

Next scheduled Committee Meeting will be held in the Council Chambers, 201 Spring Street, Springdale, Arkansas.

- ~~The date of the next Committee Meeting will be determined at the end of this meeting.~~
- ~~Council Committee agendas will be available on the Friday before this meeting.~~

SPRINGDALE CITY COUNCIL
REGULAR MEETING
COUNCIL CHAMBERS
TUESDAY, February 9th, 2021

5:55 p.m. Pre Meeting Activities
Pledge of Allegiance
Invocation – Amelia Williams

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
Recognition of a Quorum
4. Comments from Citizens
The Council will hear brief comments from citizens present at the meeting during this period on issues not on the Agenda. No action will be taken tonight. All comments will be taken under advisement.
5. Approval of Minutes – January 26, 2021 Pgs 3 12
6. Springdale Public Facilities Board Cash Balances as of December 31, 2020 Pg 13
7. A Puhliir Hearing on an Ordinance to annex surrounded land. Property Annexation Ordinance will be addressed in Item 11 below.
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) 9.A&B, 10.A, 11, 12, 13 & 14*. Motion must be approved by two-thirds (2/3) of the council members).
9. Planning Commission Report and Recommendation by Patsy Christie, Director of Planning and Community Development
 - A. An Ordinance amending Chapter 56 (Regulations pertaining to landscape and buffers) of the Code of Ordinances of the City of Springdale, Arkansas; to declare an emergency and for other purposes. Ordinance presented by Patsy Christie, Planning Director. Pgs. 14 - 21
 - B. An Ordinance accepting the re-plat of Lots 14 and 15, Block 2, Carter Addition to the City of Springdale, Arkansas, and declaring an emergency. pgs. 22 - 25
 - C. A Resolution adopting and approving the 2019 Amended Action Plan for Cares Act Version 3 (CV3) Pgs. 26 - 28
 - D. A Resolution approving re-appointments to the Springdale Planning Commission. Pg. 29

10 Finance Committee by Chairman Jeff Watson

- A. **An Ordinance** authorizing the Mayor and City Clerk to enter into an agreement with the Springdale Chamber of Commerce to promote Business Development and Economic Growth and waive competitive bidding and for other purposes. Ordinance forwarded with recommendation for approval. **pgs. 30 - 34**
- B. **A Resolution** amending the 2021 Budget of the City Administration regarding the agreement with the Chamber of Commerce above. Resolution presented by Wyman Morgan Administrative and Financial Services Director **pg. 35**
- C. **A Resolution** authorizing the execution of a Construction Contract with Top Hat Chimney & Roofing, Inc. who submitted the lowest bid in the amount of \$54,586.26 for Shiloh Meeting Hall Roof Repairs, Project No. CP2002, and appropriating funds. Resolution forwarded to Council with recommendation for approval. **Pgs. 36 & 37**
- D. **A Resolution** authorizing the execution of a Change Order (No. 1) for the Construction Contract for the Springdale Municipal Complex Project No. 18BPC1. Resolution forwarded to Council with recommendation for approval. **pgs. 38 - 49**
- E. **A Resolution** authorizing the execution of an amendment to an Architecture Contract for the Springdale Municipal Campus, Projects No. 18BPC1 and 18BPC2. Resolution forwarded to Council with no recommendation. **Pg. 50**
- 11. **An Ordinance** annexing certain lands pursuant to Ark. Code Ann. §14-40-501, **et. Seq.** Ordinance presented by Ernest Cate, City Attorney. **pgs. 51 - 56**
- 12. **An Ordinance** to establish and assess a video service provider fee from Ritter Communications Holdings, LLC, pursuant to the Arkansas Video Service Act and Ark Code Ann. §23-19-201, **et seq.** Ordinance presented by Ernest Cate, City Attorney. **Pg. 57**
- 13. **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 (705 Buford Street). Ordinance presented by Ernest Cate, City Attorney. **Pgs. 58 - 60**
- 14. **An Ordinance** accepting for annexation certain property (Section 29, Township 18 North, Range 29 West) into the City of Springdale, Washington County, Arkansas, Pursuant to Ark. Code Ann. §14-41-609. Ordinance presented by Ernest Cate, City Attorney. **Pgs. 61 - 82**
- 15. Comments from Council Members.
- 16. Comments from City Attorney.
- 17. Comments from Mayor: Committee Meeting scheduled on Presidents' Day _ Monday, February 15th.
- 18. Adjournment.

SPRINGDALE CITY COUNCIL
JANUARY 26, 2021

The City Council of the City of Springdale met in regular session on Tuesday, January 26, 2021, in the City Council Chambers, City Administration Building. Mayor Doug Sprouse called the meeting to order at 6:00 p.m.

Roll call was answered by:

Doug Sprouse	Mayor
Brian Powell	Ward 1
Amelia Williams	Ward 3
Jeff Watson	Ward 3
Mike Overton	Ward 2
Mike Lawson	Ward 4
Kevin Flores	Ward 2
Randall Harriman	Ward 1
Mark Fougrousse	Ward 4
Ernest Cate	City Attorney
Denise Pearce	City Clerk/Treasurer

Department heads present:

Mike Irwin	Fire Chief
Mike Peters	Police Chief
Wyman Morgan	Director of Financial Services
Patsy Christie	Planning & Comm. Dev. Director
Brad Baldwin	Public Works & Eng. Director
Mark Gutte	IT Director
Colby Fulfer	Assistant to the Mayor

AGENDA ITEM MOVED

Council Member Overton made the motion to move item 8-J on tonight's agenda up to item 8-A at the request of the petitioner. Council Member Watson made the second.

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

APPROVAL OF MINUTES

Council Member Watson moved the minutes of the January 12, 2021 City Council meeting be approved as presented. Council Member Lawson made the second.

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

REPORT ON ECONOMIC DEVELOPMENT

Scott Edmondson, Director of Business Development with the Springdale Chamber of Commerce, gave a 4th Quarter 2020 report on economic development in the City of Springdale. (Report on file in City Clerk's Office)

ORDINANCES AND RESOLUTIONS READ BY TITLE ONLY

Council Member Williams made the motion to read all Ordinances and Resolutions by title only and to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for all items listed on this agenda. Council Member Powell made the second.

The vote:

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

No: None

ORDINANCE NO. 5549 – ACCEPTING THE REPLAT OF THE CASEY'S GENERAL STORES COMMERCIAL ADDITION, LOT 1. TO THE CITY OF SPRINGDALE, ARKANSAS. AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance accepting the Replat of the Casey's General Stores Commercial Addition, Lot 1, to the City of Springdale, Arkansas, and declaring an emergency. The parcel is located east of Oriole Street, Lot 8, Parson Hills Commercial Subdivision.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5549.

ORDINANCE NO. 5550 – AMENDING ORDINANCE NO. 5519, WHICH REZONED CERTAIN LANDS FROM MF-12 TO C-2 AND MF-16 AND DECLARING AN EMERGENCY – CORRECTING A SCRIVENER'S ERROR IN ORDINANCE NO. 5519

The City Council passed Ordinance No. 5519 on the 27th day of October, 2020, which amended the zoning ordinance for the City of Springdale by rezoning certain lands from Medium Density Multi-Family Residential District (MF-12) to General Commercial District (C-2) and Medium/High Density Multi-Family Residential District (MF-16). It has been discovered that Ordinance No. 5519 contained a scrivener's error by incorrectly stating the legal description of the property subject to the rezoning and should be corrected. The property is part of Lot 8, Tom Carrell Addition and a part of Lots 6, 7, 8, 9, and 12 of Tom Carrel Addition, south of east Emma and west of E. Huntsville.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5550.

ORDINANCE NO. 5551 – REZONING 4.7 ACRES OWNED BY DREAM STRUCTURES LLC, STEVEN K. FISHER, LOCATED ON THE NORTH SIDE OF COUNTY LINE ROAD BETWEEN LOWELL ROAD AND OAK STREET, FROM A-1 AND SF-1 TO MF-12, AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning 4.7 acres owned by Dream Structures LLC, Steven K. Fisher, located on the north side of County Line Road between Lowell Road and Oak Street, from A-1 and SF-1 to MF-12, and declaring an emergency.

Planning Commission recommended approval at their January 5, 2021 meeting.

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

The vote:

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

No: None

The Ordinance was numbered 5551.

ORDINANCE NO. 5552 – REZONING 1.01 ACRES OWNED BY DILPREET SINGH LOCATED APPROXIMATELY 600 FEET SOUTH OF THE INTERSECTION OF ELM SPRINGS ROAD AND N. 40TH STREET, FROM A-1 TO C-2 AND DECLARING AN EMERGENCY

Planning Director Patsy Christy presented an Ordinance rezoning 1.01 acres owned by Dilpreet Singh located approximately 600 feet south of the intersection of Elm Springs Road and N. 40th Street, from A-1 to C-2 and declaring an emergency.

Planning Commission recommended approval at their January 5, 2021 meeting.

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

The vote:

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

No: None

The Ordinance was numbered 5552.

ORDINANCE NO. 5553 – REZONING 4.52 ACRES OWNED BY JEFFERY HUNNICUTT LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF DON TYSON BLVD. AND PARKWAY CIRCLE, FROM A-1 AND C-2 TO C-5 AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning 4.52 acres owned by Jeffery Hunnicutt located on the southwest corner of the intersection of Don Tyson Blvd. and Parkway Circle, from A-1 and C-2 to C-5 and declaring an emergency.

Planning Commission recommended approval at their January 5, 2021 meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5553.

ORDINANCE NO. 5554 – REZONING 7.2 ACRES OWNED BY PARKWAY BOULEVARD, LLC, PHILIP TALDO, FOR PROPERTY LOCATED ON THE WEST SIDE OF S. 56TH STREET BETWEEN 4022 S. 56TH STREET AND 4200 S. 56TH STREET, FROM A-1 TO MF-24

Planning Director Patsy Christie presented an Ordinance rezoning 7.2 acres owned by Parkway Boulevard, LLC, Philip Taldo, for property located on the west side of S. 56th Street between 4022 S. 56th Street and 4200 S. 56th Street, from A-1 to MF-24.

Planning Commission recommended approval at their January 5, 2021 meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5554.

ORDINANCE NO. 5555 – REZONING PROPERTY OWNED BY PSAC, LLC, LOCATED AT THE NORTHWEST INTERSECTION OF GENE GEORGE BOULEVARD AND DBARING ROAD, FROM PLANNED UNIT DEVELOPMENT (PUD) TO REVISED PLANNED UNIT DEVELOPMENT (PUD) AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning property owned by PSAC, LLC, located at the northwest intersection of Gene George Boulevard and Dearing Road, from Planned Unit Development (PUD) to Revised Planned Unit Development (PUD) and declaring an emergency.

Planning Commission recommended approval at their January 5, 2021 meeting.

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

The vote:

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

No: None

The Ordinance was numbered 5555.

ORDINANCE NO. 5556 – REZONING PROPERTY OWNED BY NANCY HAGAN, LOCATED AT 901 YOUNG STREET, FROM SF-2 TO MP-4 AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning property owned by Nancy Hagan, located at 901 Young Street, from SF-2 to MF-4 and declaring an emergency.

Planning Commission recommended approval at their January 5, 2021 meeting.

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

The vote:

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

No: None

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

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The vote:

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

No: None

The Ordinance was numbered 5556.

ORDINANCE NO. 5557 – REZONING PROPERTY OWNED BY ANTONIO ALMARAZ LOCATED AT 1300 N. THOMPSON, FROM C-2 TO C-5 AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning property owned by Antonio Almaraz located at 1300 N. Thompson, from C-2 to C-5 and declaring an emergency.

Planning Commission recommended approval at their January 5, 2021 meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5557.

ORDINANCE NO. 5558 – REZONING 107.6 ACRES OWNED BY HYLTON ROAD REAL ESTATE, LLC AND HYLTON ROAD PROPERTIES LLC, LOCATED ON THE EAST SIDE OF HYLTON ROAD, SOUTH OF WILLIE GEORGE PARK, FROM A-1 AND SF-2 AND A-1 TO PUD (PLANNED UNIT DEVELOPMENT) AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance 106.7 acres owned by Hylton Road Real Estate LLC and Hylton Road Properties LLC located on the east side of Hylton Road, south of Willie George Park, from A-1 and SF-2 and A-1 to PUD (Planned unit Development) and declaring an emergency.

Mrs. Christie presented all the details of the proposed PUD which will be attached to the ordinance. There are six phases included in this development which will include single family and multi-family units. The name of the project will be Brentwood Village. There are 171 single family residential lots, 103 duplex lots (206 residential units), 18 town house buildings (104 residential units) which makes the entire project 481 residential units. 19.01 acres will be designated as green space. There will be two outlets to Butterfield Coach Road. The total development is planned to be completed in six years.

Mrs. Christie explained that the Land Use Plan shows this as low density residential which does not translate necessarily into single family. Single family units can be rental as well. That's not something the city controls on whether we are building all owner

occupied units or rental occupied units. The advantage we have with the PUD is that we know what kind of housing we are going to get, what they are going to look like and what the materials are going to be. If this was zoned SF-2, there are no design standards. If the lots meet the minimum size, there is nothing else the city can do to ensure a quality development or to require any additional open space.

Planning Commission recommended approval at their December 1, 2020 meeting.

Steven Fedorko, 4048 Butterfly Avenue, explained his reasons for not wanting the planned unit development zoning approved. He is all for SF-2 but does not feel like this PUD is in the best interest of the citizens of Springdale. Other citizens who spoke against the PUD zoning were: Roger Priebe, 3972 Butterfly Avenue, and Christine Gieringer, 3873 Butterfly Avenue.

Stacey Greenwood, 3544 Butterfly Avenue, stated after hearing the explanation of the PUD, she feels like this development will be just fine in the future.

Bob Gieringer, 3873 Butterfly Avenue, said he was concerned with the beavers that are making a mess on the east side of Hylton Road between the Willie George Park and the proposed property. Fie thinks this might be why the area is getting swampy back there.

James Smith with Public Works will check on this issue.

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

The vote:

Yes: Fougrousse, Williams, Lawson, Harriman

No: Powell, Watson, Overton, Flores

Mayor Sprouse voted yes. Motion carried.

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

The vote:

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

No: Powell

The Ordinance was numbered 5558.

RESOLUTION NO. 5-21 – AUTHORIZING THE EXECUTION OF A
CONSTRUCTION CONTRACT FOR RABBIT FOOT LODGE AND
APPROPRIATING FUNDS – CP2001

Council Member Mike Lawson presented a Resolution authorizing the execution of a construction contract with Pick-It Construction, Inc. for roof repair work to Rabbit Foot Lodge and appropriating \$62,238 of grant funds and an additional \$361,920 of funds from the General Fund for this project.

Gary Clements, Clements and Associates Architecture, was present at the meeting to explain Phase I of the project.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE EXECUTION OF A
CONSTRUCTION CONTRACT FOR RABBIT FOOT LODGE AND
APPROPRIATING FUNDS
PROJECT NO. CP 2001**

WHEREAS, Springdale administration has received bids for repair work on Rabbit Foot Lodge that includes repair of the roof, and

WHEREAS, the low bid of \$522,985.00 was received from Pick-It Construction, Inc., and

WHEREAS, The City has a balance of \$98,827 funds appropriated for this project and a grant of 62,238.

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

Section 1. The Mayor and City Clerk are hereby authorized to execute a contract with Pick-It Construction, Inc. for repairs to Rabbit Foot Lodge.

Section 2. There is hereby appropriated \$62,238 of grant funds and an additional \$361,920 of funds from the General Fund for this project.

PASSED AND APPROVED this _____ day of January, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Harriman made the motion to adopt the Resolution. Council Member Watson made the second.

The vote:

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

No: None

The Resolution was numbered 5-21.

**RESOLUTION NO. 6-21 – AUTHORIZING PAYMENT OF AN INVOICE FOR THE
SPRINGDALE MUNICIPAL CAMPUS. PROJECT NO. 18BPC1**

Council Member Jeff Watson presented a Resolution authorizing payment of an invoice for the Springdale Municipal Campus, Project No. 18BPC1, in the amount of \$1,113,032.20, to Milestone Construction Company.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING PAYMENT OF AN INVOICE
PROJECT NO. 18BPC1**

WHEREAS, Springdale municipal code sec. 2-158 requires approval of the governing body before paying any bill that exceeds \$1,000,000, and

WHEREAS, the City of Springdale has contracted with Milestone Construction Company, LLC to construct/renovate the Springdale Municipal Campus, and

WHEREAS, The City has received an invoice for \$1,113,032.20 for construction expenses for December 2020.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor and City Clerk are hereby authorized to pay Milestone Construction Company, LLC \$1,113,032.20 with funds from the 2018 Bond Construction Fund.

PASSED AND APPROVED this ____ **day of January, 2021.**

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Powell made the motion to adopt the Resolution. Council Member Lawson made the second.

The vote:

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

No: None

The Resolution was numbered 6-21.

RESOLUTION NO. 7-21 – SETTING A HEARING DATE ON A PETITION BY TO ABANDON A PORTION OF A UTILITY EASEMENT ON LOT 1. BENNETTO SUBDIVISION IN THE CITY OF SPRINGDALE, WASHINGTON COUNTY, ARKANSAS

City Attorney Ernest Cate presented a Resolution setting a hearing date of a petition by Francisco and Adriana Saenz to abandon a portion of a utility easement on Lot 1, Bennedetto Subdivision in the City of Springdale.

RESOLUTION NO. 7-21

A RESOLUTION SETTING A HEARING DATE ON A PETITION TO ABANDON A PORTION OF A UTILITY EASEMENT IN THE CITY OF SPRINGDALE, WASHINGTON COUNTY, ARKANSAS.

WHEREAS, Francisco Saenz and Adriana Saenz have petitioned for the abandonment of a portion of a utility easement on Lot 1, Bennedetto Subdivision, to the City of Springdale, Washington County, Arkansas, as per plat of said addition on file in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, as Instrument #0024-00000188, and being more particularly described as follows:

A PART OF LOT 1, BENEDETTO SUBDIVISION, TO THE CITY OF SPRINGDALE, WASHINGTON COUNTY, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, AS INSTRUMENT #0024-00000188, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT AN IRON PIN FOUND AT THE NW CORNER OF SAID LOT 1; THENCE S86°53'59"E 18.16 FEET; THENCE S03°06'0T"W 12.34 FEET TO THE POINT OF BEGINNING; THENCE S86°53'59"E 16.54 FEET; THENCE S03°06'01"W 7.66 FEET; THENCE N86°53'59"W 14.58 FEET; THENCE S02°43'57"W 5.34 FEET; THENCE N86°53'59"W 2.00 FEET; THENCE N03°06'0T"E 13.00 FEET TO THE POINT OF BEGINNING, CONTAINING 137 SQUARE FEET MORE OR LESS.

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

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that February 23, 2021, at 6:00 p.m. is set as the date and time for the City Council to hear the petition; that the City Clerk shall give notice of the date and time of said hearing as required by law.

PASSED AND APPROVED this ____ day of January, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

Council Member Powell made the motion to adopt the Resolution. Council Member Harriman made the second.

The vote:

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

No: None

The Resolution was numbered 7-21.

ADJOURNMENT

Council Member Overton made the motion to adjourn. Council Member Williams made the second.

After a voice vote of all ayes and no nays, the meeting adjourned at 8:35 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer

Springdale Public Facilities Board

Cash Balances

December 31, 2020

<u>Account</u>	<u>Balance</u>
First Security Bank Checking Account #9638729	\$ 86,426.89
First Security Bank Money Market Account #21058512	\$ 289,621.33
Chambers Bank Money Market Account #6485506	\$ 252,405.93
Chambers Bank Bond Payment Account #6485522	\$ 3,071.46
CD-Legacy Bank #30105795	\$ 348,084.49
CD-Legacy Bank #30079750	\$ 65,602.44
Total Deposits as of 12-31-20	\$ 1,045,212.54

Real Estate Holdings

Kendrick Ave. North	65.32	acres
Kendrick Ave. South	16.49	acres
Kendrick Ave. South	1.00	acres
Total	82.81	acres
Mountain Road-North to Hwy. 265	12.00	acres
	9.50	acres
	8.52	acres
	3.00	acres
	2.95	acres
	1.35	acres
Total	37.32	acres
Technology Park-Huntsville Ave/Emma Ave.	16.31	acres
Turnbow Avenue	Lot 3	2.29 acres
	Lot 10	2.10 acres
	Lot 16	2.33 acres
	Lot 17	2.82 acres
	Lot 18	2.36 acres
	Lot 20	2.37 acres
Total	14.27	acres
East of Jefferson Street (near Brunner & Lay)	.49	acres
West of Jefferson Street (near former Cargill Feed Mill)	.53	acres
East Huntsville Ave (North side curve from UPS)	1.26	acres
Mountain Road (North side corner near Woodciiff Rd)	1.78	acres
Mountain Road/Monitor Road (SW Corner)	8.00	acres
Total	12.06	acres
Total Acreage	162.77	acres

2020 Land Acquisition:

May 2020-Technology Park 7.31 acres purchased from NanoMech

2020 Land Sales:

October 2020: FPEC-Lots 6 (2.29 acres) & 8 (2.74 acres) on Turnbow Avenue

December 2020: Steel Yard, Inc-7.30 acres on Mountain Road

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 56 OF THE
CODE OF ORDINANCES OF THE CITY OF SPRINGDALE,
ARKANSAS; TO DECLARE AN EMERGENCY AND FOR
OTHER PURPOSES.**

WHEREAS, Chapter 56 of the Code of Ordinances of the City of Springdale, Arkansas, contains regulations pertaining to landscape and buffers;

WHEREAS, various provisions of Chapter 56 of the Code of Ordinances of the City of Springdale, Arkansas, need to be amended to update certain provisions, and to provide clarity in the application of this Chapter; and

WHEREAS, a public hearing on the proposed amendments to Chapter 56 of the Code of Ordinances of the City of Springdale, Arkansas, was held at the Springdale Planning Commission meeting on January 5, 2021.

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

SECTION 1: Section 56-27 of the Code of Ordinances of the City of Springdale, Arkansas, is hereby amended to read as follows:

Sec. 56-27. - Goals and objectives.

- (a) *Goals.* Goals of this chapter include, but are not limited to, the following:
 - (1) To save trees on public property from indiscriminate destruction or unnecessary removal.
 - (2) To moderate the effects of sun, wind, and temperature changes.
 - (3) To filter pollutants from the air and release oxygen.
 - (4) To stabilize soil and prevent erosion.
 - (5) To preserve desirable—trees and utilize mature canopy where existing.
 - (6) To establish an education program providing information and guidelines for tree preservation and maintenance.
- (b) *Objectives.* The following are objectives that this landscaping and open space chapter intends to accomplish:
 - (1) Landscaping would enhance the environmental and visual character of the community.
 - (2) Green space requirements preserve and stabilize the area's ecological balance by establishing a healthier environment.
 - (3) Green areas help to mitigate the negative effects of air and noise pollution by using plants as buffers.
 - (4) Landscaping should be an integral part of a development—not an afterthought. This chapter is designed to promote high quality developments, protect property values and public investment in our community.

SECTION 2: Section 56-28 of the Code of Ordinances of the City of Springdale, Arkansas, is hereby amended to read as follows:

Sec. 56-28. - Definitions.

For purposes of this chapter the following definitions shall apply.

Berm means an earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

Buffer, perimeter landscape means a continuous area of land set aside along the perimeter of a lot in which landscaping is used to provide a transition between and reduce the environmental, aesthetic, and other impacts of one type of land use upon another.

Cultivated landscape area means planted areas that are frequently maintained by mowing, irrigating, pruning, fertilizing, etc.

Drip line means a vertical line extending from the outermost branches of a tree to the ground.

Ecosystem means a characteristic assemblage of plant and animal life within a specific physical environment, and all interactions among species, and between species and their environment.

Evergreen means a plant with foliage that persists and remains green year-round.

Ground cover means plants, other than turf grass, normally reaching an average maximum height of not more than 24 inches at maturity.

Hedge means a landscape barrier consisting of a continuous, dense planting of shrubs.

Irrigation system means a permanent, artificial watering system designed to transport and distribute water to-plants within the cultivated landscape area.

Landscape architect means as defined by the American Society of Landscape Architects; must be registered in the state of Arkansas.

Mulch means non-living organic and synthetic materials customarily used in landscaping design to retard erosion and retain moisture.

Open space shall be interpreted to mean:

All areas of natural plant communities or area replanted with vegetation after construction, such as revegetated natural areas; tree, shrub, hedge, or ground cover planting areas; and lawns; and

Other areas allowed to be counted as open space as per this Code.

Ornamental tree means a deciduous tree planted primarily for its ornamental value or for screening purposes; tends to be smaller at maturity than a shade tree.

Parking space means that portion of a vehicle accommodation area set aside for the parking of one vehicle.

Perimeter, landscaping means a five-foot green space strip which [surrounds] the entire property, not including where a landscaped street buffer is required.

Plant community means a natural association of plants that are dominated by one or more prominent species, or a characteristic physical attribute.

Plant species, prohibited means those plants species which are demonstrably detrimental to native plants, native wildlife, ecosystems, or human health, safety and welfare.

Preserve areas means vegetative areas required to be preserved by law.

Professional landscaper means landscape designer, nurseryman, horticulturist or other landscape professional whose primary business is that of installing and maintaining landscapes.

Screen means a method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof.

Shade tree means usually a deciduous tree—rarely an evergreen—planted primarily for its high crown of foliage or overhead canopy.

Shrub means a self-supporting woody perennial plant of low to medium height characterized by multiple stems and branches continuous from the base, usually not more than ten feet in height at its maturity.

Tree means any self-supporting woody perennial plant which has a D.B.H. of two inches or more and which normally attains an overall height of at least 15 feet at maturity, usually with one main stem or trunk and many branches. It may appear to have several stems or trunks as in several varieties of oak.

Understory means assemblages of natural low-level woody, herbaceous, and ground cover species which exist in the area below the canopy of the trees.

Vegetation, native means any plant species with a geographic distribution indigenous to all or part of the state of Arkansas. Plant species which have been introduced by man are not native vegetation.

Viable means when referring to a tree, shrub, or other type of plant, is a plant that, in the judgment of the planning official, is capable of sustaining its own life processes, unaided by man, for a reasonable period of time.

Woodlands, existing means existing trees and shrubs of a number, size, and species that accomplish the same general function as new plantings.

Xeriscape means landscape methods which conserve water through the use of drought-tolerant plant and planting techniques.

SECTION 3: Section 56-29 of the Code of Ordinances of the City of Springdale, Arkansas, is hereby amended to read as follows:

Sec. 56-29. - Applicability.

The requirements of this chapter shall apply to all public, private, and institutional developments, other than single family residential or duplex residential developments, approved after the date (March 25, 2003) that this ordinance is adopted with the following exceptions:

- (1) Previously approved developments which have been given a permit to begin building construction.
- (2) Additions to existing structures that are under ten percent of the gross floor area of the building or 2,500 square feet, whichever is less.

SECTION 4: Section 56-30 of the Code of Ordinances of the City of Springdale, Arkansas, is hereby amended to read as follows:

Sec. 56-30. - Submittal.

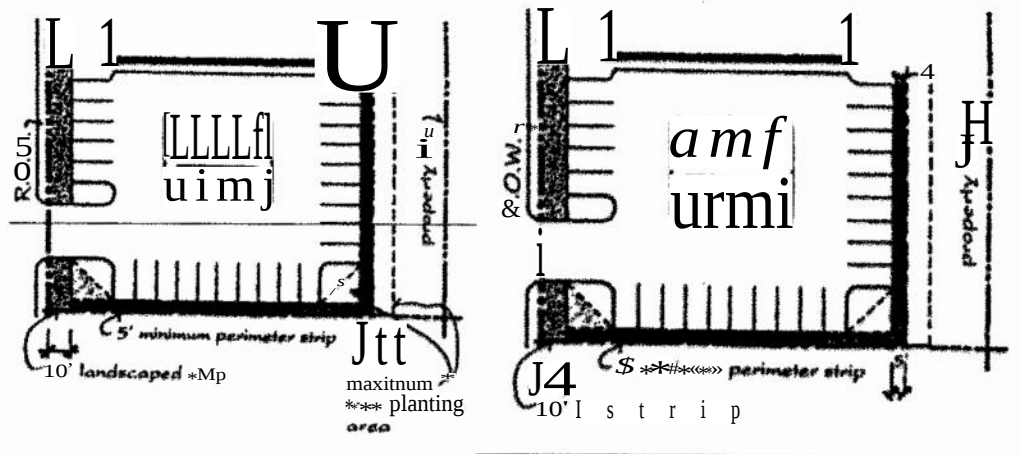
The following information is required on landscape plans in order for staff to review for compliance with this chapter.

- (1) Location, general type, and quality of existing vegetation, including specimen trees;
- (2) Existing vegetation to be saved: preserved;
- (3) Methods and details for protecting existing vegetation during construction and approved sediment control plan, if available;

- (4) Locations and labels for all proposed plants;
- (5) Plant lists or schedules with the botanical and common names, quantity, spacing and size of all proposed landscape material at the time of planting;
- (6) Location and description of other landscape improvements such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courts or paved areas; and
- (7) Planting and installation details as necessary to ensure conformance with all required standards; and
- (8) Guarantee from the developer that all plant materials will be warranted for a period of 24 months from the time of installation. If any of the material should fail to survive during that period it would be replaced during the appropriate planting season.

SECTION 5: Section 56-31(3) of the Code of Ordinances of the City of Springdale, Arkansas, is hereby amended to read as follows:

- (3) *Perimeter landscaping other than street frontage.* Perimeter landscaping requirements define parking areas and prevent two adjacent lots from becoming one large expanse of paving. When perimeter landscaping is required, the diagram below illustrates this concept. At minimum, a five-foot landscaped strip is required along the side and rear lot lines of a development with one tree per 25 linear feet required along lot lines.



- a. The perimeter landscaping requirement does not preclude the need for vehicular access to be provided between lots.
- b. The ten-foot five foot perimeter strip is required for each development regardless if one is already in place from an adjacent, developed lot.
- c. No pavement may extend within five feet of the property line on any lot unless it is included with an ingress/egress location.

SECTION 6: Section 56-36 of the Code of Ordinances of the City of Springdale, Arkansas, is hereby amended to read as follows:

Sec. 56-36. - ~~Alternative~~ Alternative methods of compliance.

An application for alternative landscaping schemes is justified only when one or more of the following conditions apply:

- (1) The sites involve space limitation or unusually shaped parcels.
- (2) Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical.
- (3) Due to a change of use of an existing site, the required buffer yard is larger than can be provided.
- (4) Safety considerations require a change.

The applicant shall describe in a letter to the planning department which of the requirements set forth in the manual will be met with modifications which project conditions justify using alternatives, and how the proposed measures equal or

exceed normal compliance. These requests must be approved by the planning and community development director.

SECTION 7: Section 56-37 of the Code of Ordinances of the City of Springdale, Arkansas, is hereby amended to read as follows:

Sec. 56-37. - List of recommended trees and shrubs.

The following lists indicate plantings which will meet the landscaping requirements of this chapter. The lists are by no means comprehensive and are intended merely to suggest the types of flora which would be appropriate for screening and shading purposes. Plants were selected for inclusion on these list lists according to four principal criteria:

- ①) General suitability for the climate and soil conditions for this area,
- (2) Ease of maintenance,
- (3) Tolerance of city conditions,
- (4) Availability from area nurseries.

When selecting new plantings for a particular site, a developer should first consider the type of plants which are thriving on or near that site. However, if an introduced species has proven highly effective for screening or shading in this area, it too may be proper selection.

TREE CHOICES

Evergreen:

- American Holly
- Austrian Pine
- Japanese Black Pine
- Norway Spruce
- Colorado Blue Spruce
- Cherry Laurel

Deciduous:

- Eastern Redbud
- Flowering Dogwood
- Bradford-Pear
- Flowering Crabapple
- Golden Rain Tree
- Purple Plum
- Thornless floneylocust
- Littleleaf Linden
- Norway Maple
- Red Maple
- Sugar Maple
- Cherry
- Gingko
- Oak Family

SHRUBS

Evergreen:

Creeping Juniper
 Shore Juniper
 Pfitzer Juniper
 Foster Holly
 Helleri Holly
 Youpan Holly
 Wintergreen Barberry
 Japanese Holly
 Inkberry Holly
 Abelia
 Euonymus
 Nandina
 Viburnum

Deciduous:

Mugo Pine
 Viburnum
 Cotoneaster
 Azalea
 Japanese Barberry
 Flowering Quince
 Spirea
 Forsythia
 Viburnum

SPACING

Plant size	From corners	From walls	Distance for mass planting
Small	8'	12'	6—12'
Medium	12'	15'	16—30'
Large	16'	20'	30—40'

SECTION 8: Section 56-31(3) of the Code of Ordinances of the City of Springdale, Arkansas, is hereby amended to read as follows:

Sec. 56-38. - Screening.

- (a) Every development shall provide sufficient screening so that neighboring properties are shielded form from any adverse external effects of that development and the development is shielded from the negative impacts of adjacent uses such as major streets or railroads.

Table of Screening Between Incompatible Uses

	Single Family	Duplex	Multi Family	Commercial	Industrial
Single Family	None	Semi-Opaque	Opaque	Opaque	Opaque
Duplex/Townhouse	Broken	None	Broken	Opaque	Opaque
Multi-Family	Opaque	Broken	None	Semi-Opaque	Opaque
Commercial	Opaque	Opaque	Semi-Opaque	None	Broken
Industrial	Opaque	Opaque	Opaque	Broken	None

- (b) Description of screens. The following three basic types of screen are hereby established and are used as the basis for the table of screening requirements set forth above:
- (1) *Opaque screen, type A.* A screen that is opaque from the ground to a height of at least eight feet, with intermittent visual obstructions from the opaque portion to a height of at least 20 feet. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of spatial separation. The opaque screen may be composed of a wood, masonry, or framed metal wall, landscaped earth berm, planted vegetation, or existing vegetation. See examples below. Materials not allowed for screening walls include plywood, scrap lumber, wood pallets, chicken wire, concertina wire, fabric (which includes plastic, tarps, vinyl, or other sheeting or similar material), chain link slats, or fiberglass panels. Fence posts and supports must be installed on the side of the screening wall that faces the lot being screened. Concertina wire is not allowed when screening between residential uses. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet wide. The portion of intermittent visual obstructions may contain deciduous plants.
- (2) *Semi-opaque screen, type B.* A screen that is opaque from the ground to a height of three feet, with intermittent visual obstruction from above the opaque portion to a height of at least 20 feet. The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet wide. The zone of intermittent visual obstruction may contain deciduous plants.
- (3) *Broken screen, type C.* A screen composed of intermittent visual obstructions from the ground to a height of at least 20 feet. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth

berm, planted vegetation, or existing vegetation. The screen may contain deciduous plants.

SECTION 9: All other provisions of Chapter 56 of the Code of Ordinances of the City of Springdale, Arkansas, not specifically amended herein shall remain in full force and effect.

SECTION 10: 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 effective immediately upon its passage and approval.

PASSED AND APPROVED this _____ day of _____, 2021.

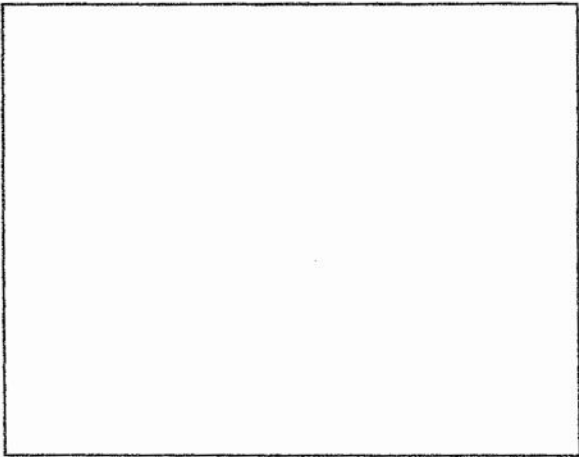
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney



ORDINANCE NO. _____

AN ORDINANCE ACCEPTING THE RE-PLAT OF LOTS 14 & 15, BLOCK 2, CARTER ADDITION TO THE CITY OF SPRINGDALE ARKANSAS, AND DECLARING AN EMERGENCY.

BE IT KNOWN BY THE CITY OF SPRINGDALE, ARKANSAS:

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

NEW LOT 14A DESCRIPTION:
PART OF LOT 14, BLOCK 2, CARTER ADDITION, SPRINGDALE, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.
BEGINNING AT THE NORTHWEST (NW) CORNER OF THE ORIGINAL SAID LOT 14; THENCE SOUTH 87°30'40" EAST A DISTANCE OF 216.74 FEET TO A SET 5/8" REBAR PLS 1845; THENCE SOUTH 02°16'02" WEST A DISTANCE OF 85.00 FEET TO A SET 5/8" REBAR PLS 1845; THENCE NORTH 87°04'58" WEST A DISTANCE OF 137.85 FEET TO A SET 5/8" REBAR PLS 1845; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 80.00 FEET A CHORD BEARING OF NORTH 37°42'42" WEST A CHORD DISTANCE OF 17.53 FEET TO A SET 5/8" REBAR PLS 1845; THENCE NORTH 40°46'47" WEST A DISTANCE OF 99.08 FEET TO THE POINT OF BEGINNING CONTAINING 0.35 ACRES OR 15,076 SQUARE FEET MORE OR LESS.

SUBJECT TO EASEMENTS, RIGHT-OF-WAYS, AND PROTECTIVE COVENANTS OF RECORD, IF ANY.
SUBJECT TO ALL PRIOR MINERAL RESERVATIONS AND OIL AND GAS LEASES, IF ANY.

AND

NEW LOT 15A DESCRIPTION:

PART OF LOT 14 AND LOT 15, BLOCK 2, CARTER ADDITION, SPRINGDALE, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE SOUTHWEST (SW) CORNER OF THE ORIGINAL SAID LOT 15; THENCE NORTH 02°16'02" EAST A DISTANCE OF 71.00 FEET TO A SET 5/8" REBAR PLS 1845; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 80.00 FEET A CHORD BEARING OF NORTH 25°20'55" WEST A CHORD DISTANCE OF 16.93 FEET TO A SET 5/8" REBAR PLS 1845; THENCE SOUTH 87°43'58" EAST A DISTANCE OF 137.85 FEET TO A SET 5/8" REBAR PLS 1845; THENCE SOUTH 02°16'02" WEST A DISTANCE OF 86.00 FEET TO A SET 5/8" REBAR PLS 1845; THENCE NORTH 87°43'58" WEST A DISTANCE OF 130.00 FEET TO THE POINT OF BEGINNING CONTAINING 0.26 ACRES OR 11,234 SQUARE FEET MORE OR LESS.

SUBJECT TO EASEMENTS, RIGHT-OF-WAYS, AND PROTECTIVE COVENANTS OF RECORD, IF ANY.

SUBJECT TO ALL PRIOR MINERAL RESERVATIONS AND OIL AND GAS LEASES, IF ANY.

AND

NEW 15' UTILITY EASEMENT DESCRIPTION:

PART OF ORIGINAL LOT 14 AND LOT 15, BLOCK 2, CARTER ADDITION, SPRINGDALE, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE NORTHWEST (NW) CORNER OF THE ORIGINAL SAID LOT 15; SOUTH 87°30'40" EAST A DISTANCE OF 20.60 FEET; THENCE SOUTH 40°46'47" EAST A DISTANCE OF 84.56 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 95.00 FEET A CHORD BEARING OF SOUTH 30°36'34" EAST A CHORD DISTANCE OF 43.15 FEET; THENCE SOUTH 02°16'02" WEST A DISTANCE OF 73.73 FEET; THENCE NORTH 87°43'58" WEST A DISTANCE OF 15.00 FEET; THENCE NORTH 02°16'02" EAST A DISTANCE OF 71.00 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 80.00 FEET A CHORD BEARING OF NORTH 31°38'18" WEST A CHORD DISTANCE OF 34.26 FEET; THENCE NORTH 40°46'47" WEST A DISTANCE OF 99.08 FEET TO THE POINT OF BEGINNING CONTAINING 0.07 ACRES OR 3,048 SQUARE FEET MORE OR LESS.

AND WHEREAS, said Planning Commission after conducting a public hearing, has approved the re-plat as presented by petitioner, and has approved the dedication of streets, rights-of-way and utility easements as shown upon said re-plat and join with the

said petitioner in petitioning the City Council to accept the said REPLAT OF **LOTS 14 & 15, BLOCK 2, CARTER** ADDITION to the City of Springdale, Arkansas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, that the RE-PLAT OF **LOTS 14 & 15, BLOCK 2, CARTER**, TO THE City of Springdale, Arkansas, as shown on the re-plat approved by the City Planning Commission, a copy of which is attached to this Ordinance and made a part hereof as though set out herein word for word, be and the same is hereby accepted by the City of Springdale, Benton County, Arkansas, and the City hereby accepts for use and benefit to the public the dedications contained therein.

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

PASSED AND APPROVED this _____ day of _____, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest Cate, CITY ATTORNEY



P. 25qnHT 15 30 60 90 120 Feet
For Location Reference Only

FILE NO. RP21-03

APPLICANT: Steve Butcher (for Nancy Hagen)

**REQUEST: Replat of parcels & 815-20827-000 & 815-20826-000
(Carter Addition)**

PLANNING COMMISSION MEETING
February 2, 2021

RESOLUTION NO. ____ - ____
A RESOLUTION ADOPTING AND APPROVING
THE 2019 AMENDED ACTION PLAN FOR
CARES ACT VERSION 3 (CV3)

WHEREAS, in accordance with the guidelines established by the Department of Housing & Urban Development for the Community Development Block Grant Program, another 2019 Amendment to the Action Plan was developed, a copy of which is attached and made part of the resolution; and

WHEREAS, a final public hearing was held before the City Council on February 9, 2021

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

1. That The 2019 Program Year Action Plan amendment for the use of Community Development Block Grant Program Funds, a copy of which is attached and made a part as though set out herein word or word, is approved and authorized for submission to the United States Department of Housing and Urban Development on February 10, 2021
2. That Mayor Doug Sprouse is hereby designated as the authorized official to execute all documents pertaining to the Community Development Block Grant Program.

PASSED AND APPROVED this 9th day of February, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVE AS TO FORM:

Ernest B. Cate, City Attorney

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM COVID19 CV3

TOTAL FUNDING ANTICIPATED: \$445,382

SUBJECT: Due to the pandemic, the US Government instructed HUD to allocate funds for the CDBG entitled cities. The funds were to be allocated for "To prevent, prepare for, and respond to the Coronavirus." The first allocation to the City of Springdale was \$478,318 this was called version **1**. The next version was CV3, this funding allocated \$445,382 to the City of Springdale.

References: U.S. Department of Housing and Urban Development memo dated September 11, 2020, to the City of Springdale.

Section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155), as amended by Section 1210 of the Disaster Recovery Reform Act of 2018 (division D of Public Law 115-254; 132 Stat. 3442)

2. Direction: nonprofits are on the front line assisting the needs of the community with rental assistance, food distribution, clothing, utility subsidies and other essential needs during the pandemic. In doing this, the organizations are ensuring safety and professional guidance to the community.

These are the nonprofit organizations that asked for assistance to help the community:

1. Northwest Arkansas Food Bank

Due to the pandemic, most of the food shelters have been working overtime and have lost space to keep up with the up rise in need for food and essential items. The Food Bank will be purchasing box truck to assist with movement of food distribution. The organization assisted with over 960 Springdale families, through distribution of food.

Funding Amount: \$139,283

2. Dinners for Veterans

The pandemic took a toll on the veterans in Springdale and surrounding areas. This organization will assist with food subsidies, rental, utility and other essential items. Just like the VFW they will assist the senior citizens in our community.

Funding Amount: \$20,000

3. Arkansas Crisis Center

Being quarantined for months on end will cause problems. Suicide has gone up 35% since this process has started and 1/3 of adults are reported symptoms of clinical anxiety and depression. The funds will assist with helping the communications and call centers. The call center has an increase of 108% in calls and needs assistance with the call center and additional staff to take calls.

Funding Amount: \$100,000

4. Returning Home

The quarantine process has also affected this organization by longer stays and longer processes to get the clients into society. The organization's kitchen is too small to handle the influx of personnel going through the doors. The funding will help build a better kitchen to accommodate the larger population.

Funding Amount: \$58,183

5. Epikos Center NWA

Homelessness is an issue with the pandemic. This organization will assist with the problem by purchasing vouchers for showers, laundry services and other essential duties. Thus it will help with safety issues that concern the homeless. They also provide services such as life coaches and other catalysts to help homeless individuals to get into a home/shelter.

Funding Amount: \$56,200

6. Hope Distributors

This organization assists with movement of food to shelters, coordinates food giveaways. Also they are assisting with utility, rental and other essential payments needed through the pandemic. Since the pandemic, they have lost revenue and lost employees due to the pandemic; this will bring these employees back and assist with the overall movement of food and materials to those who need it.

Funding Amount: \$50,000

7. Community Clinic

At the forefront of the pandemic are the medical facilities assisting with all of the community needs. This organization will bring in more PPE and assistance with the funds provided.

Funding Amount: \$21,716

3. Point of Contact: Community Development Program Manager, Dean Allen

Phone: 263-7024

Email: KallenPsDriruidalear@eov

RESOLUTION NO. _____

**A RESOLUTION APPROVING
RE-APPOINTMENTS TO THE
SPRINGDALE PLANNING COMMISSION.**

WHEREAS, Gary Compton, Ben Peters and Dale Tyler's terms on the Springdale Planning Commission expired January 31, 2021; 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 Gary Compton to be reappointed to Seat #3; Ben Peters to be reappointed to Seat #4, and Dale Tyler to be reappointed to Seat #9 on the Springdale Planning Commission; in accordance with Section 90-26 of the Springdale Code of Ordinances; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS that the Mayor's reappointments of Gary Compton, is hereby reappointed to Seat #3; Ben Peters, is hereby reappointed to Seat #4; and Dale Tyler, is hereby reappointed to Seat #9 on the Springdale Planning Commission for a (4) four-year term expiring on January 31, 2025.

PASSED AND APPROVED this 9th day of February, 2025.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH THE SPRINGDALE CHAMBER OF COMMERCE TO PROMOTE BUSINESS DEVELOPMENT AND ECONOMIC GROWTH; TO WAIVE COMPETITIVE BIDDING AND FOR OTHER PURPOSES.

WHEREAS, it has come to the attention of the City Council for the City of Springdale, Arkansas, that in the past the City of Springdale has worked in conjunction with the Springdale Chamber of Commerce to promote business development and economic growth within the City of Springdale;

WHEREAS, incorporated herein by reference and attached hereto as Exhibit "A" is an agreement between the City of Springdale and the Springdale Chamber of Commerce, allowing for the Chamber to perform certain services for the City of Springdale as set out in the agreement for the total sum of \$225,000.00 per year, as set out in the Agreement;

WHEREAS, because the Chamber is actively involved in promoting of business development and economic growth within the City of Springdale, Arkansas, they are in a unique position to provide the services to the City of Springdale, and therefore, the requirement of competitive bidding should be waived as it is not deemed feasible or practical in this case;

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

Section 1: That the Mayor and City Clerk are hereby authorized to enter into said Agreement, which is incorporated herein by reference, with the Springdale Chamber of Commerce, and to pay the sum not to exceed \$225,000.00 per year to the Springdale Chamber of Commerce, as set out in the Agreement, said money to be paid from general fund.

Section 2: That because of the exceptional circumstances set out herein, competitive bidding is not deemed feasible or practical for the reasons previously stated herein, and is therefore waived.

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 _____, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

AGREEMENT

THIS AGREEMENT made and entered into this 1st day of January, 2021, by and between the City of Springdale, Arkansas, hereinafter referred to as "City," and the Chamber of Commerce of Springdale, Arkansas, hereinafter referred to as "Chamber;"

WITNESSETH:

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

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

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

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

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

1. That the Chamber agrees to serve as the economic development marketing arm of the City for 2021 and 2022, subject to paragraph 5 of this Agreement.
2. Further, Chamber agrees that it shall be assigned the following responsibilities:
 - a. Chamber shall develop coordinate, administer and have overall management of economic development marketing activities and the coordination and administration of the functions above described for the City;
 - b. The Chamber shall be responsible for advancing the improvement, in the broadest sense, of the quality and the quantity of life in the City, utilizing, among other things, the provisions of Act 686 of 2017.
 - (1) Implementation, development and management of all marketing and advertising campaigns designed to attract a diverse segment of manufacturing, service industries, commercial and retail establishments, if such campaigns are used.
 - (2) Design and execution of an industrial retention and expansion program to encourage local manufacturing to remain and expand in the City.
 - (3) Operation of an on-going communications and promotions program for economic development activities in the City.
 - c. The Chamber shall provide a written report to the City Council on a quarterly basis relative to its economic development work. The reports will be due in January, April, July, and October of each year.

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

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

4. For the services to be provided by the Chamber to the City for the year 2021, the City shall pay \$225,000.00 to the Chamber. The sum of \$56,250.00 shall be paid on January 1, April 1, July 1, and October 1 in 2021, subject to paragraph 5 of this Agreement. For the services to be provided by the Chamber to the City for the year 2022, the City shall pay \$225,000.00 or an amount mutually agreed upon in writing and approved by the City, whichever amount is greater, to the Chamber. The sum shall be paid in four (4) equal installments on January 1, April 1, July 1, and October 1 in 2021, subject to paragraph 5 of this Agreement.

5. This Agreement shall terminate on December 31, 2022. However, should the City not appropriate the funds to pay the Chamber for 2022, this Agreement shall terminate December 31, 2021.

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

7. If the City appropriates the necessary funds through 2021 to fund this Agreement, this Agreement shall be automatically renewed for 2022 on the same terms and conditions as 2021 provided the Chamber requests renewal on or before October 1, and upon condition the City appropriates the necessary funds for 2022. If either party wants to change any of the terms or conditions set out in the Agreement, the party must submit those changes to the other party within 60 days prior to the expiration of the Agreement year. If the parties cannot agree to the changes, the Agreement will renew on the same terms and conditions set out herein provided the Chamber has requested renewal as provided herein, and provided the City appropriates the necessary funds.

WITNESS our hands and seals this 1st day of January, 2021.

CITY OF SPRINGDALE

BY _____

ATTEST:

SPRINGDALE CHAMBER OF COMMERCE

BY _____

ATTEST:

RESOLUTION NO. _____

A RESOLUTION AMENDING THE 2021 BUDGET OF
THE CITY ADMINISTRATION

WHEREAS, the City Council recognizes the need for the Economic Development activities of the Springdale Chamber of Commerce, and

WHEREAS, the Chamber is actively involved in promoting business development and economic growth for the City of Springdale and wishes to increase the annual request from \$200,000 per year to \$225,000, and

WHEREAS, funds for this additional amount of \$25,000 were not included in the 2021 budget;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the 2021 budget is hereby amended as follows:

<u>Department</u>	<u>Account No.</u>	<u>Description</u>	<u>Present Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Proposed Budget</u>
Administration	10101014117804	Economic Development	200,000	25,000		225,000

PASSED AND APPROVED this 9th day of February, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE EXECUTION
OF A CONSTRUCTION CONTRACT FOR SHILOH
MEETING HALL ROOF REPAIRS AND
APPROPRIATING FUNDS
CP2002**

WHEREAS, Springdale administration has received bids for repair work on the Shiloh Meeting Hall roof, and

WHEREAS, the low bid of \$54,586.26 was received from Top Hat Building & Roofing, Inc., and

WHEREAS, The City has a balance of \$61,420.00 funds appropriated for this project.

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

Section 1. The Mayor and City Clerk are hereby authorized to execute a contract with Top Hat Chimney & Roofing, Inc. for repairs to Shiloh Meeting Hall roof repairs for a cost of \$54,586.26.

Section 2. The Mayor is authorized to approve construction change orders as long as the cumulative total of the change orders does not exceed 10% of the original contract price.

PASSED AND APPROVED this 9th day of February, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Beth Parnell

From : Allyn Lord <alord@springdalear.gov >
Sent: Friday, January 22, 2021 9:59 AM
To: Wyman Mcpgan
Subject: RE: Shiloh Meeting Hall roof bid opening

Thank? Should Gary come to the committee meeting, the council meeting, or both?

Allyn

From: Wyman Morgan f [mailto:wyman.morgan@springdalear.gov]
Sent: Friday, January 22, 2021 19:52 AM
To: Allyn Lord
Subject: RE: Shiloh Meeting Hall roof bid opening

Colby is going to write the resolution. We will get it on the agenda.

Wyman

From: Allyn Lord [mailto:alord@springdalear.gov]
Sent: Thursday, January 21, 2021 2:39 PM
TO: 'Wyman Morgan'
Cc: Mayor Doug Sprouse
Subject: Shiloh Meeting Hall roof bid opening

Wyman

We had a successful bid opening on the Shiloh Meeting Hall roof project. The low bidder was Top Hat Building & Roofing out of Springdale. The total bid was \$54,586.26.

- Would you please put us on the Council committee agenda for Monday, Feb. 1?
- Would it be helpful for Gary Clements to be there for the committee meeting, for the Council meeting (Tues., Feb. 9), or for both meetings?

Gary may send you paperwork from the bid opening. If not, just let me know what you need. Thanks.

Allyn

(MS) Allyn Lord
Director
Shiloh Museum of Ozark History
118 W. Johnson Ave.
Springdale, AR 72764-4313
750-8165
alord@springdalear.gov
www.shilohmuseum.org

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE EXECUTION
OF A CHANGE ORDER FOR THE CONSTRUCTION
CONTRACT FOR THE SPRINGDALE MUNICIPAL
COMPLEX
PROJECT # 18BPC1**

WHEREAS, the City of Springdale has contracted with Milestone Construction Company to construct the new Springdale Municipal Campus, and

WHEREAS, there have been numerous challenges and delays that are more fully explained the attached memo from Roy Decker, and

WHEREAS, change order NO. 1 totals \$1,278,133 and includes the community room on the south of the building for a costs of \$503, 089, and

WHEREAS, there is a balance of \$552,581 of funds in the construction fund available for this change order and a need of additional funds of \$725,552.

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

Section 1. the Mayor is hereby authorized to execute change order no 1 for construction of the municipal campus.

Section 2. There is hereby appropriated \$725,552 of funds from the General Fund to pay the balance of the change order.

PASSED AND APPROVED this 9th day of February, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

AIA Document G701™ – 2017

Change Order

PROJECT: (Name and address; 1712 SpruijdAlcMunicipal Campus 201 Spring Sued Springdale, Arkansas 72764	CONTRACT INFORMATION: Contract For: General Construction Date: June 24 ,2019	CHANGE ORDER INFORMATION: Change Order Number: 001 Date January 15, 2021
OWNER: (Name and address; City of Springdale Arkansas 201 Spring Street Springdale, AR. 72764	ARCHITECT: (Name and address) DuviiDecker Architects, P.A. 2915 N. Slate Street Jackson, MS39216	CONTRACTOR: (Name and address) MihwitorwConstruction Company 2002\$ 4RihSt Ste A Springdale, AR 72762

THE CONTRACT IS CHANGED AS FOLLOWS:
(Insert a description of the change and, if appropriate, attach or reference specific exhibits. Also include agreed upon adjustments to the contract sum.)

Proposal 1
Add ballistic window at the north exterior wall adjacent to the Polka Department Roll Call and Breakroom area. The Springdale Police Department requested to change the existing aluminum windows to ballistic rated frames and glazing at the exterior wall in order to provide additional protection.
Total Cost Proposed \$77,000

Proposal 2
Add new fire water main piping to the Allen Building. Fire department requested by the City of Springdale to install a fire water main system for the Allen Building with connections as required by the Springdale Water Utility.
Total Cost Proposed \$19,945.00

Proposal 3
Delete the masonry from the retention pond retaining wall. This change was requested by the Architect and the Contractor. The existing retaining wall is high enough that only a small amount of the brick would actually be seen. The masonry can be removed without affecting the functionality or aesthetics.
Total Savings Proposed (\$7,647.00)

Proposal 4
Add a new roof mechanical unit. The City requested to add a new roof mechanical unit for easier maintenance of the rooftop equipment.
Total Cost Proposed \$8,469.00

Proposal 5
Add underground IT conduits. This change was requested by the City to install 2" underground conduits from the intersection of Spring Street and Johnson Avenue, one to the Allen Building and one to the new Springdale Police Building. These allow the 1.1 backbone to run from the existing I.T. Server location on Spring Street to the Municipal Campus.
Total Cost Proposed \$18,423.00

Proposal 6
Add resilient flooring in Tactical Training. This change was requested by the City of Springdale to replace the existing carpet in Tactical Training with resilient tile. This is to service a broader range of activities within the space.
Total Cost Proposed \$2,061.00

Add UV lights at HVAC units. This change was requested by the City of Springdale to add UV lights to the rooftop HVAC units to further protect from contaminants in circulating air within the new facility.

Add to the allowance for the Police Lobby and Main Lobby by Mdlwrrk Oskv A as reviewed and approved by the City and Police Department, the security and phasing herd of the Police Lobby reception desk and Main Public Lobby reception desks require expanded functions. The Police Lobby will function as the "Public" Lobby during Phase 2 construction. Also, it will function as an after-hours main reception point. The Main Lobby will require a security desk and a security information desk in the fully functional 24/7 as needed.

AM muteiground *motm* dram piping iVoii die Aliou Building. Thr Spnngdatc Police Departmentl requited that Uw north-
wnh secure drive be in full service il the end of Ply** I eumiiULUon.)ri order In comply, some of tint site work far Phiiwr 2
must be completed in Phajc I. The uddmional storm piping allows for the direct connection of the Allen Building to the new
»imm drainage »ynieii, which facilitmn expanded work to complete some Pluiwr 2 site woik in Phase 1 of the project.

Add 4-6" conduits from Motomla wnenmur to Radio RI-OHL Tile City requined that Milestone Cmi\uehmi mstail conduit* from the Radio Idwer's Kidding entrance to the required location* within the nrw building. The City's radio consul mu provided mfnmiiatioo residing the required conduits mid baiOmi* after cunMrucruui began. Tin* work coordinates mui inwalls the new eoiuluHi into the mating design and construction.

The City requested that Miles Inc. verify costs to include the portion of the AtMM Building back into the project for construction. Miles Inc. has verified those costs herin.

Ailer thorough cnniLdcruon and ierreview uf Phase I plum, the Springdale Police Dcpuimr nndCity directed the uiiiiiallauaaoof additional security and cCce+u control equipment within the new facility.

Police thetirtuicnt iqcedno additional speakers, equipment mounting hardware, electrical, and ctmuniuication connection* to occcxmuadoic their MLL O miming system during the cunnrtuctioui poicea rather than retro-fit u after construction. TIns will allow for a better integration of the training system into the new facility.

The City requested that a complete underground electrical grounding loop be constructed around Phjucj and Phase 2 to integrate the Radio Tower into a more fully protected condition in case of a lightning strike. This integration was recommended by Motorola.

AIA OocuwW K'0B1" - JB17. CopA_{ONT} A 19T0, VV 2SQn, 200? enU Qlf by The Anoaipn bWUuti of AfGhluttlr. Alt ngMt laowjrtv f3g American
 tavfluta of MtrNftM, "Aia, 6s AIA IMD, MVI Ats 1/0nuar1 UomnwO in inhKd MMTM and itMy not be used without permission. fNi lidomnani
 wM puxfoed by AIA wIkWmI at 11.07.10 EToti 01/19/2021 urief OrcM Te TflnflfIOO? which sptpn on 05/11/2021, is not to ieiulu, 11 tamrt ltr firt Hinn
 use ntry, and may only lx 4w1 in scandMvs with lx AtA Coninr Oaairwirc Ttini til BrvKis. To p>port Mphihl gta1ajonu, o-mji appyUk 154k grfi.
 LAMffittai: deSLAPMfci

Proposal 15

Add General Contractor Extended General Loodiituivi
Milestone ~~Inten~~countered several no-fault delays on the project. These delays include inclement weather days, iUilbrscen underground me einidirinds and Covid-19 delays. The cost and time represented below includes additional supervision, project nm>agapmni labor cuid general conditions.
Total Coat Proposed \$426,921.00
Total time Proposed 287 Days

The original Contract Sum was	\$	35,855,288.00
The net change by previously authorized Change Orders	*	0.00
The Contract Sum prior to this Change Order was	\$	35,855,288.00
The Contract Sum will be increased by ihiiChange Order in the amount of	\$	1,278,133.00
Hie new Contract Sum including this Change Order will be	\$	37,133,421.00

The Contract lime will be increased by Two Huiidicd Eighty Steve*(287) days.
The new date of Substantial Completion will be July 22, 1022

NOTE: The Chance Order is alMnc:ligiy>and covers all adiiwtm<ni> in the Cantram Scone Apjimm^ and Tunc fru: hoik direct atld indirect costs Hxecithon nf this Change QrrW hy the Cnnttr-n>v: indicates a hili<ni> WQ>ndjm^ hy the Contractor; and its Suhcontiael>Hs that additional adiiKlmimic in the Contrart Amninn or t Vmfiiirl Time rebiiiny to this ohany will not be allowed. This Change Order doosnot include adjustments to tfocConii act Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost tnd tune have been agreed upon by both the Owner and Contiactor, in which case a Change Order is executed to supersede the Construction Change Directive.

NO? VAUD UNTIL SIGNEOBY THEARCHITECT, CONTRACTOR AND OWNER

<u>Decker Architects, P.A.</u> ARCHITECY (Finn name)	<u>Milestone Cnnstructinn Company</u> CONTRACTOR (Firm HWW)	<u>City of Swifttdale Arkansas</u> OWNER (Firm name)
<u>SIGNATURE</u>	<u>SIGNATURE</u>	<u>SIGNATURE</u>
<u>Roy T. Decker, AIA, Vice President</u>	<u>Sam HUuis, Piehidem</u>	<u>The tlofWmWeDoug Sprouse, Mayor of Springdale Arkansas</u>
<u>PfINTEfirNAME AND TITLE</u>	<u>PRINTED NAME AND TITLE</u>	<u>PRINTED NAME AND TITLE</u>
<u>DATE</u>	<u>DATE</u>	<u>DATE</u>

Duvall Decker Architects P.A.
Architecture . Planning . Interiors (design)

January 24, 2021

Doug Sprouse, Mayor
201 Spring Street
Springdale, Arkansas 72764

RE: SPRINGDALE CRIMINAL JUSTICE CENTER AND ADMINISTRATION CAMPUS
-CHANGE ORDER NO 1 ADDED COSTS
-TIME DELAY WITH EXTENDED CONTRACT DAYS AND COST
-ARCHITECTS ADDED FEE REQUEST

Dear Mayor Sprouse,

Per your request, I have summarized the items, costs and time associated with the proposed Change Order No. 1, and the request for additional architectural professional fees.

Overall, this Change Order serves to reconcile the status of the project construction contract with the work that has been completed to date and the unusual time delays that have impacted the project outside the Contractor's control.

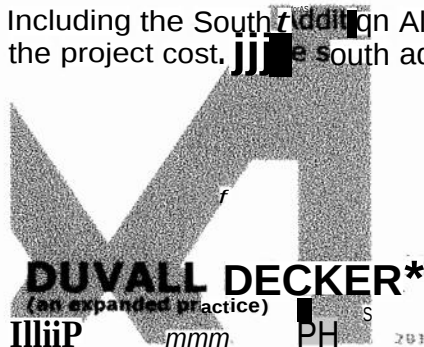
In general, Milestone and Duvall Decker have worked hard to accommodate all additional requests, minimize any additional costs on the project, and minimize the impact of a challenging year of potential delays. While no changes or delays are ideal, there are always some. Keeping the work on track this year has been very challenging.

Our collective team has worked together seamlessly to provide the City of Springdale and its citizens with a highly functional, durable long-term facility with the best value for their investment. Change Order No. 1 represents only those costs and added days that could not be absorbed by the team.

Change Order No. 1 accounts for additional work requested and only unavoidable delay days which equals a 2.16% increase in the project cost (Not including South Addition).

In addition, Change Order 1 includes an Option for the City to add the Alternate South Addition to the existing building. If this makes sense, it offers the best value for the City to capture future flexibility and public use space to the project.

Including the South Addition Alternate, the Change Order represents a 3.36% increase in the project cost. The south addition remains an add option for the City.)



Construction Change Order No 1 Summary:

Change Order No 1, includes four types of changes on the project.

1. Owner Requested Adjustments. Reconciled costs for work completed for Owner requested changes. These changes are primarily the result of the department users seeing the spaces and adjusting aspects or adding functionality to the building to better meet their long-term needs. These items together equal \$287,705 (Items 1-9, 12, and 13) and a 0.8% increase in the project cost.

2. Radio Tower. Reconciled costs for additional work required by the radio tower installation. The specifications and requirements for the installation the radio tower were not available until the tower contract was awarded after the construction was under way. These items together equal \$60,418 (Items 10 and 14) and a 0.16% increase in the project cost.

3. Time. During the Phase I work, the contractor has experienced three types of delays which have, through no fault of theirs, delayed the work from remaining on schedule. Please note, it is not unusual nor unexpected that there will be delays in a construction project. During the work to date, Milestone Construction has adjusted the schedule and changed workflow to make up every day possible. They have resourcefully saved time and avoided many delays throughout the work to minimize the loss of time for the City on the project. The requested additional days are only for those days truly lost and that have impacted the schedule.

- a. Weather days - to date there have been 80 days of inclement weather that have inhibited or prevented Critical Path work.
- b. Unforeseen underground existing foundations, utility lines and time to complete the owner requested additions of work has added 28 days. While the work requested has added scope of work to the project, most delays have been avoided by shifting of schedules and changes in workflow on the project. The days requested are only those that could not be recovered.
- c. COVID-19 Delay days. Delays caused by the virus have been of two types.
 - i. Lost days of work by various trade partners being out to recover from the virus (luckily only a very few) or having to quarantine due to a close contact. These delays have caused an intermittent loss of production by several subcontractors.
 - ii. Material delivery and supply chain delays. This kind of delay has resulted in the biggest impact on the project. The precast

concrete panels that form a major part to the enclosure were 6 months late in getting to the site. The supplier had a full outbreak of the virus which shut down production for 2 months exactly when they were scheduled to manufacture the Springdale panels. Additionally, the supplier experienced additional quality control and productivity issues due to their diminished staff, which required close management and oversight by Milestone and Duvall Decker. Faced with the inability to enclose the building, Milestone built temporary exterior walls which allowed some of the interior work to progress. This strategy avoided a catastrophic loss in time as all parties worked together to minimize the delay. Despite all efforts this Critical Path delay still caused a loss of 179 days.

- d. The total Critical Path days delayed on the project total 287. Because added days of work do mean added costs for supervision, trailers and other project support needs, the contractor has estimated and proposed additional cost for to be added to the construction contract. Please note they have only proposed the minimal amount required. Because there have been many delays averted by project management and scheduling changes, the delay included in the change order is only for those days that could not be recovered. The cost of additional supervision, general conditions costs and required overhead is equal to \$426,921, (Item 15) an 1.2% increase in the project cost.

4. South Addition Alternate Option. During the design phase of work, the City asked the design team to set aside the construction of the south end of phase two as a potential add alternate. This would be added to the project if funds were available. The addition adds future growth space (3560 sf) and an additional community meeting room for the public on the ground floor. This item equals \$503,089 (Item 11) and a 1.4% increase in the project cost.

(Note: If it is desirable, adding the project area to the work now, we believe, is the best value for the City. The proposed cost within the Change Order is for material and subcontracts only. Supervision and all overhead are already included within the larger project. Milestone has planned to complete the added work within the same time frame so there will be no impact to the schedule. While the City can always add this additional area to the building in the future, it will likely be more expensive. If postponed, Milestone predicts the future cost could be 25 to 30% more expensive, having to add material cost escalation, supervision and overhead as an independent project.)

Total Change Order No. 1 proposed cost summary.

Owner requested changes	\$287,705.00
Radio Tower	\$60,418.00
Add Alternate (South Addition)	\$503,089.00
Time and extended overhead cost	<u>\$426,921.00</u>
Total Change Order No.1	1,278,133.00

(Option: Change Order Total without Add Alt. \$775,044.00)

Total Days Added to Contract: 287.
New Completion Date: July 22, 2022.

Proposed Architectural Fee:

The proposal for additional architectural fee includes two categories of work.

- 1. Additional Services for Owner Requested Changes.** The architects have provided additional services for Owner requested changes and to support the Contractor with unforeseen underground utility conflicts. In each case we have provided the design work, engineering, and bulletins to update and coordinate the contract documents and provided the construction administration to ensure the project is constructed in concert with the project requirements. The collective work has included:
 - a. Added Architectural work totaling 1100 man hours and cost of \$120,500.00
 - b. Engineering additional services fees of \$61,366.00
- 2. Time and Extended Construction Administration Services.** Due to the Contractor's extended schedule, the Architects will be required to provide full construction administration services for an additional nine and one-half months beyond the original agreement and budget for the original fee. We have estimated the cost for this extended period of time at a discounted rate, assuming we can reduce hours as we approach the end of the project. To date, we have completed 6680 collective man hours supporting the construction work. We estimate an additional 1520 man hours will be required beyond our budgeted hours for the extended time at a rate of \$81.25/hr.
 - a. Architectural total man hours 1520. (\$123,500.00)
 - b. Travel Expenses \$1250.00 per month for 9.5 months (\$11,875.00).
- 3. Total requested Architectural Engineering professional fees \$317,241.00**

We hope this summary clarifies the requests. We all remain honored to serve the City of Springdale and are working every day to make the new Municipal Campus a great building

that serves the citizens for years to come. I, along with Greg Ferus from Milestone Construction, will plan to be at the City Council work meeting on February 1st to answer any questions.

Sincerely,



Roy T. Decker, FAIA

c. **1712.2 Contract, Change Order 1712.7**
Wyman Morgan
Krystal Lamm

Duvall Decker Architects P.A.
Architecture . Planning . Interiors (design)

January 18, 2021

ADDENDUM to Standard Form of Agreement Between Owner, City of Springdale, and Architect, Duvall Decker Architects, P.A., dated May 23, 2017 (the "Agreement")

The Building Permit for the Construction Contract was dated 8/20/19. The construction contract allowed 780 calendar days with a completion date of 9/18/21. The Contractor has experienced no-fault delays due to the COVID – 19 virus, