for review and approval by the planning department staff along with the preliminary plat, rezoning application, and other supporting materials. Following staff review and revisions, revised application materials will be reviewed and potentially approved by Planning Commission and City Council.
 - c. Final development plan approved as a whole or in phases by the planning commission and city council following its review for conformity with the preliminary development plan.

The final development plan shall be approved prior to the issuance of any building permits within any portion of the planned unit development and shall be recorded prior to the issuance of a building permit.

5. Civil Engineer & Land Surveyor: Engineering Services, Inc., 1207 South Old Missouri Road, Springdale, AR 72764, (479) 751-8733, bmurray@engineeringservices.com.

6. Size: Development includes 19.8 acres. Legal description of the property is included below:

LEGAL DESCRIPTION OF PLANNED UNIT DEVELOPMENT:

A PART OF THE SOUTH ONE-HALF OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION THIRTY-TWO (32) OF TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE ARKANSAS GEOLOGICAL SURVEY PERPETUATION MONUMENT WHICH MARKS THE SOUTHEAST CORNER OF SAID SECTION 32; THENCE NORTH 01°23'35" EAST ALONG THE EAST LINE OF SAID SECTION 32 A DISTANCE OF 284.72 FEET TO A FOUND STEEL PIN ON THE NORTHEASTERLY LINE OF PHASE VII OF HAR-BER MEADOWS PLANNED UNIT DEVELOPMENT AS SHOWN ON SUBDIVISION PLAT 15-28, SAID PIN BEING THE POINT OF BEGINNING (POB) AND RUN THENCE NORTH 88°36'25" WEST ALONG SAID NORTHEASTERLY LINE A DISTANCE OF 40.00 FEET; THENCE CONTINUING ALONG SAID NORTHEASTERLY LINE NORTH 59°36'46" WEST A DISTANCE OF 509.23 FEET TO THE FOUND STEEL PIN AT THE NORTHWESTERLY CORNER OF SAID PHASE VII; THENCE CONTINUING NORTH 59°36'46" WEST ALONG THE NORTHEASTERLY LINE OF PHASE V OF HAR-BER MEADOWS P.U.D., SUBDIVISION PLAT 15-32, A DISTANCE OF 1478.87 FEET TO A FOUND STEEL PIN; THENCE CONTINUING ALONG THE NORTHEASTERLY LINE OF SAID PHASE V NORTH 01°49'58" EAST A DISTANCE OF 72.00 FEET TO THE CENTERLINE OF THE DRIVING SURFACE OF HAR-BER AVENUE AS IT PRESENTLY EXISTS; THENCE ALONG SAID CENTERLINE SOUTH 89°21'03" EAST A DISTANCE OF 70.00 FEET; THENCE CONTINUING ALONG SAID CENTERLINE NORTH 87°08'06" EAST A DISTANCE OF 86.00 FEET; THENCE ALONG SAID CENTERLINE SOUTH 89°46'08" EAST A DISTANCE OF 47.00 FEET; THENCE ALONG SAID CENTERLINE SOUTH 86°00'33" EAST A DISTANCE OF 530.00 FEET; THENCE ALONG SAID CENTERLINE SOUTH 83°58'13" EAST A DISTANCE OF 305.00 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 499.56 FEET AND A CHORD WHICH BEARS SOUTH 89°36'12" EAST, THENCE ALONG SAID CURVE A DISTANCE OF 144.96 FEET; THENCE NORTH 82°12'59" EAST A DISTANCE OF 72.51 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1650.28 FEET AND A CHORD WHICH BEARS NORTH 85°16'00" EAST, THENCE ALONG SAID CURVE A DISTANCE OF 159.79 FEET; THENCE NORTH 89°33'39" EAST A DISTANCE OF 172.23 FEET; THENCE SOUTH 89°32'11" EAST A DISTANCE OF 195.24 FEET TO THE COTTON SPINDLE WHICH MARKS THE NORTHEAST CORNER OF THE SE 1/4 OF THE SE 1/4 OF SAID SECTION 32; THENCE SOUTH 1°23'35" WEST ALONG THE EAST LINE OF SAID SECTION 32 A DISTANCE OF 1035.03 FEET TO THE POINT OF BEGINNING, CONTAINING 20.65 ACRES, MORE OR LESS, SUBJECT TO THE RIGHT-OF-WAY OF HAR-BER AVENUE, BEING 1.43 ACRES, MORE OR LESS.

LESS AND EXCEPT,

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7. Project Name: Grays Crossing Planned Unit Development

8. Site Plan: Drawings are attached illustrating the subdivision layout, typical setbacks, connectivity, green space, and landscaping.

1. Development Strategy – Intent is to develop a site as a PUD with forty-six single-family residential lots. The entire subdivision will be residential with no commercial uses proposed or allowed. Developer intends to build and then sell or lease homes on all lots. However, developer reserves the right to sell vacant lots as market conditions warrant.

All homes will face either Gene George Boulevard, Har-Ber Avenue, or the common/POA park areas (lots 39 and 48) of the property. All lots will include attached rear load garages (with capacity for at least two cars) with driveway access from Idell Drive, an improved private street which runs along the rear of the lots. No direct driveway access to Gene George Boulevard or Har-Ber Avenue will be permitted.

Typical lot size is 36' wide by 100-115 feet long.

2. Permitted Uses: The entire development will be strictly residential in nature. No commercial or industrial uses are proposed or allowed for this development. Specific Use Units allowed in Grays Crossing PUD are:

Use Unit 1 – Citywide Public Uses by Right

Use Unit 4 – Cultural, Recreational, and Health Facilities

(Restricted to Recreational Uses Only-Cultural & Health Facilities are Prohibited)

Use Unit 8 – Single Family Dwellings

Use Unit 9 – Zero Lot Line

Use Unit 34 – Model Home/Temporary Marketing Office

3. Site Development Requirements

A) Density, Bulk, Area and Yard Regulations

Density – 46 Single Family Lots / 19.8 Acres = 2.3 Units / Acre

Green Space (15% Minimum by City Code)

14.5 Acres Greenspace Provided / 19.8 Acres = 73.2% Greenspace

Lot size - Single Family Residential: 36' Wide x 100'-120' Deep Typical

B) Building Setbacks

Lots 1-12:

North Setback: Build-to Line 15' from Har-Ber Avenue ROW
Side Setback: 0' on West Side, 10' on East Side
South Setback: 20' Building Setback from Improved Private Street

Lots 13-16:

North/East Setback: 25' from Har-Ber Avenue/Gene George Boulevard ROW
Side Setback: 0' on North/West Side, 10' on South/East Side
South/West Setback: 20' Building Setback from Improved Private Street

Lots 17-28:

East Setback: Build-to Line 15' from Gene George Boulevard ROW
Side Setback: 0' on North Side, 10' on South Side
West Setback: 20' Building Setback from Improved Private Street

Lots 29-38:

West Setback: 10' Building Setback Line
Side Setback: 0' on South Side, 10' on North Side
East Setback: 20' Building Setback from Improved Private Street

Lots 40-47:

South Setback: 10' Building Setback Line
Side Setback: 0' on East Side, 10' on West Side
East Setback: 20' Building Setback from Improved Private Street

GRAYS CROSSING PUD CONCEPT AND NARRATIVE

Applicant proposes a Planned Unit Development (PUD) with 46 single family residential lots on 19.8 acres in northwest Springdale. The subject property is located at the southeast corner of the intersection of Har-Ber Avenue and Gene George Boulevard and includes Washington County Parcels 815-30934-000 and 815-30935-000.

This property is designated for Medium Density Residential use on the City's Comprehensive Land Use Plan and is currently in the A-1 zoning district.

The intent of the development is to provide 46 rear load, single family homes which have vehicle access to an improved private street proposed to be built through the development. The development includes a large open green space area at the southwest portion of the property, with a tot lot, play structure, and picnic benches, which will be installed in Phase I of the project. More than 70% of development is reserved as green space.

The project is being proposed as a Planned Unit Development to provide a style of housing not widely available in the area. The lots and houses in this development will be similar to those found along the west end of Har-Ber Meadows PUD between Jones Road and JTL Parkway, and similar those to be built in Cadence Crossing PUD, located on Gibbs Road. These houses feature an attractive streetscape due to the reduced front building setback and absence of front load garages, with trash collection and driveways out of sight behind the homes. Developer is seeking to create a similar aesthetic in the proposed development. The proposed PUD will include houses with a single side yard and with attached rear load garages accessing an improved private street in a similar configuration to the Har-Ber Meadows and Cadence Crossing houses. The spacing of houses, reduced front yards, and absence of driveways along the Har-Ber Avenue and Gene George Boulevard will create an inviting space with a strong sense of community. It is difficult to achieve this concept within the City's standard zoning districts.

It is not anticipated the development will strain public services or infrastructure in the area. This area includes multiple schools, shopping, eating, health care, and other services a short distance from the proposed development. Fire Station 7 is located less than a mile from the subject property. Har-Ber Avenue, Gene George Blvd, Highway 112, and Highway 412 are all major vehicular corridors near the development. An existing 8" gravity sewer main is located along the south side of Har-Ber Avenue and a larger 18" gravity main runs along the southwest boundary of the development. An existing 24" water main runs along Gene George Boulevard. Due to the relatively small number of new homes proposed, the abundance of services available in the area, and level of infrastructure present, the proposed development is not anticipated to strain City services or adversely impact surrounding properties.

Proposed building setbacks within the PUD are not typical of standard residential zoning districts in the City. The proposed setbacks will allow the single family homes to be built on the lots as shown in the Preliminary Plat with a single side yard on one side and reduced front yards to emulate the look and feel of the Har-Ber Meadows and Cadence Crossing homes discussed above.

The proposed setbacks for the front of the homes vary slightly throughout the development.

Lots which face north toward Har-Ber Avenue (lots 1-12) will have a 15' build-to line from the Har-Ber Avenue right-of-way to ensure the front of the houses along these streets line up uniformly. Similarly, lots which face Gene George Boulevard (lots 17-28) will have a 10' build-to line. Due to an existing 20' utility easement and their irregular lot shapes, the lots which front the roundabout (lots 13-16) have a 20' minimum building setback from the street right-of-way. For lots on the opposite side of Idell Drive, there will be a 10' building setback line ensuring a minimum 10' deep front yard from the house to the boundary of the POA/common area property.

All buildable lots have a 20' building setback from the improved private drive. This ensures each home will have a driveway measuring at least 20 feet long from Idell Drive to the required two-car garage.

Each lot will have a zero foot side setback along one side and a ten foot side setback along the other. The setback information earlier in this document and the setback information on the plat indicate which side of each lot is subject to the ten foot wide side setback. These side setbacks will allow for homes to be built on the proposed lots with a zero lot line configuration on one side and provide at least a ten foot wide yard on the other side, which is an important element of the overall concept for this development. Each ten foot side setback also serves as a maintenance easement for the adjacent lot, to allow the owner of the adjacent lot to complete any necessary repairs or maintenance to the building.

Each home is required to have an attached, rear-load garage with capacity for at least two vehicles. Front loading garages or direct driveway access to Har-Ber Avenue and Gene George Boulevard are prohibited. No detached garages or accessory structures are allowed.

Primary use of the development is single family homes, with no commercial or industrial use units allowed in the development. The following specific use units will be allowed in the development:

Use Unit 1 – Citywide Public Uses by Right

Use Unit 4 – Cultural, Recreational, and Health Facilities

(Restricted to Recreational Uses Only-Cultural and Health Facilities are Prohibited)

Use Unit 8 – Single Family Dwellings

Use Unit 9 – Zero Lot Line

Use Unit 34 – Model Home/Temporary Marketing Office

All exterior walls of all Dwellings erected on the Lots shall be finished with high quality materials. Primary building materials will include brick, stone, manufactured stone, wood, and concrete siding (such as Hardy brand). Vinyl siding shall be allowed only above the first floor, and shall not exceed 20% of the building's exterior. Soffits and fascia may be covered with steel, vinyl, aluminum, or concrete composition materials. All roof pitches shall be a minimum of 6/12 pitch. No metal roofs shall be permitted. Roofs shall be covered with shingles using architectural composition or better.

All houses shall have a minimum of eight hundred (800) square feet of heated area on the first floor, and thirteen hundred (1,300) square feet overall, for all floors. All Dwellings shall have a maximum square footage of 3,000 square feet overall.

Developer intends to build then sell or lease homes on all lots. However, depending on market demand, developer reserves the right to sell lots. Plans and elevations of sample single family homes, which are similar in appearance/materials to the types of homes developer will build in this subdivision are enclosed with this development plan. To facilitate marketing and selling homes, developer may operate a temporary sales office and up to two model homes at a time in the development. Hours of operation for model home or temporary sales office are restricted to 8:00 a.m. through 7:00 p.m.

Covenants shall include various provisions to ensure the pleasing appearance of the neighborhood is maintained and which are typical of many developments. These shall include, but not be limited to, requirements related to fences, yard maintenance, and storing trash cans out of sight from the road. Fences shall not exceed 6 feet in height, shall not protrude past the front or the rear of houses into the front yard or rear yard, and shall be constructed of wood or wrought iron.

The residents of the PUD will have access to several amenities. The development will have sidewalks along Har-Ber Avenue and Gene George Boulevard, as well as a sidewalk along the south side of the alley with a connection to the POA park area. 14.5 acres (73.2%) of the development property is reserved as greenspace, including a POA park area (lot 49) with a tot-lot with play structure and picnic benches. The amenities in lot 49 will be installed during the first phase of the development.

Developer will install trees and landscaping in common areas as shown on landscape plans. Builder and developer shall provide a standard two year warranty for each tree they install. All trees installed by developer shall be one of the following species:

- Alle Elm (*Ulmus americana*)
- Northern Red Oak (*Quercus rubra*)
- Shumard Oak (*Quercus shumardii*)
- Sugar Maples (*Acer saccharum*)
- Chinese Pistache (*Pistachia chinensis*)

POA shall be responsible for maintenance of all common areas, detention pond, the improved private street, and street lights along the improved private street.

An improved private street for rear access to homes is the only proposed street to be constructed in the subdivision. It will be 29' wide within a 35' wide access easement. The street will be inverted with a 6' sidewalk and parking provided along one side. Typical street section is provided on Preliminary Plat. All streetlights along the improved private street shall be private and maintained by the POA. The project includes one street connection to Har-Ber Avenue and one to Gene George Boulevard.

Signage for the subdivision will consist of 2 monument signs. One sign shall be located adjacent to the Har-Ber Avenue right-of-way just west of Lot 1. The other sign will be located in a sign easement at the southeast corner of lot 27. An easement will be provided. The exterior of the signs will be constructed with primarily stone, brick, and/or metal. The developer will install landscaping around the sign in accordance with the landscape plan.

Developer intends to begin construction as quickly as possible once the PUD and construction plans are approved. It is anticipated that construction of subdivision infrastructure will be complete within twelve to eighteen months of City Council approval of the PUD.

The adjacent properties to the North and East are in the A-1 zoning district. The adjacent property to the West is a PUD, and the adjacent property diagonally to the Northwest is SF-2.

The proposed development is compatible with existing and future land uses in this area. The development consists of single family residential lots, which is the dominant land use in this area. There are several existing residential developments in the vicinity, most of which are in the SF-2 district. Other nearby properties that have not been developed and remain in the A-1 district appear to be primarily single family as well.

PLANS FOR A

PRELIMINARY PLAT

FOR

GRAYS CROSSING

IN THE CITY OF

SPRINGDALE, ARKANSAS



REVIEW OF THESE PLANS IS LIMITED TO COMPLIANCE WITH CITY CODES AND REGULATIONS. BY REVIEWING AND APPROVING THESE PLANS THE REVIEWER AND THE CITY OF SPRINGDALE ASSUME NO RESPONSIBILITY FOR ANY ERRORS OR OMISSIONS IN THE PLANS. THE ADEQUACY OF THE PLANS IS THE SOLE RESPONSIBILITY OF THE DESIGN ENGINEER. THE CITY OF SPRINGDALE, HOWEVER, RESERVES THE RIGHT TO REQUIRE CORRECTIVE ACTION IF ANY INADEQUACIES ARE FOUND AFTER THE IMPROVEMENTS ARE CONSTRUCTED.

PP22-09

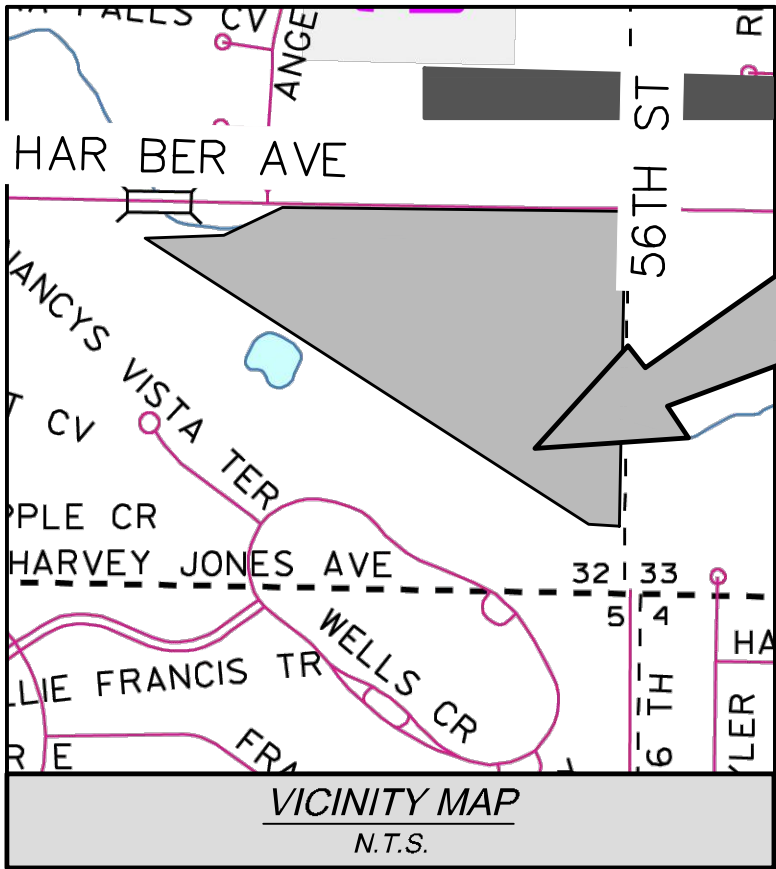
July 21, 2022

BY
ENGINEERING SERVICES INC.



CONSULTING ENGINEERS
SPRINGDALE, ARKANSAS
PHONE: 479-751-8733
FAX: 479-751-8746
WWW.ENGINEERINGSERVICES.COM

INDEX OF SHEETS	
SHEET No.	DESCRIPTION
-	COVER
1-2	PRELIMINARY PLAT
3	TYPICAL DETAILS
4	STORM WATER POLLUTION PREVENTION PLAN
5	STORM WATER POLLUTION PREVENTION DETAILS



PROJECT
LOCATION

PRELIMINARY

BLAKE A. MURRAY, P.E. No. 17178
ENGINEERING SERVICES, INC.

NOTES :

- 1) ALL STREET AND DRAINAGE CONSTRUCTION MUST COMPLY WITH THE REQUIREMENTS OF THE CITY OF SPRINGDALE, ARKANSAS, AS CONTAINED IN CHAPTER 110, PART III, OF THE CODE OF ORDINANCES, CITY OF SPRINGDALE, ARKANSAS.
- 2) ALL WATER AND SEWER CONSTRUCTION MUST COMPLY WITH THE SPECIFICATION REQUIREMENTS FOR THE CONSTRUCTION OF WATER AND SEWER FACILITIES OF THE CITY OF SPRINGDALE WATER UTILITIES, ADOPTED MARCH 10TH, 1987 BY ORDINANCE NO. 1640 AMENDED AUGUST 27, 2017 BY THE SPRINGDALE WATER AND SEWER COMMISSION.

LEGAL DESCRIPTION (PARCELS 815-30934-000 & 815-30935-000):

A PART OF THE SOUTH ONE-HALF (S 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION THIRTY-TWO (32) OF TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE ARKANSAS GEOLOGICAL SURVEY PERPETUATION MONUMENT WHICH MARKS THE SOUTHEAST CORNER OF SAID SECTION 32; THENCE NORTH 01°23'35" EAST ALONG THE EAST LINE OF SAID SECTION 32 A DISTANCE OF 284.72 FEET TO A FOUND STEEL PIN ON THE NORTHEASTERLY LINE OF PHASE VII OF HAR-BER MEADOWS PLANNED UNIT DEVELOPMENT AS SHOWN ON SUBDIVISION PLAT 15-28; SAID PIN BEING THE POINT OF BEGINNING (POB) AND RUN THENCE NORTH 88°30'25" WEST ALONG SAID NORTHEASTERLY LINE A DISTANCE OF 40.00 FEET; THENCE CONTINUING ALONG SAID NORTHEASTERLY LINE NORTH 59°36'48" WEST A DISTANCE OF 609.23 FEET TO THE FOUND STEEL PIN AT THE NORTHWESTERLY CORNER OF SAID PHASE VII; THENCE CONTINUING NORTH 59°36'46" WEST ALONG THE NORTHEASTERLY LINE OF PHASE V OF HAR-BER MEADOWS P.U.D., SUBDIVISION PLAT 15-32, A DISTANCE OF 1478.87 FEET TO A FOUND STEEL PIN; THENCE CONTINUING ALONG THE NORTHEASTERLY LINE OF SAID PHASE V NORTH 01°49'58" EAST A DISTANCE OF 72.00 FEET TO THE CENTERLINE OF THE DRIVING SURFACE OF HAR-BER AVENUE AS IT PRESENTLY EXISTS; THENCE ALONG SAID CENTERLINE SOUTH 89°21'03" EAST A DISTANCE OF 70.00 FEET; THENCE CONTINUING ALONG SAID CENTERLINE NORTH 87°08'06" EAST A DISTANCE OF 80.00 FEET; THENCE ALONG SAID CENTERLINE SOUTH 89°46'08" EAST A DISTANCE OF 47.00 FEET; THENCE ALONG SAID CENTERLINE SOUTH 86°00'33" EAST A DISTANCE OF 530.00 FEET; THENCE ALONG SAID CENTERLINE SOUTH 83°58'13" EAST A DISTANCE OF 305.00 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 499.56 FEET AND A CHORD WHICH BEARS SOUTH 88°36'12" EAST, THENCE ALONG SAID CURVE A DISTANCE OF 144.96 FEET; THENCE NORTH 82°12'59" EAST A DISTANCE OF 72.51 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1650.28 FEET AND A CHORD WHICH BEARS NORTH 85°16'00" EAST, THENCE ALONG SAID CURVE A DISTANCE OF 159.79 FEET; THENCE NORTH 89°33'39" EAST A DISTANCE OF 172.23 FEET; THENCE SOUTH 88°32'11" EAST A DISTANCE OF 195.24 FEET TO THE COTTON SPINDLE WHICH MARKS THE NORTHEAST CORNER OF THE SE 1/4 OF THE SE 1/4 OF SAID SECTION 32; THENCE SOUTH 01°23'35" WEST ALONG THE EAST LINE OF SAID SECTION 32 A DISTANCE OF 1035.03 FEET TO THE POINT OF BEGINNING, CONTAINING 20.65 ACRES, MORE OR LESS, SUBJECT TO THE RIGHT-OF-WAY OF HAR-BER AVENUE, BEING 1.43 ACRES MORE OR LESS.

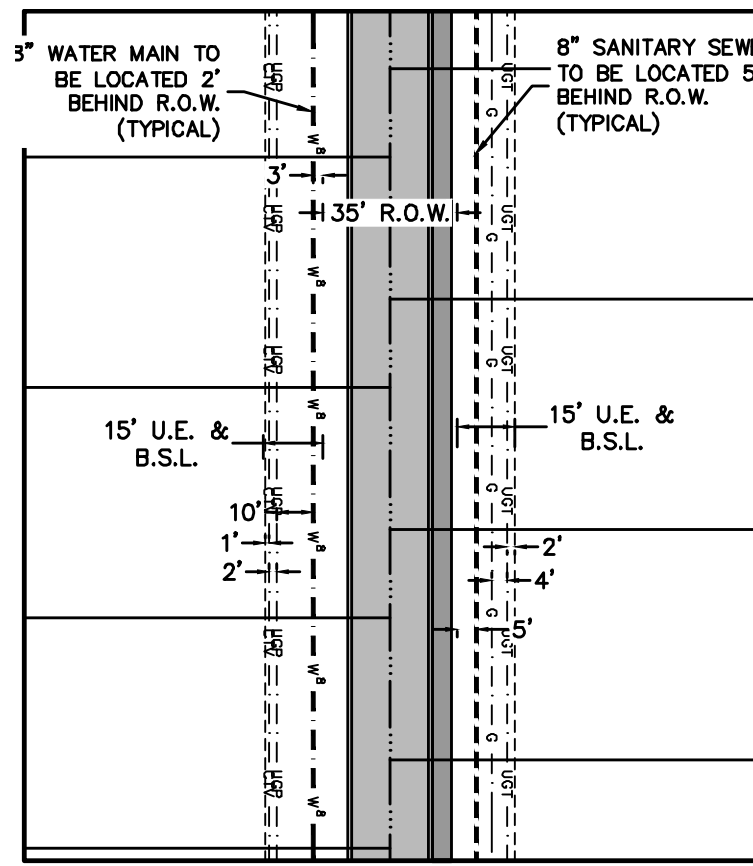
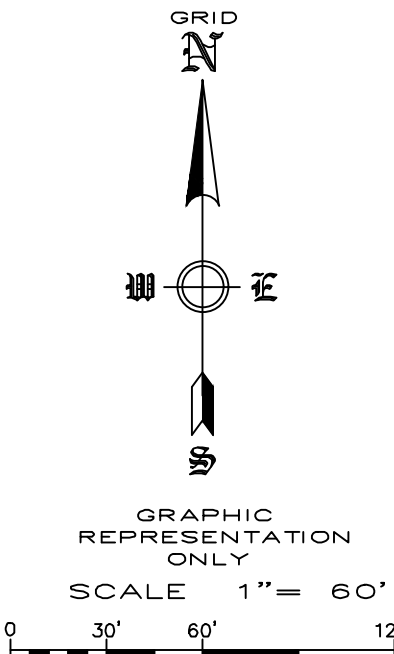
SUBJECT TO PROTECTIVE COVENANTS AND EASEMENTS, IF ANY.

LESS AND EXCEPT:

A PART OF THE SOUTH ONE-HALF (S1/2) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION THIRTY-TWO (32), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTY (30) WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE ARKANSAS GEOLOGICAL SURVEY PERPETUATION MONUMENT WHICH MARKS THE SOUTHEAST CORNER OF SAID SECTION 32; THENCE N02°32'04"E ALONG THE EAST LINE OF SAID SECTION 32 - 284.72 FEET TO A FOUND STEEL PIN ON THE NORTHEASTERLY LINE OF PHASE VII OF HAR-BER MEADOWS PLANNED UNIT DEVELOPMENT AS SHOWN IN SUBDIVISION PLAT 15-28; THENCE CONTINUE N02°32'04" ALONG THE EAST LINE OF SAID SECTION 32 - 375.53 FEET; THENCE N87°45'41"W - 208.50 FEET; THENCE N87°14'04"W - 1038.99 FEET TO THE POINT OF BEGINNING; THENCE S00°00'00"W - 138.58 FEET; THENCE N86°14'40"W - 289.38 FEET; THENCE S40°00'00"W - 18.72 FEET; THENCE N58°28'17"W - 132.56 FEET; THENCE N02°58'27"E - 31.12 FEET; THENCE S87°14'04"E - 73.30 FEET; THENCE S70°32'07"E - 52.20 FEET; THENCE N66°12'02"E - 55.90 FEET; THENCE S87°14'04"E - 359.97 FEET; THENCE S02°45'56"W - 20.00 FEET TO THE POINT OF BEGINNING CONTAINING 40,815 SQUARE FEET OR 0.94 ACRES MORE OR LESS.

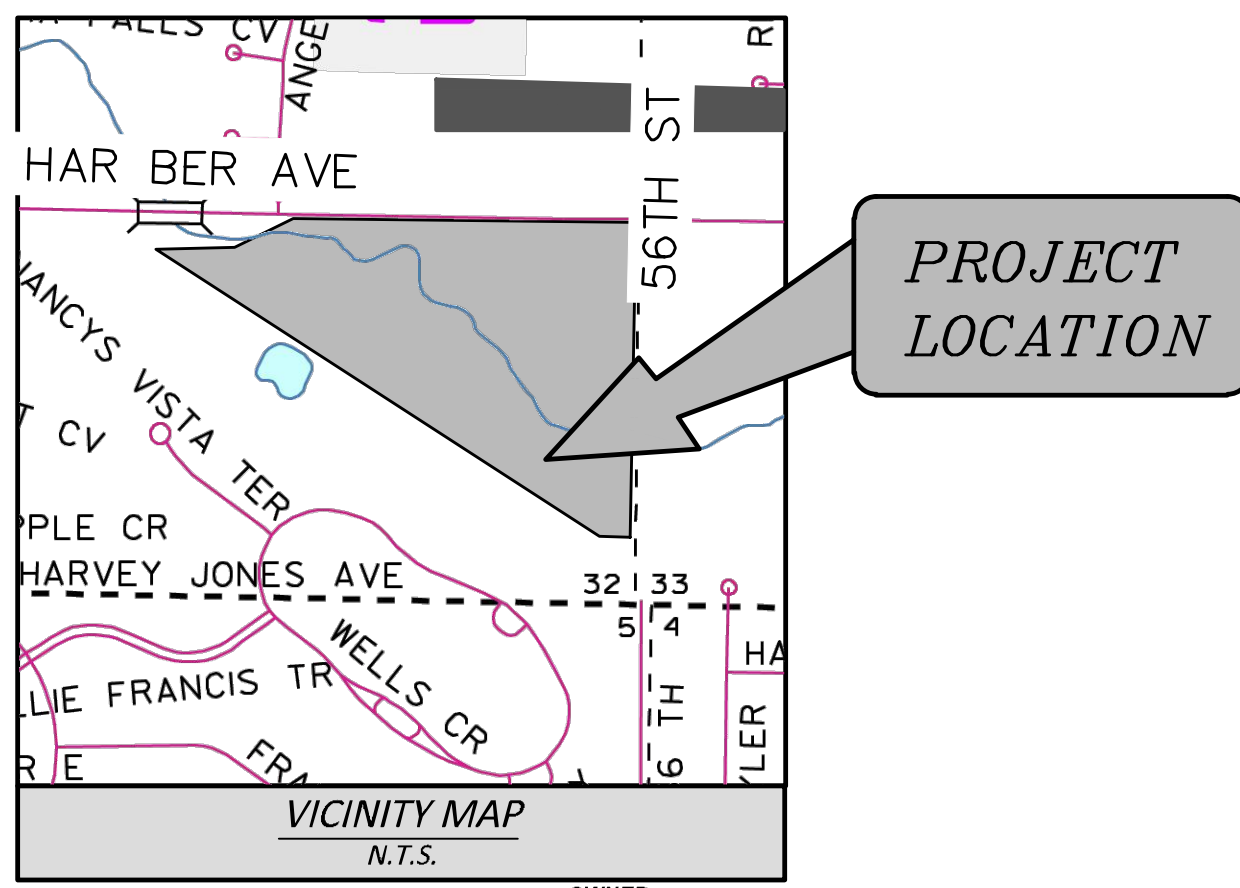
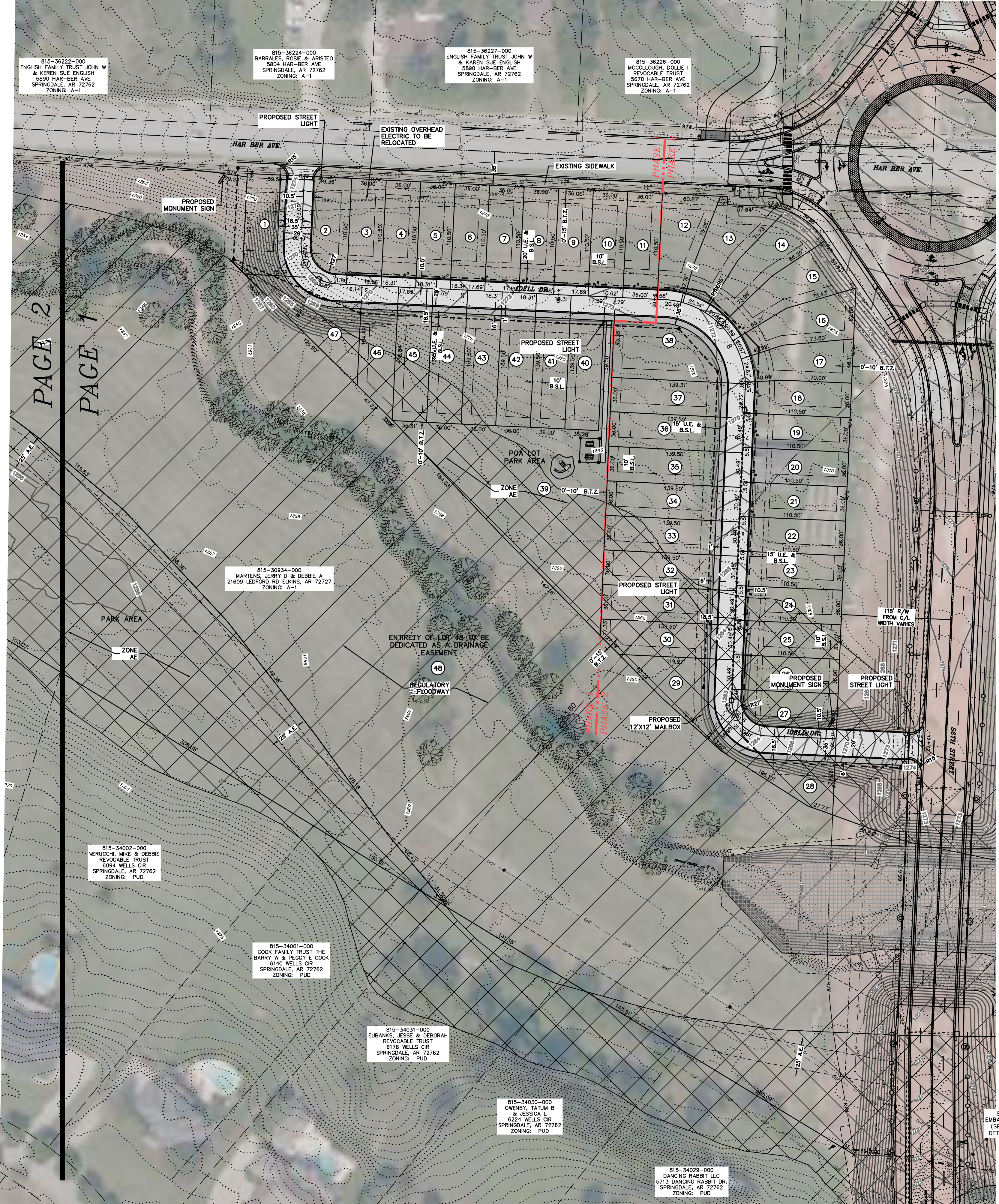
LEGEND

- IRON PIN FOUND
- IRON PIN SET
- C. PROPERTY LINE
- SAW-CUT LINE
- EX. EASEMENT LINE
- EX. ROAD CENTERLINE
- EX. CURB & GUTTER
- EX. CONTOUR
- PROPOSED CONTOUR
- EX. 8" SEWER LINE
- EX. STORM DRAIN LINE
- EX. WATER LINE
- EX. WATER METER
- EX. FIRE HYDRANT
- EX. SEWER MANHOLE
- EX. POWER POLE
- EX. WATER VALVE
- EX. LIGHT POLE
- EX. SIGN
- EX. TELEPHONE BOX
- EX. GAS METER
- PROPOSED EASEMENT LINE
- PROPOSED SIDEWALK
- PROPOSED WATERLINE
- PROPOSED HADICAP RAMP
- PROPOSED STORM BOX & PIPE
- PROPOSED SEWER MANHOLE & PIPE
- PROPOSED STREET LIGHT (TO BE INSTALLED BY DEVELOPER PER THE TYPICAL STREET SECTION)
- PROPOSED CROSSWALK



ALLEY UTILITY SPACING PLAN

1" = 50'



OWNER: MARTENS, JERRY D & DEBBIE A
21609 LEDFORD RD
ELKINS, AR 72727

DEVELOPER: GRAYS CROSSING, L.L.C.
P.O. BOX 282
SPRINGDALE, AR 72782

SURVEYOR: ENGINEERING SERVICES, INC.
1207 S. OLD MISSOURI ROAD
P.O. BOX 282
SPRINGDALE, AR 72782
22947

WORK ORDER #:

FEMA FLOOD PLAIN ZONE: THIS PROPERTY IS WITHIN THE FLOOD PLAIN ZONE 'AE', AS SHOWN ON THE F.I.R.M. MAP # 051430005F, PANEL 55 OF 575, WASHINGTON COUNTY, ARKANSAS & INCORPORATED AREAS. MAP REVISED: APRIL 2ND, 2008.

TOTAL ACREAGE: 19.76 ACRES

RESIDENTIAL LOTS: 46 - BUILDABLE LOTS
3 - UNBUILDABLE LOTS

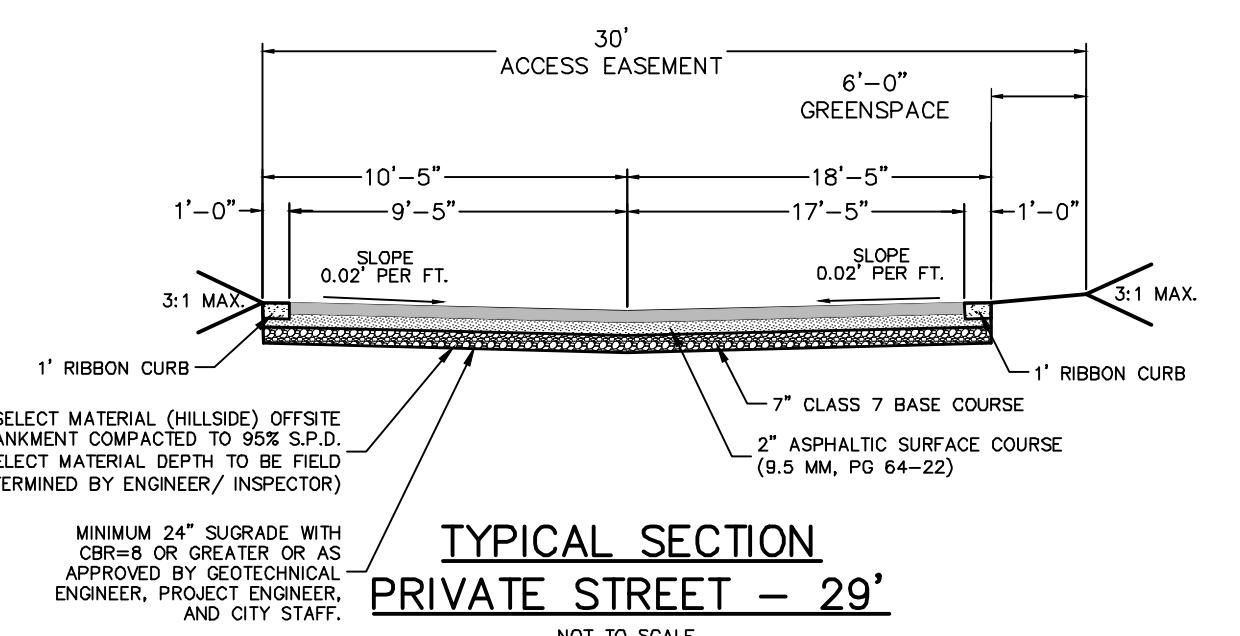
EXISTING ZONING: A-1

PROPOSED ZONING: PUD

	R	Δ	T	L
C3	37.5'	90°00'00"	37.5000'	58.9049'
C2	89.5'	89°45'39"	89.1272'	140.2127'
C1	37.5'	90°00'00"	37.5000'	58.9049'

LOT SIZE TABLE			
LOT #	LOT SQ. FT.	LOT ACRES	
1	6413.94	0.15	
2	5152.06	0.12	
3	3978.00	0.09	
4	3978.00	0.09	
5	3978.00	0.09	
6	3978.00	0.09	
7	3978.00	0.09	
8	3978.00	0.09	
9	3978.00	0.09	
10	3978.00	0.09	
11	3978.00	0.09	
12	4744.72	0.11	
13	5263.28	0.12	
14	5099.45	0.12	
15	5298.21	0.12	
16	4760.84	0.11	
17	4250.74	0.10	
18	3901.82	0.09	
19	3978.00	0.09	
20	3978.00	0.09	
21	3978.00	0.09	
22	3978.00	0.09	
23	3978.00	0.09	
24	3978.00	0.09	
25	3978.00	0.09	

LOT SIZE TABLE			
LOT #	LOT SQ. FT.	LOT ACRES	
26	3978.00	0.09	
27	4889.21	0.11	
28	6530.86	0.15	
29	5970.71	0.14	
30	4833.14	0.11	
31	5022.04	0.12	
32	5022.04	0.12	
33	5022.04	0.12	
34	5022.07	0.12	
35	5022.02	0.12	
36	5022.00	0.12	
37	5021.64	0.12	
38	9925.57	0.23	
39	25846.58	0.59	
40	4921.47	0.11	
41	5022.00	0.12	
42	5022.00	0.12	
43	5022.00	0.12	
44	5022.00	0.12	
45	5021.77	0.12	
46	4639.88	0.11	
47	6526.80	0.15	
48	426641.74	9.79	
49	178841.64	4.11	



ENGINEERING SERVICES, INC.
1207 S. OLD MISSOURI ROAD
SPRINGDALE, ARKANSAS 72782

PRELIMINARY PLAT
GRAYS CROSSING
SPRINGDALE, ARKANSAS

REVISION	DATE	DESCRIPTION

SCALE: 1"=60'

DATE: Jul 21, 2022

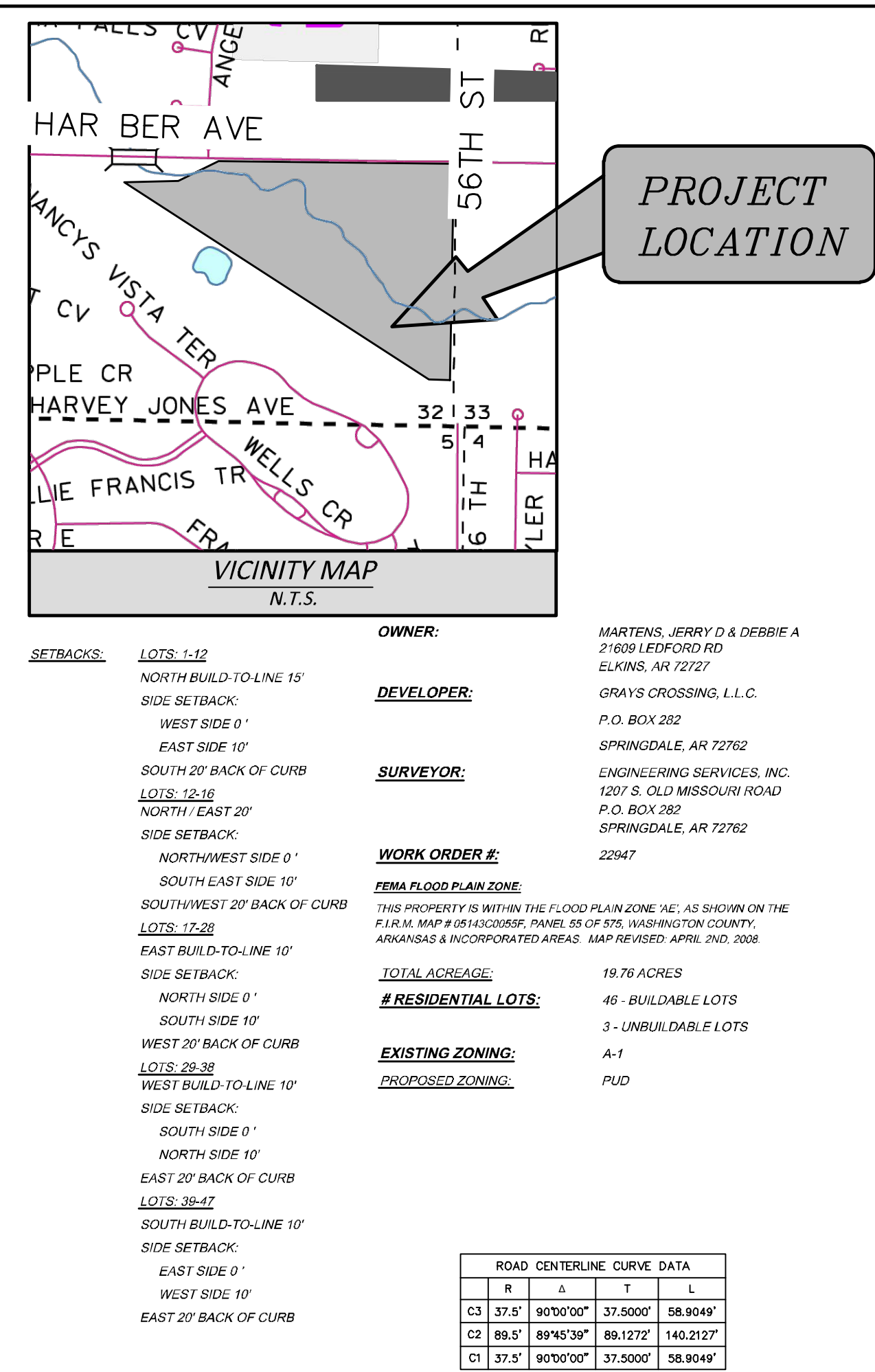
DRAWN BY: JWH

W.O. #: 22947

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PP22-09

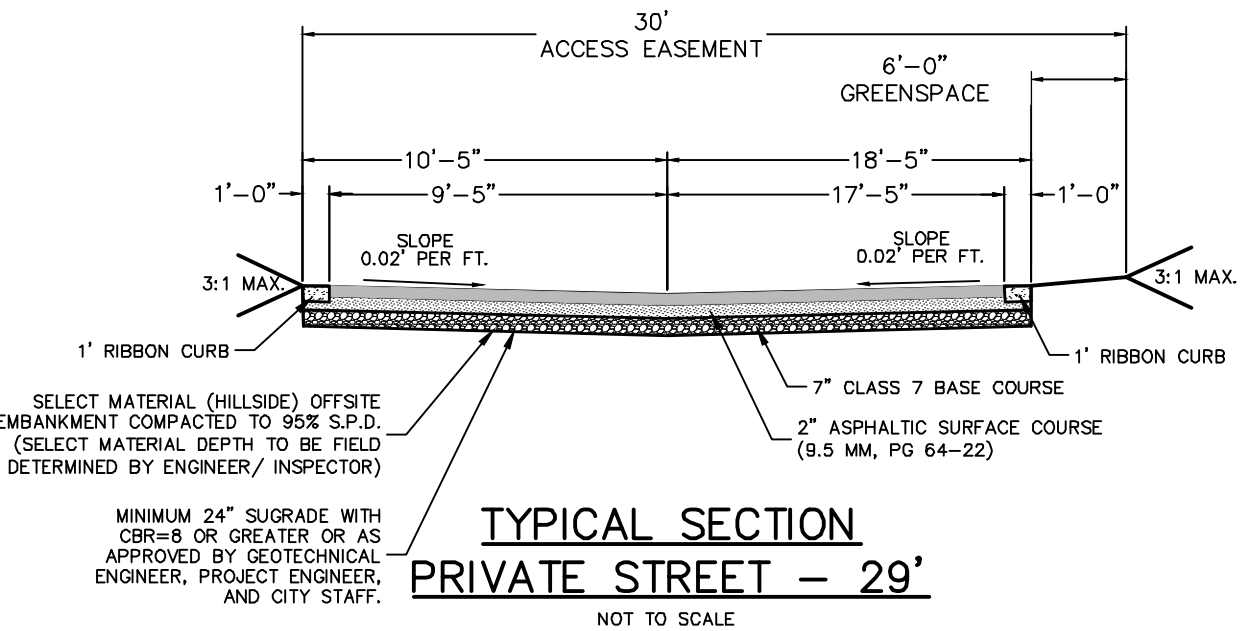
Page 26

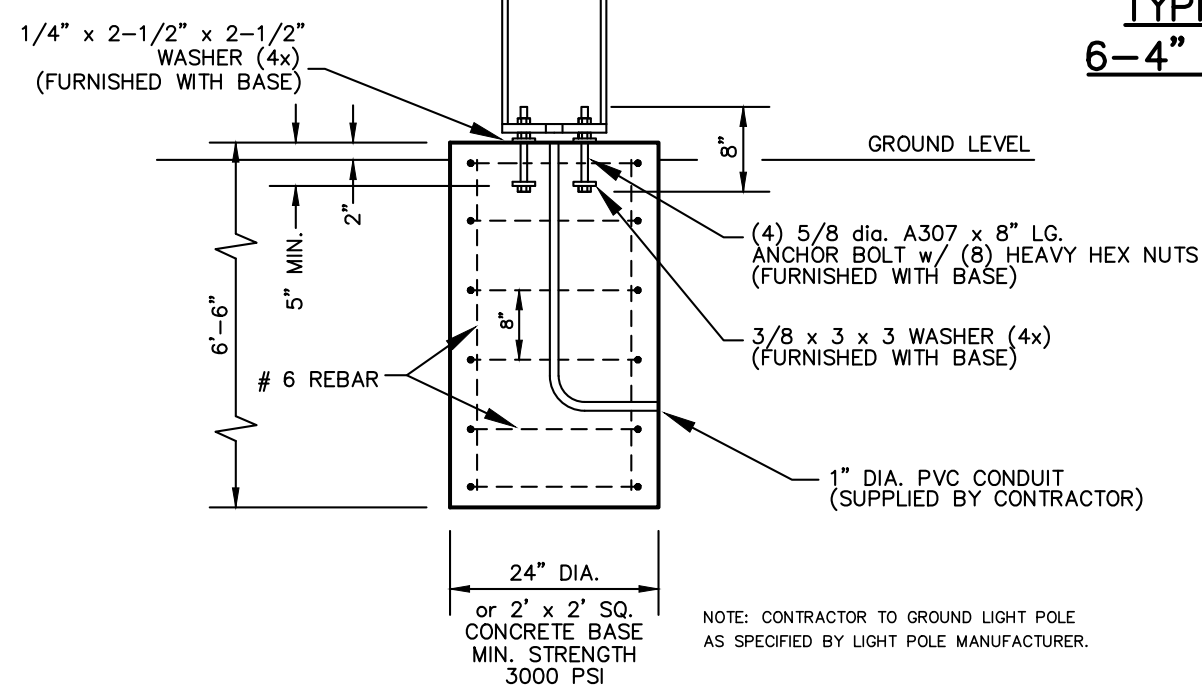


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LOT #	SQ. FT.	LOT ACRES	
26	3978.00	0.09	
27	4889.21	0.11	
28	6530.86	0.15	
29	5970.71	0.14	
30	4833.14	0.11	
31	5022.04	0.12	
32	5022.04	0.12	
33	5022.04	0.12	
34	5022.07	0.12	
35	5022.02	0.12	
36	5022.00	0.12	
37	5021.64	0.12	
38	9925.57	0.23	
39	25846.58	0.59	
40	4921.47	0.11	
41	5022.00	0.12	
42	5022.00	0.12	
43	5022.00	0.12	
44	5022.00	0.12	
45	5021.77	0.12	
46	4639.88	0.11	
47	5526.80	0.15	
48	426641.74	9.79	
49	178641.64	4.11	

STATISTICS							
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min	
Lower Roadway	+	0.3 fc	4.0 fc	0.0 fc	N / A	N / A	
Upper Roadway	+	0.3 fc	4.2 fc	0.0 fc	N / A	N / A	

LUMINAIRE SCHEDULE									
Symbol	Label	Qty	Catalog Number	Description	Lamp	File	Lumens	LLF	Watts
	A	4	AVPCL2 20LEDE10 XXXXX 4K R3	Valiant LED Full cutoff with 20LED, 4K with R3 distribution driven at 1050mA.	LED	AVPCL2_20LE DE10_XXXX_4 K_R3.ies	Absolute	0.85	72





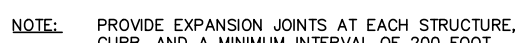
SECTION VIEW



NOT TO SCALE



NOT TO SCALE



NOT TO SCALE



NOT TO SCALE



NOT TO SCALE

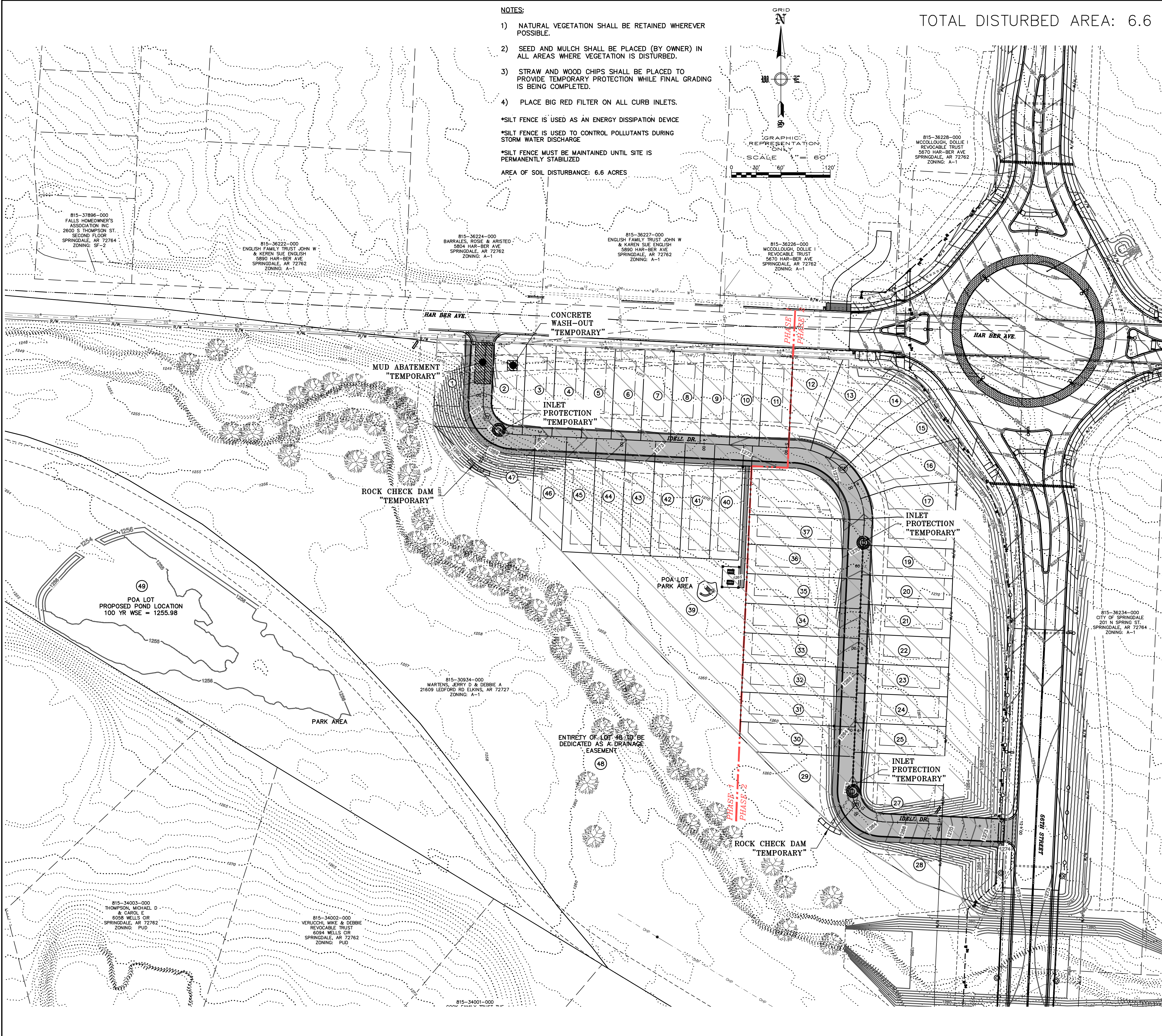


*RESIDENTIAL DRIVEWAY AND APRON ARE TO BE CONSTRUCTED PER CITY OF SPRINGDALE
STANDARD DETAILS FOR STREET DRAINAGE CONSTRUCTION SD-B-4

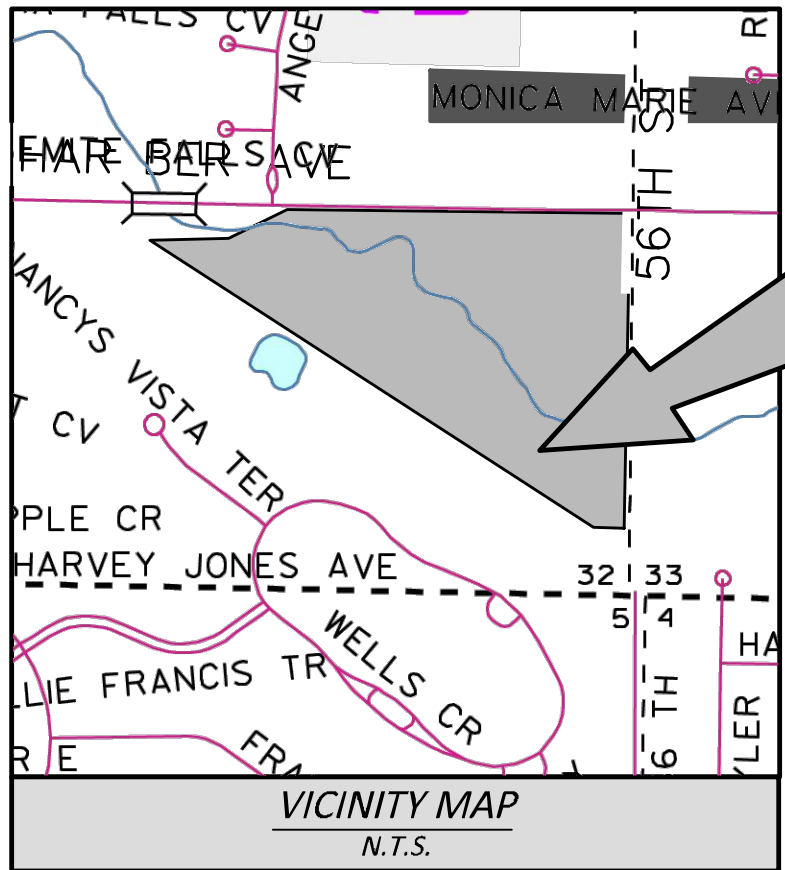
ENGINEERING SERVICES INC.
11207 SOUTH OLD MISSOURI RD.
SPRINGDALE, ARKANSAS 72764

TYPICAL DETAILS GRAYS CROSSING SPRINGDALE, ARKANSAS

[illegible]



TOTAL DISTURBED AREA: 6.6 ACRES



STORMWATER POLLUTION PREVENTION PLAN
GRAYS CROSSING
SPRINGDALE, ARKANSAS

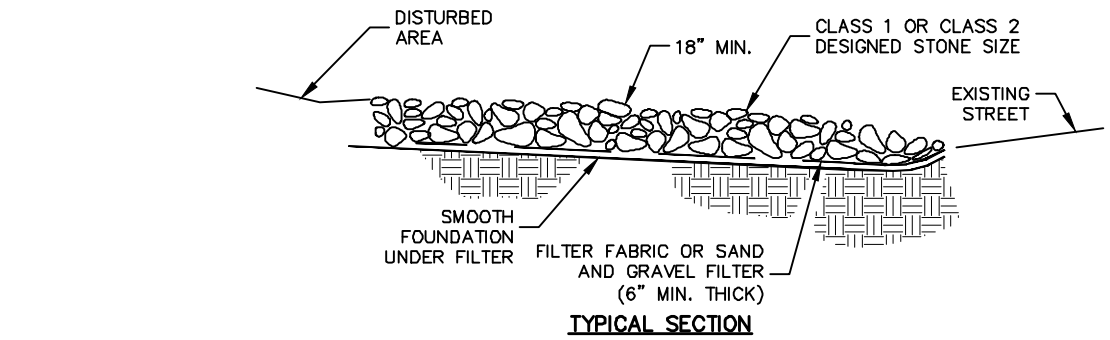
REVISION	DATE	DESCRIPTION

SCALE: 1"=60'

DATE: Jul 21, 2022

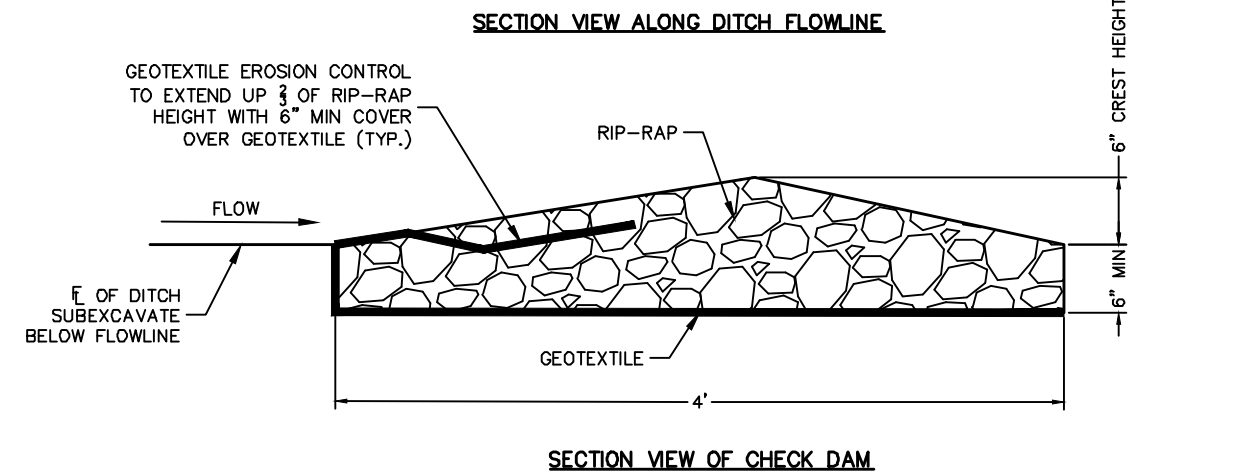
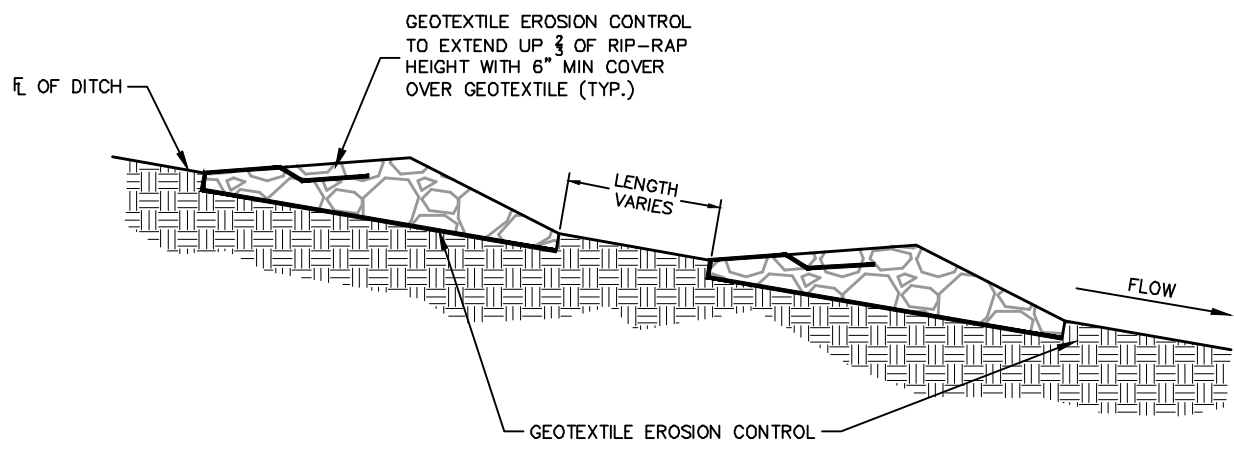
DRAWN BY: JCA

W.O. #: 22947



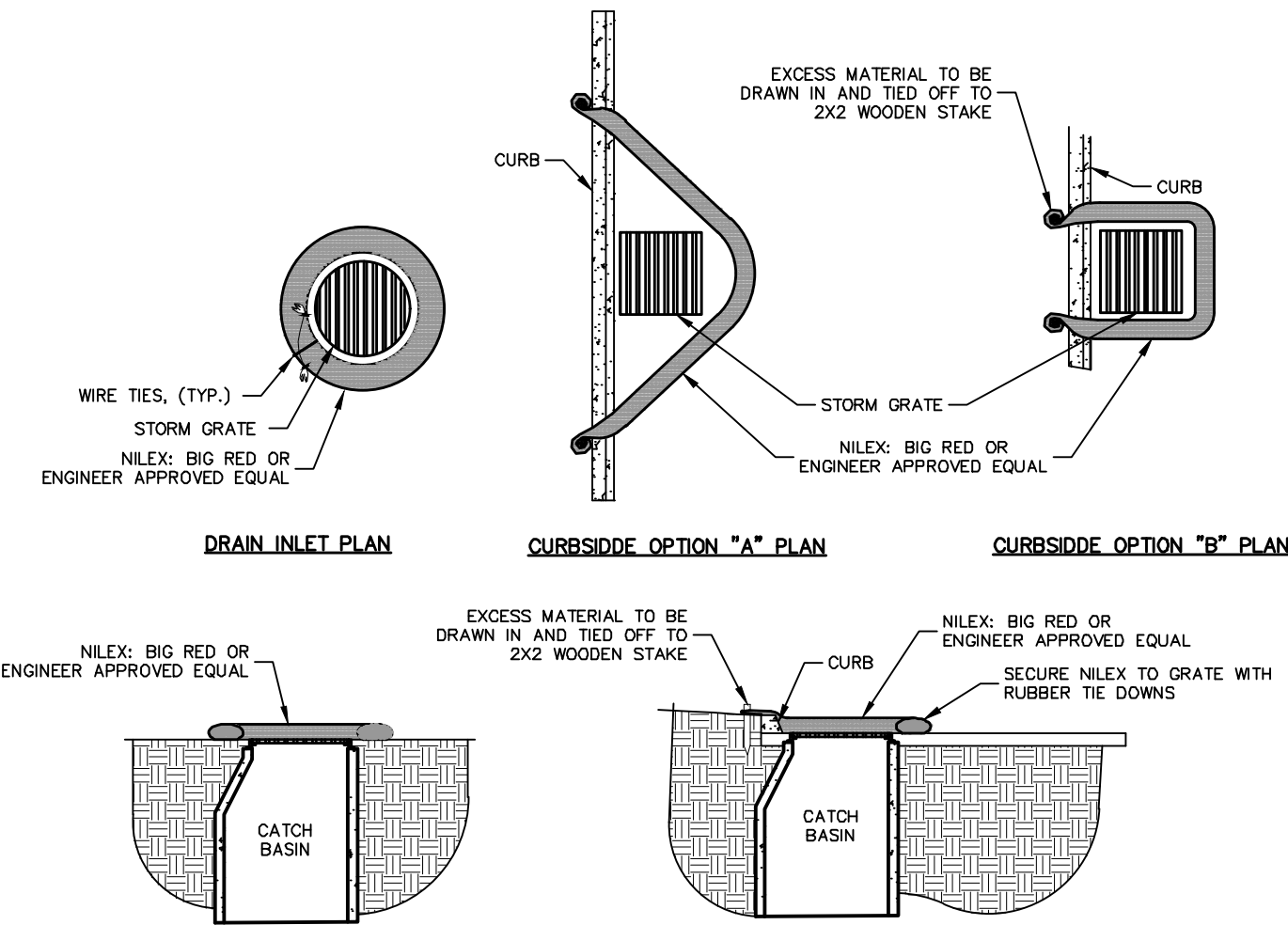
- NOTES:
- 1) MINIMUM THICKNESS SHALL BE 18". THE STONE DIAMETER, NEVER LESS THAN 6".
 - 2) MINIMUM LENGTH SHALL BE 50'

MUD ABATEMENT ENTRANCE
NOT TO SCALE



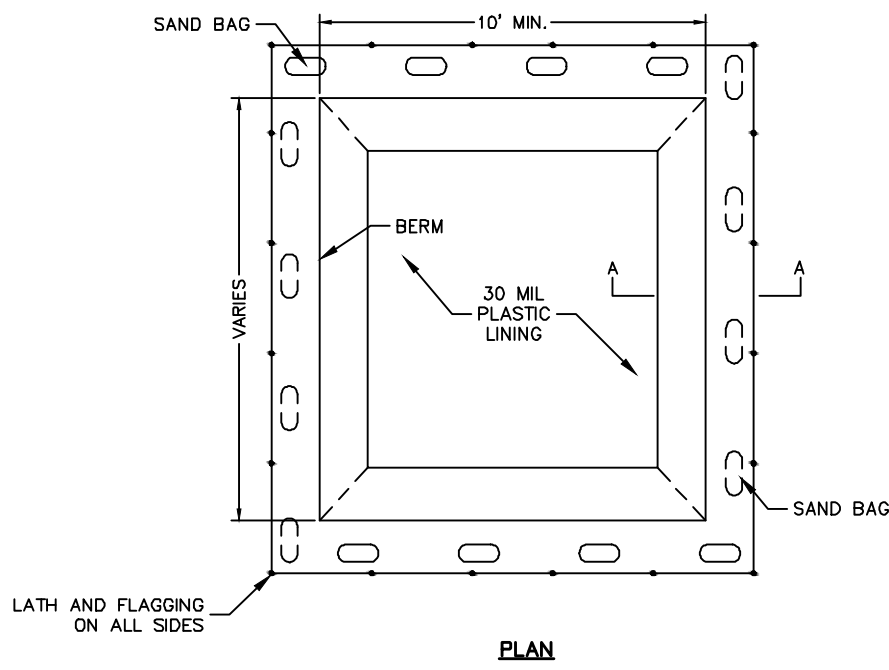
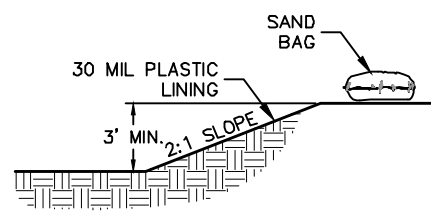
- NOTES:
1. RIP-RAP SIZE D50 = 6" OR AS SHOWN ON THE PLANS.

ROCK CHECK DAM



- NOTES:
- 1) ALL MATERIAL TO MEET SPECIFICATIONS.
 - 2) NILEX-BIG RED TO MEET APPLICATION REQUIREMENTS.
 - 3) COMPOST MATERIAL, TO BE DISPERSED ON SITE, AS DETERMINED BY ENGINEER.

INLET PROTECTION
NOT TO SCALE

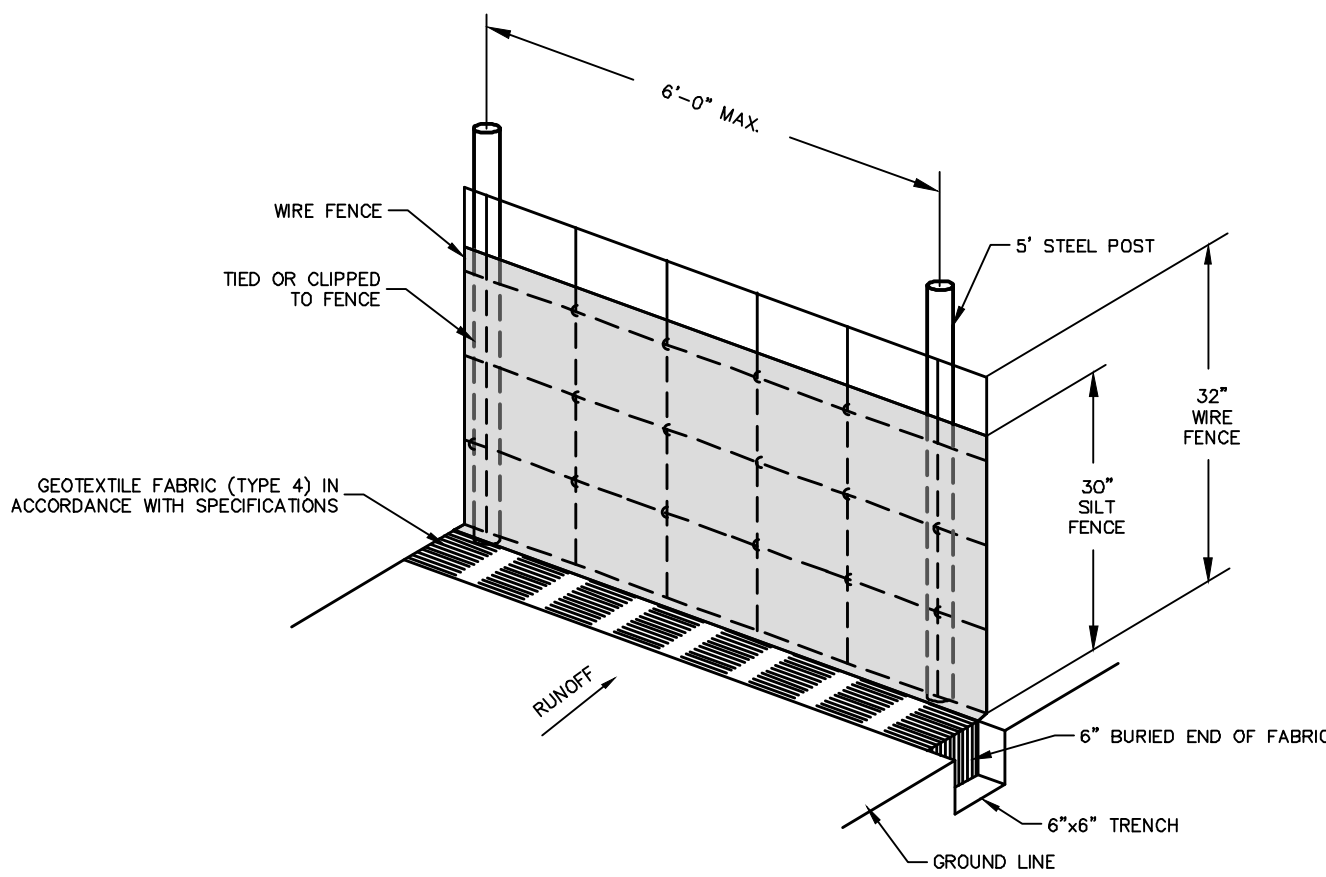


- NOTES:
- 1) LATH AND FLAGGING SHOULD BE COMMERCIAL TYPE.
 - 2) PLASTIC LINING MATERIAL SHOULD BE A MINIMUM OF 30 MIL POLYETHYLENE SHEETING AND SHOULD BE FREE OF HOLES, TEARS, OR OTHER DEFECTS THAT COMPROMISE THE IMPERMEABILITY OF THE MATERIAL.

CONCRETE WASH-OUT AREA
NOT TO SCALE

Slope - Percent	Maximum Slope Length (ft) Above Fence	
	Standard (18" High) Silt Fence	Reinforced (30" High) Silt Fence
2 (or less)	150	250
5	100	250
10	50	150
15	35	100
20	25	70
25	20	55
30	15	45
35	15	40
40	15	35
45	10	30
50	10	25

- NOTES:
1. THE SLOPE LENGTH SHOWN IS THE DISTANCE FROM THE FENCE TO THE DRAINAGE DIVIDE OR THE NEAREST UPSLOPE CHANNEL.
 2. SLOPE LENGTH CANNOT BE ADDRESSED BY USE OF MULTIPLE ROWS OF SILT FENCE.

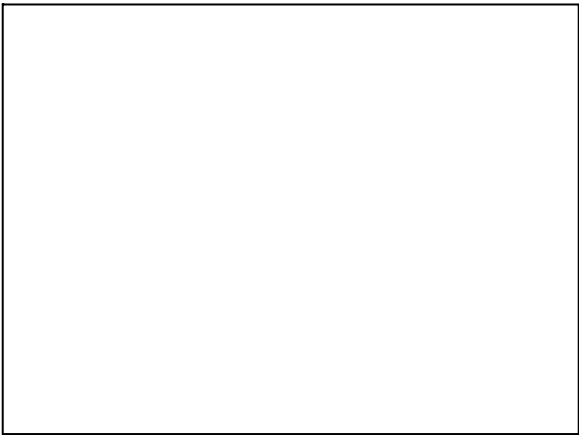


- SILT FENCE NOTES
1. POSTS WHICH SUPPORT THE SILT FENCE SHALL BE INSTALLED ON A SLIGHT ANGLE TOWARD THE ANTICIPATED RUNOFF SOURCE. POST MUST BE EMBEDDED A MINIMUM OF ONE FOOT.
 2. THE TOE OF THE SILT FENCE SHALL BE TRENCHED IN WITH A SPADE OR MECHANICAL TRENCHER, SO THAT THE DOWNSLOPE FACE OF THE TRENCH IS FLAT AND PERPENDICULAR TO THE LINE OF FLOW. HERE FENCE CANNOT BE TRENCHED IN (e.g. PAVEMENT). WEIGHT FABRIC FLAP WITH ROCK ON UPHILL SIDE TO PREVENT FLOW FROM SEEPING UNDER FENCE.
 3. THE TRENCH MUST BE A MINIMUM OF 6 INCHES DEEP AND 6 INCHES WIDE TO ALLOW FOR THE SILT FENCE FABRIC TO BE LAID IN THE GROUND AND BACKFILLED WITH COMPACTED MATERIAL.
 4. SILT FENCE SHOULD BE SECURELY FASTENED TO EACH SUPPORT POST OR TO WOVEN WIRE, WHICH IN TURN IS ATTACHED TO THE FENCE POST. THERE SHALL BE A 3 FOOT OVERLAP, SECURELY FASTENED WHERE ENDS OF FABRIC MEET.
 5. REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED.
 6. SILT FENCE SHALL BE REMOVED WHEN THE SITE IS COMPLETELY STABILIZED SO AS NOT TO BLOCK OR IMPEDE STORM FLOW OR DRAINAGE.
 7. ACCUMULATED SILT SHALL BE REMOVED WHEN IT REACHES A DEPTH OF HALF THE HEIGHT OF THE FENCE. THE SILT SHALL BE DISPOSED OF AT AN APPROVED SITE AND IN SUCH A MANNER AS TO NOT CONTRIBUTE TO ADDITIONAL SILTATION.

WIRED REINFORCED BURIED EDGE SILT FENCE
NOT TO SCALE

REVISION	DATE	DESCRIPTION

SCALE: NTS
DATE: Jul 21, 2022
ENGINEER: BSM
DRAWN BY: JHM
W.O. #: 22947



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 LARGE PRODUCT RETAIL SALES DISTRICT (C-6) 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 August 2, 2022 for hearing the matter of a petition of Nghia Van Tran and Duyen Thi Quack, requesting that the following described tract of real estate to be zoned from General Commercial District (C-2) to Large Product Retail Sales (C-6).

Layman's Description: 2305 S. Thompson Street

Legal Description:

A part of the SE1/4 of the NE1/4 of Section 11, T-17-N, R-30W, Washington County, Arkansas, being more particularly described as follows: Beginning at a point 342 feet South and 45 feet East of the NW corner of said 40 are tract; thence South 166 feet; thence East 165 feet; thence North 166 feet thence West 165 feet to the point of beginning.

SUBJECT TO an access easement 25 feet in width along the North side thereof.

TOGETHER WITH an easement for ingress and egress over and across the following: Part of the SE ¼ of the NE ¼ of Section 11, T-17-N, R-30-W, Washington County, Arkansas, described as beginning at a point 357 feet South and 210 feet East of the NW corner of said 40 acre tract; thence East 15 feet; thence North 175 feet; thence West 15 feet; thence South 175 feet to the point of beginning.

The above described lands being one and the same as described on that certain Plat of Survey made by Derrick L. Thomas, PLS No. 1642, of Bates and Associates, Inc., dated October 16, 2019, and designated Job No. 19-345 as follows:

A part of the Southeast Quarter of the Northeast Quarter of Section 11, Township 17 North, Range 30 West, Washington County, Arkansas, being

more particularly described as follows, to-wit: Beginning at an existing rebar on the East right-of-way of Arkansas State Highway #71B which is S02°21'00" W 342.00 feet and S87°01'51" 44.89 feet from the Northwest corner of said forty acre tract and running thence S87°01'51" E 165.08 feet to an existing pipe; thence S02°18'10" W 165.37 feet to an existing rebar; thence N87°16'05" W 165.17 feet to an existing rebar on the East right-of-way of Arkansas State Highway #71B; thence along said right-of-way N02°20'11" E 166.65 feet to the point of beginning, containing 0.63 acres, more or less.

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 Large Product Retail Sales District (C-6) 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 Large Product Retail Sales District (C-6)

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.

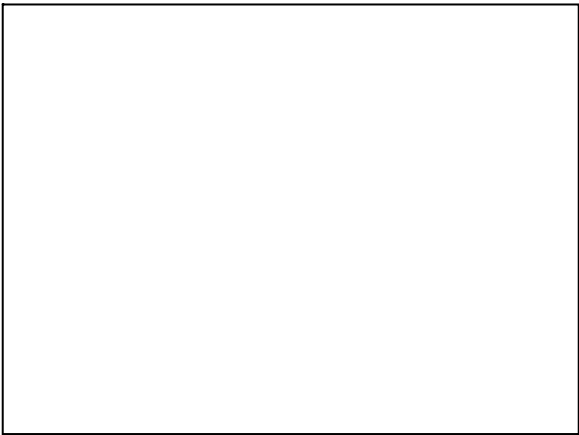
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



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 AGRICULTURE DISTRICT (A-1) TO LOW/MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (SF-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 August 2, 2022 for hearing the matter of a petition of Elia Garcia Rodriguez, requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) to Low/Medium Density Single Family Residential District (SF-2).

Layman's Description: 2286 S. Maestri Road

Legal Description: Part of the Northeast Quarter (NW ¼) of the Southwest Quarter (SW ¼) of Section Seventeen (17), Township Seventeen (17) North, Range Thirty (30) West, Washington County, Arkansas and being more particularly described as follows, to-wit: From the Southeast (SE) Corner of said forty acre tract run North 0°04'17" West 30.0 feet to the Point of Beginning; and running thence North 89°25'22" West 164.08 feet, thence North 04°37'30" West 161.90 feet; thence South 89°25'22" East 4.0 feet; thence North 04°37'30" West 60.00 feet; thence North 89°25'22" West 164.08 feet; thence North 04°37'30" West 161.90 feet; thence South 89°25'22" East 4.0 feet; thence North 04°37'30" West 60.0 feet; thence North 79°45'57" East 180.05 feet; thence South 0°12'02" East 204.77 feet; thence South 0°04'17" East 50 feet to the Point of Beginning, and containing 0.82 acres more or less, together with an access easement being more particularly described as follow,

to-wit: From the Southeast (SE) Corner of said Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼), run North 0°04'17" West 30.0 feet; thence North 89°25'22" West 164.08 feet t the Point of Beginning; and

running thence North 04°37'30" West 30.24 feet; thence North 89°25'22" West 176.47 feet; thence North 81°57'49" West 89.81 feet; thence South 14°55'18" East 43.23 feet; thence South 89°25'22" East 256.70 feet to the Point of Beginning being one and the same parcel as that described in Land Document No. 2016-31411 which contained a repeated call, which description as follows: Part of the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of Section Seventeen (17), Township Seventeen (17) North, Range Thirty (30) West, Washington County, Arkansas, and being more particularly described as follows, to-wit: From the Southeast (SE) Corner of said forty acre tract, run North 0°04'17" West 30.0 feet to the Point of Beginning; and running thence North 89°25'22" West 164.08 feet; thence North 04°37'30" West 161.90 feet; thence South 89°25'22" East 4.0 feet; thence North 04°37'30" West 60.0 feet; thence North 79°45'57" East 4 feet; thence North 04°37'30" West 60 feet; thence North 79°45'57" East 180.05 feet; thence South 0°12'02" East 204.77 feet; thence South 0°04'17" East 50.0 feet to the Point of Beginning.

AND Part of the Northeast Quarter (NE ¼) of the South West Quarter (SW ¼) of Section Seventeen (17) Township Seventeen (17) North, Range thirty (30) West, Washington County, Arkansas, and being more particularly described as follows, to-wit: From the South east (SE) Corner of said forth (40)acre tract, run North 0°04'17" West 30.0 feet; thence North 89°25'22" West 164.08 feet; thence North 04°37'30" West 30.14 feet to the Point of Beginning; and running thence North 04°37'30" West 131.76 feet; thence South 89°25'22" East 4.0 feet; thence North 04°37'30" West 13.0 feet; thence South 86°32'30" West 40.0 feet; thence South 04°41'17" East 141.95 feet; thence South 89°25'35" East 36.0 feet to the Point of Beginning and containing 0.12 acres, more or less.

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 Low/Medium Density Single Family Residential District (SF-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 Low/Medium Density Single Family Residential District (SF-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.

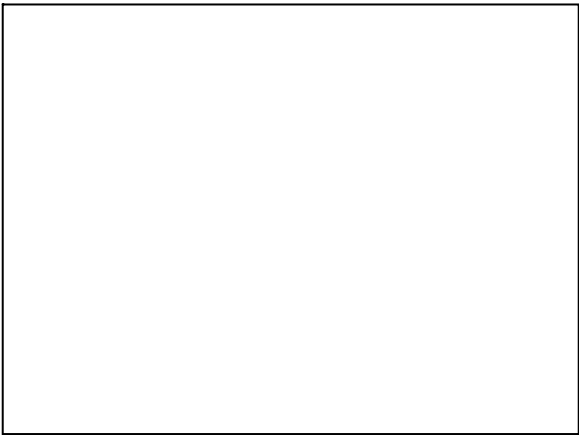
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



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 LOW/MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (SF-2) TO GENERAL COMMERCIAL DISTRICT (C-1) 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 August 2, 2022 for hearing the matter of a petition of Chancad, LLC requesting that the following described tract of real estate to be zoned from Low/Medium Density Single Family Residential District (SF-2) to General Commercial District (C-2) .

Layman's Description: 1443 W. Sunset

Legal Description: A PART OF THE NW ¼ OF THE SE ¼ OF SECTION 2, TOWNSHIP 17 NORTH, RANGE 30 WEST, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE NORTHEAST CORNER OF THE NW ¼ OF THE SE ¼ OF SAID SECTION 2, PROCEED WEST 422.45 FEET; THENCE S 00°50' E 35.00 FEET TO THE POINT OF BEGINNING; THENCE WEST 101.5 FEET; THENCE S 00°50' E 255.15 FEET, THENCE EAST 97.75 FEET; THENCE NORTHEASTERLLY TO THE POINT OF BEGINNING.

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 Low/Medium Density Single Family Residential District (SF-2) 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 Low/Medium Density Single Family Residential District (SF-2) 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.

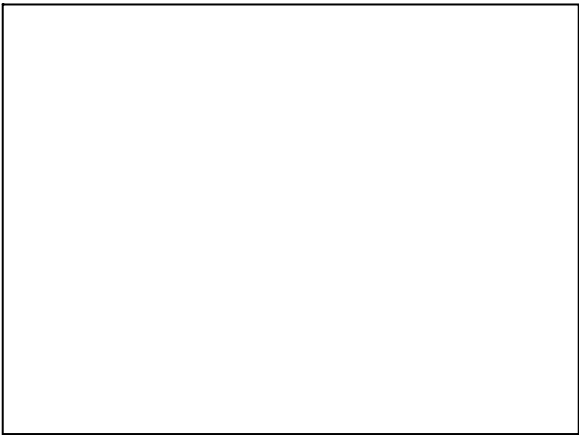
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



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 August 2, 2022 for hearing the matter of a petition of J H Computer Group, 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: 735 Oak Grove Road

Legal Description: A part of the Southeast Quarter of the Northwest Quarter of Section 33, Township 18 N, Range 30 West, Washington County, Arkansas, described as beginning at a point 660 feet South of the Northwest corner of said 40 acre tract and running thence East 110 feet; thence North 264 feet; thence West 110 feet; thence South 264 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, 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 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

RESOLUTION NO. _____

**A RESOLUTION APPROVING A CONDITIONAL USE FOR
GRANT AND KATIE DAY AT 2147 REED 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 August 2, 2022 on a request by Grant and Katie Day for a conditional use for a Tandem Lot Split in an Agricultural District (A-1) at 2147 Reed Avenue; and

WHEREAS, following the public hearing the Planning Commission by a vote of six (6) yes and zero (0) no recommends that a conditional use be granted to Grant and Katie Day for a conditional use for a Tandem Lot Split in an Agricultural District (A-1) at 2147 Reed Avenue 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 Grant and Katie Day for a tandem lot split in an Agricultural District (A-1) at 2147 Reed Avenue 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

RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO WHITNEY RALEY IN CONNECTION WITH 8577 W. GIBBS 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 8577 W. Gibbs Road including drainage improvements related thereto, sidewalks in connection with a request from Whitney Raley 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 Whitney Raley including drainage improvements related thereto, sidewalks in connection with 8577 W. Gibbs Road, a single-family dwelling.

Option 2: Denies a waiver of street improvements to Whitney Raley including drainage improvements related thereto, sidewalks in connection with 8577 W. Gibbs Road, a single-family dwelling.

Option 3: Approves payment in lieu of street improvements to Whitney Raley including drainage improvements related thereto, sidewalks in connection with 8577 W. Gibbs Road, a single-family dwelling, with estimated cost to be submitted 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 Whitney Raley including drainage improvements related thereto, sidewalks in connection with 8577 W. Gibbs Road, a single-family dwelling, with estimated cost to be submitted for confirmation by the Planning Department.

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY
TO SETTLE A CONDEMNATION LAWSUIT WHEREIN
STACY PERRY IS DEFENDANT (PROJECT NO. 18BPS1,
TRACT 36).**

WHEREAS, the City of Springdale has filed a lawsuit against Stacy Perry to condemn property owned by Perry for the Gene George Boulevard Project (Bleaux Ave. to Elm Springs Rd.)(Project No. 18BPS1, Tract 36);

WHEREAS, the City of Springdale's revised estimate of just compensation is \$18,151.00 for the taking of the property needed for the Project;

WHEREAS, the property owner has extended a counter-offer that the City pay the total sum of \$23,713.00 to acquire the lands needed for the project, said amount being based on the unique nature of the property and various costs associated with the taking;

WHEREAS, it is the recommendation of the City Attorney and the Mayor's Office that the City Council approve the additional sum of \$5,562.00 to acquire the property needed from the property owner, as this amount is reasonable, is justified, and will avoid the cost, expense, and risk of a trial;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City Attorney is hereby authorized to settle the Perry condemnation lawsuit for the total sum of \$23,713.00, with the additional funds to be paid from the 2018 Street Bond Fund.

PASSED AND APPROVED this ____ day of _____, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

APPRAISAL REPORT

ON

THE STACY ANN PERRY PROPERTY;
LOCATED AT 6398 WELLS CIRCLE,
SPRINGDALE, ARKANSAS; WASHINGTON COUNTY

FOR

CITY OF SPRINGDALE
SPRINGDALE, AR

BY

REED & ASSOCIATES, INC.
3739 N. STEELE BLVD., SUITE 322
FAYETTEVILLE, ARKANSAS 72703

FILE NO. 5985-36

AS OF

AUGUST 24, 2018
(RETROSPECTIVE)

SUMMARY OF SILENT FACTS AND CONCLUSIONS

Location: 6398 Wells Circle, Springdale, AR
Client: City of Springdale
Fee Owner: Stacy Ann Perry
Mailing Address: 6398 Wells Circle, Springdale, AR 72762

Area Of The Whole:	0.85± AC, or 37,060± SF	Permanent Utility Easement:	1,292± SF
Area Of Remainder:	0.82± AC, or 35,624± SF		
Area Of Acquisition:	0.03± AC, or 1,436± SF	Temporary Construction Easement:	N/A

HIGHEST AND BEST USE:

Whole Property	As Vacant - Single-Family Residential Development As Improved – Continued Single-Family Residential Use
Remainder Property	As Vacant - Single-Family Residential Development As Improved – Continued Single-Family Residential Use

ACQUISITION COMPENSATION:

Before

Land: 37,060± SF @ \$3.50/SF (Rounded)	\$	129,700	
Improvements: Storage Building	\$	8,651	
Total:		\$	138,351

After

Land: 35,624± SF @ \$3.37/SF (Rounded)	\$	120,200	
Improvements: Not Applicable	\$		
Total		\$	120,200

FAIR MARKET VALUE OF ACQUISITION	\$	18,151
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Plus: TCE	\$	N/A
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Total Compensation as of: August 24, 2018	\$	18,151
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ALLOCATION OF COMPENSATION

Land: 1,436± SF @ \$3.50	\$	5,000
Utility Easement: 1,292± SF @ \$3.50 (RND)	\$	4,500
Temporary Construction Easement: Not Applicable	\$	0
Improvements: Not Applicable	\$	0
Damages: Not Applicable	\$	0
Cost to Cure Items: Storage Building	\$	8,651
Total Compensation:	\$	18,151


 Katie Reed Hampton, CG3642
 Reed & Associates, Inc.




 Shannon Reed Mueller, CG2302
 Reed & Associates, Inc.



RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A
GRANT FROM THE WALTON FAMILY FOUNDATION TO
SUPPORT THE CONSTRUCTION OF LUTHER GEORGE PARK**

WHEREAS, the Walton Family Foundation, Inc, has approved a grant in the amount of \$3,100,000 to the City of Springdale to support the construction of Luther George Park and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, THAT: the Mayor is hereby authorized to accept grant funds from the Walton Family Foundation for the construction of Luther George Park.

1.

PASSED AND APPROVED THIS ____ DAY OF _____, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest Cate, City Attorney

Grant Agreement

August 04, 2022

Grant 00107523

The Walton Family Foundation, Inc. ("Foundation" or "WFF") has approved a grant in the amount of up to \$3,100,000.00 to City of Springdale ("Grantee" or "City"). The project term will be September 01, 2022 to August 29, 2025. This grant is subject to the following terms and conditions:

1. **Purpose:** The purpose of the grant is to support the construction of Luther George Park. This grant is more fully described in Grantee's proposal dated July 05, 2022. Grantee agrees to use all grant funds exclusively for the grant's purposes. Any changes in these purposes must be authorized in advance by the Foundation in writing.

2. **Amount Up To: \$3,100,000.00 USD**

Grant payments will be made as follows:

Installment	Amount	Match Ratio	Requirement	Date
1	Up to \$2,350,000.00	1:3	- Signed Grant Agreement - Documentation of 1:3 Match of up to \$7,050,000.00 committed or collected by 09/15/2022	September 22, 2022
2	Up to \$375,000.00	1:3	- Documentation of 1:3 Match of up to \$1,125,000.00 committed or collected by 06/15/2023 - Approval of Progress Report	June 22, 2023
3	Up to \$375,000.00	1:3	- Documentation of 1:3 Match of up to \$1,125,000.00 committed or collected by 01/15/2024 - Approval of Progress Report	January 22, 2024

3. **Matching Grant Payable:** The Foundation will match revenue committed or collected by Grantee according to the conditions outlined below:

Installment 1: One dollar for every three dollars of revenue committed or collected from all sources by September 15, 2022, up to \$7,050,000.00. This payment up to \$2,350,000.00 shall be initiated upon receipt of this completed agreement from Grantee acknowledging the terms and conditions set forth herein, and written documentation of matching funds committed or collected.

Expiration: Qualifying matching contributions for Installment 1 must be committed or collected and documented for the Foundation by September 15, 2022. In the event the matching contributions are not documented by this deadline, the Foundation will pay only an amount equal to the qualifying matching contributions documented by the

deadline, and the Foundation will have no obligation at any time to pay any portion of this installment that exceeds such amount.

Installment 2: One dollar for every three dollars of revenue committed or collected from all sources by June 15, 2023, up to \$1,125,000.00. This payment up to \$375,000.00 shall be contingent upon the Foundation's approval of Grantee's activities as evidenced by the reports described in Reporting and Evaluation paragraph below and other information the Foundation may gather, as well as written documentation of matching funds committed or collected.

Expiration: Qualifying matching contributions for Installment 2 must be committed or collected and documented for the Foundation by June 15, 2023. In the event the matching contributions are not documented by this deadline, the Foundation will pay only an amount equal to the qualifying matching contributions documented by the deadline, and the Foundation will have no obligation at any time to pay any portion of this installment that exceeds such amount.

Installment 3: One dollar for every three dollars of revenue committed or collected from all sources by January 15, 2024, up to \$1,125,000.00. This payment up to \$375,000.00 shall be contingent upon the Foundation's approval of Grantee's activities as evidenced by the reports described in Reporting and Evaluation paragraph below and other information the Foundation may gather, as well as written documentation of matching funds committed or collected.

Expiration: Qualifying matching contributions for Installment 3 must be committed or collected and documented for the Foundation by January 15, 2024. In the event the matching contributions are not documented by this deadline, the Foundation will pay only an amount equal to the qualifying matching contributions documented by the deadline, and the Foundation will have no obligation at any time to pay any portion of this installment that exceeds such amount.

Funds committed or collected and applied to other Foundation match requirements may not be used to satisfy this match requirement.

4. Accounting:

- a. The Foundation encourages, whenever feasible, the deposit of grant funds in an interest-bearing account. For purposes of this letter, the term "grant funds" includes the grant and any income earned thereon.
- b. Grantee will maintain records of receipts and expenditures made in connection with the grant funds and will keep these records during the period covered by the Grantee's reporting obligations specified in the Reporting and Evaluation paragraph and for at least four years thereafter ("Maintenance Period"). Grantee will make its books and records in connection with the grant funds available for inspection by the Foundation during normal business hours as the Foundation may request at any time during the Maintenance Period.

5. **Reporting and Evaluation:** Grantee will provide the Foundation with financial and narrative reports by the due dates listed in the report schedule below. Each report shall include an account of expenditures of grant funds, and a brief narrative of what was accomplished (including a description of progress made in fulfilling the purposes of the

grant and a confirmation of Grantee's compliance with the terms of the grant).

Report Type	Report Date
Payment Requirement: 1:3 Match Documentation	September 15, 2022
Payment Requirement: 1:3 Match Documentation	June 15, 2023
Progress Report	June 15, 2023
Payment Requirement: 1:3 Match Documentation	January 15, 2024
Progress Report	January 15, 2024
Miscellaneous Report	November 01, 2024
Final Report	August 29, 2025

Success will be measured against the outputs and outcomes described in Appendix A.

All reports will be submitted electronically using the Foundation's online grants management system. Any questions regarding this process should be addressed to your contact listed in the Contact paragraph of this document, or by emailing smartsimplehelp@wffmail.com. Please reference Grant 00107523 on all communication.

Grantee payments are always contingent upon the Foundation's approval of Grantee's operations based on the above reports and the Foundation's satisfaction with such information as it chooses to obtain from other sources.

- 6. Representations:** Grantee represents and warrants to the Foundation that:
- a. Grantee is an organization in good standing, is either an organization described in section 501(c)(3) of the Internal Revenue Code ("Code") or a governmental unit, and is not a "private foundation" described in section 509(a) of the Code. Grantee will promptly notify the Foundation of any change in Grantee's tax status under the Code.
 - b. In no event will Grantee use any grant funds:
 - i. to carry on propaganda, or otherwise to attempt, to influence legislation;
 - ii. to influence the outcome of any specific public election or to carry on, directly or indirectly, any voter registration drive; or
 - iii. to undertake any activity other than for a charitable, educational or other exempt purpose specified in section 170(c)(2)(B) of the Code.
 - c. Grantee will comply with all applicable laws and regulations.
 - d. Grantee does not support, directly or indirectly, terrorist activities or violence of any kind, and takes reasonable steps to ensure that:
 - i. Grantee's board, staff and volunteers have no dealings with, and do not support, terrorist activities or violence of any kind, and
 - ii. grant funds will not ultimately be used to support terrorist activities or violence of any kind.

7. **Anti-Discrimination:** It is the Foundation's expectation that, in the application of Foundation's funds, Grantee will encourage equal opportunities for all and will not use the Foundation's funds to promote or engage in: exploitation, abuse, bullying, harassment, criminal acts of violence, terrorism, hate crimes, or any behavior which would be considered a violation of federal anti-discrimination laws, which prohibit discrimination on the basis of age, race, national origin, religious beliefs, sex (including gender, pregnancy, sexual orientation, and gender identity), disability, and veteran status. It is also the Foundation's expectation that Grantee has established appropriate policies and procedures for training staff and receiving and addressing complaints regarding violence, exploitation, abuse, harassment, and discrimination, and other forms of misconduct.
8. **Repayment, Rescission, and/or Termination:** The Foundation, in its sole discretion, may discontinue or suspend funding, rescind payments made, require the return of any unspent funds, or terminate this agreement if any of the following events occur:
- Grantee ceases to maintain its tax-exempt status as described in paragraph 6(a) above;
 - Grantee fails to comply with the terms of this agreement, including, but not limited to, failure to submit any required reports on a timely basis;
 - There is a material change in Grantee's key personnel that in the sole opinion of the Foundation adversely affects Grantee's management of the grant;
 - Grantee does not use funds for the purpose of this grant;
 - The Foundation is not satisfied with the progress of the activities funded by this grant as measured in the performance measures in Appendix A;
 - The Foundation determines that Grantee will be unable to achieve the purposes for which the grant was made;
 - The Foundation becomes aware of actual or alleged acts or omissions to act by Grantee or one or more of Grantee's directors, officers, employees, volunteers, sub-grantees or contractors which the Foundation believes pose a reputational risk to the Foundation, and for which the Foundation determines Grantee has not taken immediate and effective remedial measures;
 - There is an investigation or allegation of unlawful action or gross misconduct by Grantee, any officer, director, trustee, employee, or agent of Grantee, or any organization affiliated with Grantee, and the Foundation, in its sole discretion, determines such investigation or allegation to be credible; or
 - The Foundation determines that making any payment, in the judgment of the Foundation, might expose the Foundation to liability, adverse tax consequences, or constitute a taxable expenditure.

The Foundation will provide notice of any determinations made under this paragraph and, in its sole discretion, may provide Grantee up to 30 days to respond to and resolve the issues identified in the Foundation's notice. However, the determination to suspend funding, terminate, or continue the grant will remain in the Foundation's sole discretion.

9. **Grant Publicity:** Grant publicity related to this grant consistent with Grantee's normal practice is permitted, subject to the following provisions. The Foundation expects any announcements and other publicity to focus on Grantee's work and the project or issue funded by the grant. Recognition of the Foundation's role in funding the project is permitted, provided that the timing, content and strategic focus of such publicity should be approved by the Foundation contact listed in Contact paragraph. Publicizing the grant

and the Foundation in Grantee's publications and communications in a manner consistent with similar grants obtained by Grantee is permitted. If publicized or recognized, the grant should be listed as from the "Walton Family Foundation."

The Foundation may ask Grantee to provide illustrations, photographs, videos, recordings, information or other materials related to the grant (collectively "Grant Work Product") for use in Foundation communications including the Foundation's website, annual report, newsletters, board materials, presentations, communications and other publications. Grantee agrees to provide the Foundation with such items upon the Foundation's reasonable request and hereby grants to the Foundation and anyone acting under the authority of the Foundation a fully paid-up, world-wide, right and license to use, reproduce, display and distribute the Grant Work Product in connection with the Foundation's charitable operations and activities. In connection therewith, Grantee shall be responsible for obtaining all necessary rights and permissions from third parties for the Foundation to use the Grant Work Product for these purposes. By signing this Agreement, Grantee also acknowledges and agrees to use by the Foundation of historical, programmatic and other information relating to Grantee and the grant hereunder.

10. **Gratuities:** The Foundation desires that all of Grantee's resources be dedicated to accomplishing its philanthropic purposes. Therefore, Grantee agrees that it will not furnish the Foundation or its Board of Directors, officers, staff or affiliates with any type of benefit related to this grant including tickets, tables, memberships, commemorative items, recognition items, or any other benefit or gratuity of any kind.
11. **Contact:** For all communications regarding this grant, please contact the Foundation by email at HomeRegion@wffmail.com. Please reference Grant 00107523 in your communication.

By electronically signing this agreement the Grantee acknowledges and agrees to the terms and conditions herein. A copy of the completed document will be emailed to the Grantee through DocuSign. If the electronic signing is not completed by August 31, 2022 the Foundation will consider the Grantee to have declined the grant.

Walton Family Foundation, Inc.

By:

Caryl M. Stern
Executive Director

City of Springdale

By:

Doug Sprouse
Mayor

Appendix A: City of Springdale

Performance Measures

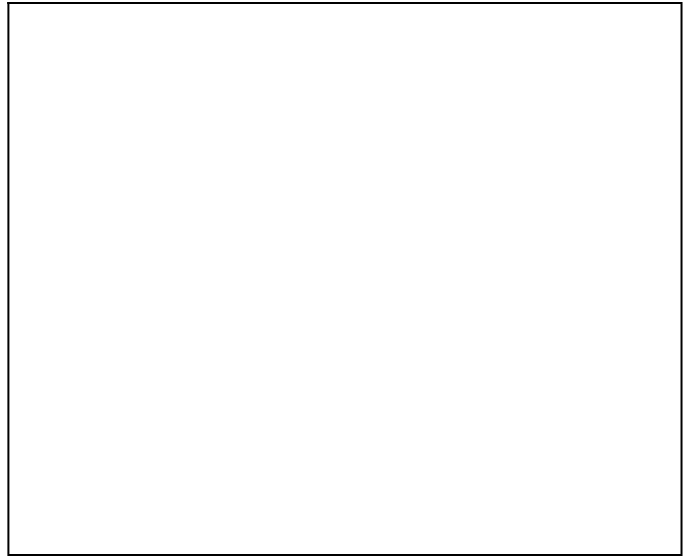
Goal: Construct and activate a redesigned Luther George Park as an inclusive community gathering place.

Outputs And Outcomes

Category	Who will do what and how much?	By when?	Measured or evaluated by?
Output	The City of Springdale (City) will independently select and execute a construction management contract with a qualified contractor and construct improvements to Luther George Park as specified during the phase 1 Design Excellence grant.	08/30/2024	Copy of signed construction management contract and construction schedule, Certificate of Completion and final inspection
Output	The City will execute a contract with Downtown Springdale Alliance for programming of the newly opened Luther George Park.	01/02/2023	Copy of approved contract
Outcome	Site observations post-construction will show that the number of park users has increased over the baseline of 35 people staying average per hour.	08/29/2025	Post-construction evaluation
Outcome	The percentage of park users interviewed who indicate they have interacted with someone they did not previously plan to meet while at the park will increase over the baseline (37%).	08/29/2025	Post-construction evaluation
Outcome	The percentage of visitors arriving by foot or bike to the park will increase over the baseline (14% of people surveyed walked and 0 people reported arriving by bike).	08/29/2025	Post-construction evaluation
Outcome	The racial demographics of visitors at the park will continue to be as diverse as the community at large (2020 Baseline: The share of visitors who identified as Latinx, American Indian, Black, Asian, and Native Hawaiian or other Pacific Islander - including Marshallese - was higher than that of the population of Springdale).	08/29/2025	Post-construction evaluation
Outcome	The percentage of visitors surveyed who report that they feel welcome in the redesigned park will increase over the baseline (96%).	08/29/2025	Post-construction evaluation

ORDINANCE NO. _____

**AN ORDINANCE RELEASING,
VACATING, AND ABANDONING A
DRAINAGE EASEMENT LOCATED
ON PROPERTY IN SPRINGDALE,
WASHINGTON COUNTY, ARKANSAS,
TO DECLARE AN EMERGENCY AND
FOR OTHER PURPOSES.**



WHEREAS, Bridgers Crossing, LLC, has petitioned for the abandonment of a drainage easement previously filed on January 10, 2006, as File No. 2006-00001124, City of Springdale, Washington County, Arkansas, and more particularly described in Section 1 below;

WHEREAS, after legal notice of the hearing was published as required by law, a hearing was held on the matter in front of the Springdale City Council, and at the hearing the City Council made the following findings: That all written consents to the releasing, vacating and abandoning the drainage easement as shown on the copy of the plat incorporated by reference are on file in the office of the City Clerk for the City of Springdale, Arkansas;

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

Section 1: That the City of Springdale, Arkansas hereby releases, vacates and abandons all of their rights, together with the rights of the public generally, in a drainage easement over and across the property described as follows:

A part of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section Seven (7), Township Seventeen (17) North, Range Twenty-nine (29) West, Springdale, Washington County, Arkansas, being more particularly described as follows: From the Northwest corner of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of said Section Seven (7); thence South – 752.26 feet; thence South 89°56'49" East – 307.09 feet; thence North 88°14'58" East – 104.59 feet; said point being the Northeast corner of Lot 35, Palisades Subdivision in Springdale, Arkansas; thence South 02°27'17" East – 193.36 feet, said point being the Northwest corner of Lot 76A, Palisades Subdivision in Springdale, Arkansas, thence North 88°33'22" East – 320.37 feet to the POINT OF BEGINNING; thence North 01°37'00" West – 11.93 feet; thence South 88°00'47" West – 202.80 feet; thence North 01°59'07" West – 191.42 feet; thence North 25°10'41" East – 56.91 feet; thence South 64°49'19" East – 20.00 feet; thence South 25°10'41" West – 52.07 feet; thence South 01°59'07" East – 166.58

feet; thence North 88°00'47" East – 202.93 feet; thence South 01°37'00" East – 32.12 feet; thence South 88°33'22" West – 20.00 feet to the POINT OF BEGINNING, and containing 0.21 acres, more or less.

Tax Parcel No.: Parcel No. 815-28649-220, Parcel No. 815-28649-240, and Parcel No. 815-28649-251

Address: 3064 S. Old Missouri Rd.

A survey showing the property abandoned is hereby incorporated by reference.

Section 2: 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 23rd day of August, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

DRAINAGE EASEMENT

PROJECT NO. _____
PARCEL NO. _____
TRACT NO. _____

STATE OF ARKANSAS
COUNTY OF WASHINGTON

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of **One Dollar (\$1.00)** and other valuable consideration to the undersigned, Landside Acquisitions, LLC, an Arkansas limited liability company ("Grantor"), paid, the receipt of which is hereby acknowledged, the said Grantor does hereby GRANT, SELL AND CONVEY unto the City of Springdale, Arkansas, a municipal corporation ("Grantee"), its successors and assigns, the right of way and easement to construct, lay, remove, relay and enlarge and operate a storm sewer pipe line or lines, culverts, drainage channels, manholes, and appurtenances thereto, on, over, across and under the following described real estate, to-wit:

PERMANENT EASEMENT DESCRIPTION

A part of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section Seven (7), Township Seventeen (17) North, Range Twenty-nine (29) West, Springdale, Washington County, Arkansas, being more particularly described as follows, to wit:

From the Northwest corner of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of said Section Seven (7); thence South - 752.26 feet; thence South 89°56'49" East - 307.09 feet; thence North 88°14'58" East - 104.59 feet, said point being the Northeast corner of Lot 35, Palisades Subdivision in Springdale, Arkansas; thence South 02°27'17" East - 193.36 feet, said point being the Northwest corner of Lot 76A, Palisades Subdivision in Springdale, Arkansas; thence North 88°33'22" East - 320.37 feet to the POINT OF BEGINNING; thence North 01°37'00" West - 11.93 feet; thence South 88°00'47" West - 202.80 feet; thence North 01°59'07" West - 191.42 feet; thence North 25°10'41" East - 56.91 feet; thence South 64°49'19" East - 20.00 feet; thence South 25°10'41" West - 52.07 feet; thence South 01°59'07" East - 166.58 feet; thence North 88°00'47" East - 202.93 feet; thence South 01°37'00" East - 32.12 feet; thence South 88°33'22" West - 20.00 feet to the POINT OF BEGINNING, and containing 0.21 acres, more or less.

(Description prepared by Engineering Services, Inc.)

CITY OF SPRINGDALE
201 SPRING ST., ROOM 203
SPRINGDALE, AR 72764

TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, so long as such line or lines, manholes and/or appurtenances thereto shall be maintained, with ingress to and egress from the real estate first hereinabove described for the purpose of constructing, inspecting, maintaining and repairing said lines, manholes and appurtenances of Grantee above described, and the removal, renewal and enlargement of such at will, in whole or in part.

The Grantor agrees not to erect any building or structures in said right of way other than fences and said fences shall not exceed six (6) feet in height.

The Grantee shall have the right to construct additional lines upon the above described easement at any time in the future and agrees to pay any damages as a result of such future construction as set out in this easement.

The consideration first above recited as being paid to Grantor by Grantee is in full satisfaction of every right hereby granted. All covenants and agreements herein contained shall extend to and be binding upon the respective heirs, legal representatives, successors and assigns of the parties hereto.

It is hereby understood and agreed that the party securing this grant in behalf of the Grantee is without authority to make any covenant or agreement not herein expressed.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal, this the 1ST day of SEPTEMBER, 2005.

LANDSIDE ACQUISITIONS, LLC
An Arkansas Limited Liability Company

By: _____

Gary Combs, Member

[ACKNOWLEDGMENT ON FOLLOWING PAGE]

CITY OF SPRINGDALE
201 SPRING ST., ROOM 203
SPRINGDALE, AR 72764

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)ss
COUNTY OF WASHINGTON)

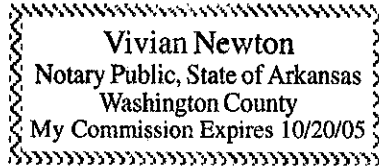
On this the 1st day of Sept., 2005, before me, the undersigned officer, personally appeared Gary Combs, who acknowledged himself to be a Member of Landside Acquisitions, LLC, a limited liability company, and that he, as such Member, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the limited liability company by himself as Member.

In witness whereof I hereunto set my hand and official seal.

Vivian Newton
Notary Public

My Commission Expires:

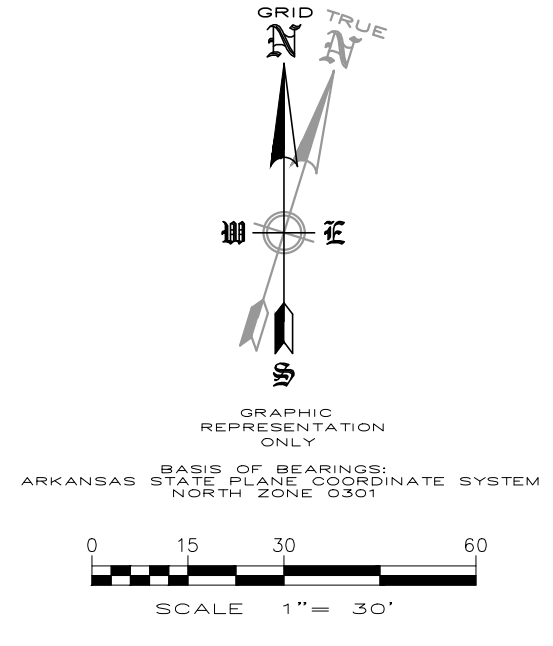
10/20/05



This instrument was prepared by:

Cypert, Crouch, Clark & Harwell
Attorneys at Law
P.O. Box 1400
Springdale, Arkansas 72765

CITY OF SPRINGDALE
201 SPRING ST., ROOM 203
SPRINGDALE, AR 72764



SURVEYOR'S NOTES:
THIS SURVEY IS VALID ONLY IF THE DRAWING INCLUDES THE ORIGINAL SEAL AND SIGNATURE OF THE SURVEYOR. THE ORIGINAL SIGNATURE, IF NOT BLUE IN COLOR, IS NOT VALID.

PLAT CLOSURE DECLARATION:
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 258,615 FEET.

FEMA FLOOD PLAIN ZONE:
THIS PROPERTY IS WITHIN THE FLOOD PLAIN ZONE 'X' (NO SHADING) DESIGNATED AS AN AREA DETERMINED TO BE OUTSIDE OF 0.2% ANNUAL CHANCE FLOODPLAIN AS SHOWN ON THE F.I.R.M. MAP # 05143C0090F, PANEL 90 OF 575 WASHINGTON COUNTY, ARKANSAS & INCORPORATED AREAS. EFFECTIVE DATE: MAY 16, 2008.

UTILITIES:
THE UTILITY INFORMATION, IF ANY SHOWN HEREON, IS PROVIDED BY THE SURVEYOR AND IS BASED ON ABOVE GROUND UTILITY FEATURES AND CITY OF SPRINGDALE O.I.S. ONLY. THE DESIGNATIONS AND LOCATIONS OF THESE UTILITY FEATURES SHOWN HEREON ARE NOT TO BE CONSTRUED AS ALL INCLUSIVE OR ABSOLUTE AND ARE PROVIDED WITHOUT WARRANTY.

REFERENCES:
EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS A PART OF THIS SURVEY IS NOTED BELOW. THE SURVEYOR RESEARCHED OR WAS PROVIDED NECESSARY DEEDS, RIGHT-OF-WAY MAPS, AND OTHER PERTINENT INFORMATION AS SHOWN BELOW. THE SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR COURT CASE DECREEES, ADVERSE POSSESSION CLAIMS, SUBSURFACE RIGHTS OR OWNERSHIP, ENCUMBRANCES, OR RESTRICTIVE COVENANTS.

ALL RECORDS LISTED BELOW ARE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS UNLESS OTHERWISE NOTED.

A. **SPECIAL WARRANTY DEED:** SIGNATURE BANK OF ARKANSAS, RECORDED NOVEMBER 18, 2016, FILE NO. 2016-34349.
B. **FINAL PLAT OF PALISADES SUBDIVISION:** BY LANDTECH ENGINEERING, INC., L.F. GABBARD, AR PLS NO. 1204, RECORDED JANUARY 26, 2001, PLAT BOOK 17 AT PAGE 4.
C. **REPLAT OF LOT 76, PALISADES SUBDIVISION:** BY ENGINEERING SERVICES, INC., PHILIP C. HUMBARD, AR PLS NO. 1429, RECORDED JANUARY 16, 2003, FILE NO. 23-38.
D. **LOT SPLIT:** BY MILHOLLAND COMPANY, MELVIN L. MILHOLLAND, AR PLS NO. 648, RECORDED AUGUST 6, 2014, FILE NO. 2014-19851.
E. **AHTD JOB NO. 040490:** RIGHT OF WAY ACQUISITION, STATE FILE 20107230001.
F. **ALTA/CSM LAND TITLE SURVEY:** BY ENGINEERING SERVICES, INC., S. CRAIG DAVIS, AR PLS NO. 1156, WORK ORDER NO. 20234, DATED MAY 26, 2020.

SURVEYOR'S DECLARATION:
I HEREBY DECLARE THAT I HAVE THIS DAY COMPLETED A SURVEY OF THE ABOVE DESCRIBED PROPERTY. THE PROPERTY LINES AND CORNER MONUMENTS ARE TO THE BEST OF MY KNOWLEDGE AND ABILITY, CORRECTLY ESTABLISHED, AND THERE ARE NO ENCUMBRANCES EXCEPT AS SHOWN ON THIS PLAT. I FURTHER DECLARE THAT THIS SURVEY MEETS THE CURRENT "MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS" PER THE STATE OF ARKANSAS.

S. CRAIG DAVIS, L.P.S. NO. 1156, AR. DATE _____



OWNER'S CERTIFICATION:
AS OWNER, I HEREBY CERTIFY THAT I HAVE CAUSED THE LAND DESCRIBED TO BE SURVEYED, COMBINED, PLATTED, DEDICATED AND/OR ACCESS RIGHTS RESERVED AS REPRESENTED ON THIS PLAT.

OWNER/AUTHORIZED REPRESENTATIVE _____ DATE _____

CITY OF SPRINGDALE
APPROVAL FOR RECORDING _____

SUBSCRIBED AND SWORN BEFORE ME THIS _____ DAY OF _____, 2022.
MY COMMISSION EXPIRES: _____

NOTARY PUBLIC _____

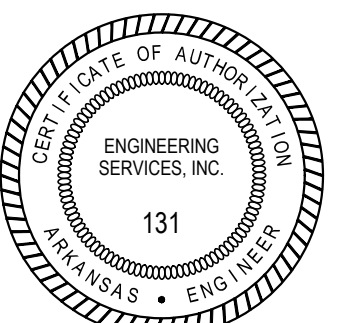
DATE _____ SIGNATURE _____
CITY OF SPRINGDALE
APPROVAL FOR RECORDING _____
DIRECTOR, PLANNING AND COMMUNITY DEVELOPMENT DIVISION

LEGEND	
	PROPERTY LINE
	REMOVED PARCEL LINE
	SECTION 1/40" LINE
	ADJACENT OWNER
	EASEMENT (AS NOTED)
	RIGHT-OF-WAY
	BUILDING SETBACK LINE (B.S.L.)
	CHAIN LINK FENCE LINE
	WOOD FENCE LINE
	OVERHEAD UTILITIES
	WATER LINE
	P.O.C. POINT OF COMMENCEMENT
	P.O.B. POINT OF BEGINNING
	IFP - IRON PIN FOUND (AS NOTED)
	IRON PIN SET W/ CAP "PLS 1156"
	COMPUTED POINT
	MANHOLE (AS NOTED)
	POWER POLE (PP)

LEGAL DESCRIPTION PER W.D. 2016-34349:
A PART OF THE SOUTHWEST QUARTER (SW 1/4) OF THE FRACTIONAL SECTION SEVEN (7), TOWNSHIP SEVENTEEN (17) NORTH, RANGE TWENTY-NINE (29) WEST, MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE WEST QUARTER 1/4 CORNER OF SAID SECTION SEVEN (7) AND CONTINUING THENCE N88°25'16"E 300.27 FEET AND S01°34'44"E 807.27 FEET TO AN AHTD RIGHT OF WAY MONUMENT ESTABLISHED FOR AHTD JOB NUMBER 040490, ON THE WESTERLY RIGHT OF WAY OF ARKANSAS HIGHWAY 266, SAID POINT BEING ON THE NORTH PROPERTY LINE OF PARCEL 815-28649-220 AND THE TRUE POINT OF BEGINNING; THENCE ALONG SAID WESTERLY RIGHT OF WAY S07°10'38"E 143.59 FEET TO A POINT ON THE SOUTHERN BOUNDARY OF SAID PARCEL; THENCE ALONG SAID BOUNDARY S88°14'58"E 445.52 FEET TO THE NORTHEAST CORNER OF LOT 38 OF PALISADES SUBDIVISION; THENCE N02°02'19"E 120.18 FEET TO THE SOUTHEAST CORNER OF LOT 34 OF SAID PALISADES SUBDIVISION; THENCE ALONG NORTH BOUNDARY OF SAID PARCEL, N87°59'50"E 258.07 FEET; THENCE N01°28'59"W 21.03 FEET; THENCE N87°57'04"E 165.82 FEET TO THE POINT OF BEGINNING; CONTAINING 1.290 ACRES, MORE OR LESS, SPRINGDALE, WASHINGTON COUNTY, ARKANSAS.

AND
PART OF THE NW 1/4 OF THE SW 1/4 OF SECTION 7, TOWNSHIP 17 NORTH, RANGE 20 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A CONCRETE MONUMENT FOUND MARKING THE SOUTHWEST CORNER OF TRACT 1 AND THE NORTHWEST CORNER OF LOT 76A OF THE PALISADES SUBDIVISION AS RECORDED IN BOOK 23, PAGE 38, WASHINGTON COUNTY, ARKANSAS; THENCE N 02° 27' 17" W, 193.36 FEET ALONG THE WEST LINE OF TRACT 1 & 3, SAME BEING THE EAST LINE OF LOTS 36 & 38 OF SAID PALISADES SUBDIVISION, TO A FOUND CONCRETE MONUMENT; THENCE N 88° 14' 58" E, 468.15 FEET TO A FOUND IRON PIN ON THE WEST LINE OF HWY 266; THENCE SOUTHERLY ALONG SAID WEST LINE FOLLOWING TWO COURSES AND DISTANCES: 1) S 03° 16' 30" E, 91.82 FEET TO A FOUND 5/8" IRON PIN; 2) S 03° 39' 50" E, 104.11 FEET TO A SET IRON PIN, SET ON THE SOUTH LINE OF TRACT 2, SAME BEING THE NORTH LINE OF SAID PALISADES SUBDIVISION; THENCE S 80° 53' 22" W ALONG SAID NORTH LINE 470.67 FEET TO THE POINT OF BEGINNING, CONTAINING 2.10 ACRES MORE OR LESS, SUBJECT TO EASEMENTS, RIGHTS-OF-WAY, AND/OR RESTRICTIONS OF RECORD, IF ANY.

SURVEY DESCRIPTION COMBINED TRACT (PARCEL NO.'S 815-28649-220, 815-28649-240, 815-28649-251, 815-28649-280):
PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION SEVEN (7), TOWNSHIP SEVENTEEN (17) NORTH, RANGE TWENTY-NINE (29) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF SPRINGDALE, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SAID NW 1/4 OF THE SW 1/4 OF SECTION 7, SAID POINT BEING A FOUND 1 INCH PIPE; THENCE ALONG THE NORTH LINE OF SAID NW 1/4 OF THE SW 1/4, S87°27'51"E A DISTANCE OF 652.79 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF ARKANSAS STATE HIGHWAY 266 (OLD MISSOURI ROAD); THENCE LEAVING SAID NORTH LINE AND ALONG SAID WESTERLY RIGHT-OF-WAY LINE, S84°32'34"E A DISTANCE OF 71.55 FEET; THENCE S09°53'58"E A DISTANCE OF 286.04 FEET; THENCE S09°59'00"E A DISTANCE OF 303.80 FEET TO THE **POINT OF BEGINNING**; SAID POINT BEING A FOUND AHTD MONUMENT; THENCE S07°10'38"E A DISTANCE OF 143.59 FEET TO A FOUND AHTD MONUMENT; THENCE CONTINUING S03°03'09"E A DISTANCE OF 53.04 FEET TO A FOUND AHTD MONUMENT; THENCE S04°00'08"E A DISTANCE OF 143.23 FEET; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE, N87°25'10"W A DISTANCE OF 463.71 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N01°39'27"E A DISTANCE OF 193.36 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N06°11'13"E A DISTANCE OF 120.08 FEET TO A FOUND IRON PIN WITH CAP "MCO AR PLS 648"; THENCE S87°50'23"E A DISTANCE OF 257.49 FEET TO A FOUND 5/8 INCH REBAR; THENCE N03°16'17"E A DISTANCE OF 21.13 FEET TO A FOUND 1 INCH PINCHED PIPE; THENCE S87°56'26"E A DISTANCE OF 165.82 FEET TO THE **POINT OF BEGINNING**, CONTAINING 3.31 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD AND FACT.



REVISION	DATE	DESCRIPTION

INFORMAL PLAT
FOR SIGNATURE BANK OF ARKANSAS
SPRINGDALE, WASHINGTON COUNTY, ARKANSAS

SCALE: 1"=30' DATE: May 3, 2022 DRAWN BY: KND

ENGINEERING SERVICES, INCORPORATED
SPRINGDALE, ARKANSAS

2022 © COPYRIGHT 2015, ENGINEERING SERVICES, INC. 5-0333 3.03 PM W.O.# 22921 SHEET **01**

PLAT CODE: 500-17N-29W-0-07-340-Page 1 of 56

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: Walur Investments LLC

LEGAL DESCRIPTION: PT LOT 59 SE SE 64.5/222.75/92.62/157.75 PT LOT 59 84 X 157.75
FURTHER DESCRIBED FROM 2018-3496 AS: Tract 1: Part of the SE/4 of the SE/4 of Section 36,
Township 18 North, Range 30 West, Washington County, Springdale, Arkansas, being more particularly
described as follows: Commencing at the SE corner of said SE/4 of the SE/4, thence N 88°13'03"W
130.00 feet to a found iron pin; thence N 86°54'55" W 533.14 feet to a set iron pin at the point of
beginning; thence N 87°9'14" W 157.76 feet to a set iron pin; thence along the boundary common with
the City of Springdale, N 01°35'27" E 86.14 feet to a set PK nail and N 43°30'52" W 92.59 feet to a found
iron pin; thence leaving said City boundary, S 86°59'12" E 223.29 feet to the NE corner of the property,
said point being S 86°59'12" E 0.57 feet from a found iron pin; thence S 01°33'02" W 148.49 feet to the
point of beginning, containing 0.59 acres, more or less.

LAYMAN'S DESCRIPTION: 407 South Cleveland

PARCEL NO.: 815-28480-000

PROPERTY OWNER: Montgomery G. Nelford III

LEGAL DESCRIPTION: Lot 12, Mathias Mixed Use Sudivision in the City of Springdale,
Arkansas, as per plat on file in the office of the Circuit Clerk and Ex-Officio Recorder of
Washington County, Arkansas.

LAYMAN'S DESCRIPTION: 283 Erin Place

PARCEL NO.: 815-37347-000

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:

\$332.90 clean-up costs and \$22.53 administrative costs – 407 South Cleveland (815-28480-000)

\$227.26 clean-up costs and \$22.53 administrative costs – 283 Erin Place (815-37347-000)

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:

\$332.90 clean-up costs and \$22.53 administrative costs – 407 South Cleveland (815-28480-000)
\$227.26 clean-up costs and \$22.53 administrative costs – 283 Erin Place (815-37347-000)

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 23th day of August, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:



Ernest B. Cate, CITY ATTORNEY

**CITY ABATEMENT-2022** - Friday, July 08, 2022 3:19:03 PM (RANDY-CODE 4)

User Name RANDY-CODE 4
User # 4792634221
Form Started 7/8/2022 3:19:03 PM
Form Submitted 7/8/2022 3:22:28 PM
Property Address 407 S Cleveland
Before Picture Attached Data



Type of Abatement Lien
Date of Abatement Friday, July 08, 2022 3:19:00 PM
Officer on Site- R. Glenn
Labor Rate Recovery
Employee Travis Ambrose
RD Benefit Rate \$14.58
Method of Compliance
1 Method of Compliance Junk and Trash Removal from Curb
Equipment Used
Equipment 660/652 New Bulky Waste Truck
660 New Bulky Waste Truck \$200.00
Time of Abatement in Hours 1
Number of Temporary Laborers 0
Temporary Labor Rate Recovery 0.00
Employee labor recovery per hour 14.58
Total Employee Cost 14.58
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	332.90
Items Removed from Property	Office chair, and mattress
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

July 15, 2022

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

Walur Investments LLC
4316 Windsong Way
Oklahoma City, OK 73120

RE: Notice of clean-up lien on property located at 407 South Cleveland, Springdale, Washington County, Arkansas, Tax Parcel No. 815-28480-000

Dear Property Owner/Lienholder:

On June 2, 10, 13, 15 and July 8, 2022, notice was posted on property located at 407 S. Cleveland Street, 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 June 15, 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 8, 2022. As of this date, the total costs incurred by the City of Springdale to clean this property are \$332.90. 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 August 17, 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, August 23, 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 \$340.43, which includes \$332.90 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 Walur Investments at the address above. Delivery of that letter by the U.S. Postal Service shall warrant service should the certified letter be returned.

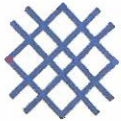
If you should have any questions, please let me know.

Sincerely,

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

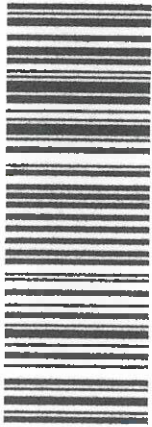
Ernest B. Cate
City Attorney

Enclosures
EBC:dp



CITY OF SPRINGDALE
OFFICE OF CITY ATTORN
201 SPRING STREET
SPRINGDALE, AR 72764

CERTIFIED MAIL®



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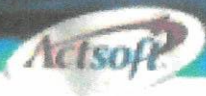
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Walur Investments LLC
4316 Windsong Way
Oklahoma City, OK 73120

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VALAN
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CITY ABATEMENT-2022 - Monday, July 11, 2022 10:31:03 AM (RANDY-CODE 4)

User Name RANDY-CODE 4
User # 4792634221
Form Started 7/11/2022 10:31:03 AM
Form Submitted 7/11/2022 10:34:36 AM
Property Address 283 Erin
Before Picture Attached Data



Type of Abatement Lien
Date of Abatement Monday, July 11, 2022 10:31:00 AM
Officer on Site- R. Glenn
Labor Rate Recovery
Employee Scott Winne
SW Benefit Rate \$63.94
Method of Compliance
1 Method of Compliance Property Clean Up - Junk and Trash
Equipment Used
Equipment 6019 (S-10) Service Pick Up
6019 (S-10) Service Pick Up \$35.00
Up
Time of Abatement in Hours 1
Number of Temporary Laborers 0
Temporary Labor Rate Recovery 0.00
Employee labor recovery per hour 63.94
Total Employee Cost 63.94
Equipment Cost per hour 35.00
Total Equipment Cost 35.00
Disposal Cost Recovery \$118.32

Number of Tires Removed (\$2 Each)	0
Number of Electronics Removed (\$10 Each)	1
Containers of Chemicals (\$1 Each)	0
Freon Removal Recovery (\$20 each)	0
Total Cost of Abatement	227.26
Items Removed from Property	One large screen tv
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



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

Jacque Roth
File/Discovery Clerk
jroth@springdalear.gov

July 15, 2022

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

Montgomery Nelford
P.O. Box 1412
Fayetteville, AR 72702

Centennial Bank
P.O. Box 906
Conway, AR 72033

RE: Notice of clean-up lien on property located at 283 Erin Place, Springdale, Washington County, Arkansas, Tax Parcel No. 815-37347-000

Dear Property Owner/Lienholder:

On June 9, 17, 28, 30 and July 5, notice was posted on property located at 283 Erin Place, 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 June 30, 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 11, 2022. As of this date, the total costs incurred by the City of Springdale to clean this property are \$227.26. 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 August 17, 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, August 23, 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 \$242.32, which includes \$227.26 for cleaning up the property and \$15.06 for certified mailings 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 Montgomery Nelford 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 Cate
City Attorney

Enclosures
EC:dp

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
- Complete items 1, 2, and 3. - Print your name and address on the reverse so that we can return the card to you. - Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature <i>Karen Webb</i> ☒ Agent ☐ Addressee	
1. Article Addressed to: Centennial Bank P. O. Box 906 Conway, AR 72033		B. Received by (Printed Name) <i>Karen Webb</i> C. Date of Delivery <i>7-22-20</i>	
2. Article Number (Transfer from service label) 7020 0640 0002 3174 8684		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
3. Service Type ☐ Adult Signature ☐ Adult Signature Restricted Delivery ☒ Certified Mail® ☐ Certified Mail Restricted Delivery ☐ Collect on Delivery ☐ Collect on Delivery Restricted Delivery ☐ Insured Mail ☐ Insured Mail Restricted Delivery (over \$500) ☐ Priority Mail Express® ☐ Registered Mail™ ☐ Registered Mail Restricted Delivery ☒ Return Receipt for Merchandise ☐ Signature Confirmation™ ☐ Signature Confirmation Restricted Delivery			
PS Form 3811, July 2015 PSN 7530-02-000-9053		Domestic Return Receipt	

United States Postal Service

9590 9402 5688 9346 5854 36

City Attorney
 200 Blair
 Springfield, AR

72764

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

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



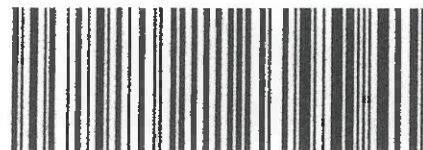




CITY OF SPRINGDALE
OFFICE OF CITY ATTORNE
201 SPRING STREET
SPRINGDALE, AR 72764

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL®



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Montgomery Nelford
P.O. Box 1412
Fayetteville, AR 72702

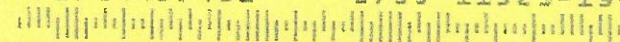
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RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
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The City Council of the City of Springdale met in regular session on Tuesday, August 9, 2022, in the tiered training room in the new Criminal Justice 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 (Absent)
Mike Lawson	Ward 1
Kevin Flores	Ward 2
Randall Harriman	Ward 1
Mark Fougrousse	Ward 4
Ernest Cate	City Attorney
Denise Pearce	City Clerk/Treasurer

Department heads present:

Blake Holte	Fire Chief
Frank Gamble	Police Chief
Patsy Christie	Planning Director
Mike Chamlee	Building Official
Ben Peters	Engineering Director
James Smith	Public Works Director
Ron Findley	Community Engagement Director
Angie Albright	Shiloh Museum Director
Mark Gutte	IT Director

APPROVAL OF MINUTES

Council Member Williams moved the minutes of the July 26, 2022 City Council meeting be approved as presented. Council Member Lawson 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 Williams made the second.

The vote:

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

No: None

RESOLUTION NO. 80-22 – APPROVING THE APPOINTMENT OF RAY CARDIEL TO THE SPRINGDALE PLANNING COMMISSION

Mayor Doug Sprouse presented a Resolution approving the appointment of Ray Cardiel to the Springdale Planning Commission.

RESOLUTION NO. ____

A RESOLUTION APPROVING THE APPOINTMENT OF RAY CARDIEL TO THE SPRINGDALE PLANNING COMMISSION

WHEREAS, Ben Peters' seat on the Springdale Planning Commission was vacated on August 1, 2022 with a term set to expire on January 31, 2025; and

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

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

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, that Ray Cardiel is hereby appointed to Seat #4 on the Springdale Planning Commission to fulfill the remaining term that is set to expire on January 31, 2025.

PASSED AND APPROVED this ____ day of August, 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 Flores made the second.

The vote:

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

No: None

The Resolution was numbered 80-22.

ORDINANCE NO. 5745 – ACCEPTING THE REPLAT OF LOTS 6 & 7, BLOCK 5 OF PICNIC ADDITION IN THE CITY OF SPRINGDALE, ARKANSAS

Planning Director Patsy Christie presented an Ordinance accepting the Replat of Lots 6 & 7, Block 5 of Picnic Addition in the City of Springdale, Arkansas.

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

No: None

The Ordinance was numbered 5745.

ORDINANCE NO. 5746 – ACCEPTING THE RE-PLAT OF LOT 1 OF THE CROSSINGS TO THE CITY OF SPRINGDALE, ARKANSAS, AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance accepting the Re-Plat of Lot 1 of The Crossings to the City of Springdale, Arkansas, 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 Fougrousse made the second.

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5746.

ORDINANCE NO. 5747 – ACCEPTING THE FINAL PLAT OF CADENCE CROSSING SUBDIVISION IN THE CITY OF SPRINGDALE, ARKANSAS, AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance accepting the Final Plat of Cadence Crossing Subdivision in the City of Springdale, Arkansas, 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 Powell made the second.

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5747.

ORDINANCE NO. 5748 – ACCEPTING THE FINAL PLAT OF ROSEDALE HEIGHTS SUBDIVISION IN THE CITY OF SPRINGDALE, ARKANSAS, AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance accepting the Final Plat of Rosedale Heights Subdivision in the City of Springdale, Arkansas, and declaring an emergency.

Planning Commission held a public hearing.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5748.

ORDINANCE NO. 5749 – ACCEPTING THE FINAL PLAT OF PHASE 2 OF HYLTON PLACE SUBDIVISION IN THE CITY OF SPRINGDALE, ARKANSAS, AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance accepting the Final Plat of Phase 2 of Hylton Place Subdivision in the City of Springdale, Arkansas, and declaring an emergency.

Planning Commission held a public hearing.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5749.

APPEAL BY STEVE PATTON ON A VARIANCE REQUEST DENIAL BY PLANNING COMMISSION FOR A REDUCTION IN WIDTH FOR A DETENTION POND DRAINAGE EASEMENT

Steve Patton presented an appeal on a variance request denied by the Planning Commission on July 5, 2022 at their meeting. Mr. Patton requested a reduction in width for a detention pond drainage easement. The area of reduced width is a very small portion of the overall easement and does not limit access to the detention pond for future maintenance. The purpose for the variance was to allow an existing building, which encroaches into the proposed drainage easement area, to remain in place. The proposed partial reduction in width would allow the building to remain in place without encroaching into a platted drainage easement.

Planning Director Patsy Christie explained that Mr. Patton had an approved large scale development plan for Patton Industrial Park located at 2075 Long Street. There was a concrete pad shown on this site. Mr. Patton built a building on this pad without a permit. When this was found, it was discovered there was an encroachment on the drainage easement. Planning Commission voted 5-2, with 1 abstention, to deny the variance.

Mr. Patton stated that he has removed the building since that meeting but he would still like the variance approved so he can build the building back.

Randy Ritchie said it was an honest mistake in not getting the building permit and he takes the blame for that.

After discussion, Council Member Watson made the motion that Mr. Patton submit a revised large scale development plan for this project showing the location of the proposed building and provide an easement document that takes that building portion out of that easement allowing the easement to be reduced from the standard 20 feet to whatever he proposes for that area. Council Member Lawson made the second.

The revised plan and easement document will go back to the Planning Department for approval.

The vote:

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

No: None

RESOLUTION NO. 81-22 – TO AUTHORIZE A SUBAWARD TO UPSKILL NWA & NORTHWEST ARKANSAS COMMUNITY COLLEGE FROM THE CITY OF SPRINGDALE’S AMERICAN RESCUE PLAN ACT (ARPA) FUNDS TO HELP FUND A JOB TRAINING AND WORKFORCE DEVELOPMENT PROGRAM

Council Member Jeff Watson presented a Resolution to authorize a subaward to Upskill NWA & Northwest Arkansas Community College from the City of Springdale’s American Rescue Plan Act (ARPA) Funds to help fund a Job Training and Workforce Development Program.

RESOLUTION NO. _____

A RESOLUTION TO AUTHORIZE A SUBAWARD TO UPSKILL NWA & NORTHWEST ARKANSAS COMMUNITY COLLEGE FROM THE CITY OF SPRINGDALE’S AMERICAN RESCUE PLAN ACT (ARPA) FUNDS TO HELP FUND A JOB TRAINING AND WORKFORCE DEVELOPMENT PROGRAM

WHEREAS, the City of Springdale, Arkansas has been directly affected by the COVID- 19 global pandemic;

WHEREAS, the COVID-19 pandemic has highlighted a need for a trained labor force for essential industries;

WHEREAS, citizens of the City of Springdale, Arkansas need job training and other assistance to move to jobs that provide better opportunities for economic advancement;

WHEREAS, Excellerate Foundation DBA Upskill NWA in Partnership with Northwest Arkansas Community College is launching a program to provide critical job training and placement services;

WHEREAS, the City of Springdale, Arkansas desires to use a portion of the American Rescue Plan Act (ARPA) funds awarded to the City;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, that \$1,294,779.00 be awarded to Excellerate Foundation DBA Upskill NWA & Northwest Arkansas Community College for the purpose of the establishing and operating a workforce development and job placement program for the citizens of Springdale, Arkansas in accordance with eligible use of funds as defined by ARPA; and the Mayor and City Clerk are hereby authorized to execute a Grant Award Agreement for the same, this Resolution is intended to supersede and replace Resolution No. 8-22 passed on February 8, 2022, and is a separate subaward from that approved via Resolution 56-22 on June 14, 2022.

PASSED AND APPROVED this ____ day of August, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

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

The vote:

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

No: None

The Resolution was numbered 81-22.

RESIGNATION OF COUNCIL MEMBER KEVIN FLORES

Council Member Kevin Flores announced he will be resigning his position at the end of this month. He will be taking a job in Washington D.C.

Council Member Flores thanked everyone.

Council Member Watson asked about the procedures to fill a vacant position.

City Attorney Ernest Cate said the state statute allows City Council to take action at the first regular meeting after the vacancy, which would be September 13th and the statute charges city council to either call for a special election or appoint someone who lives in Ward 2. The earliest that a special election can be held is in February.

The appointment would be for the remainder of the term, December 31, 2024.

ADJOURNMENT

Council Member Lawson made the motion to adjourn. Council Member Watson made the second.

After a voice vote of all ayes and no nays, the meeting adjourned at 6:56 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer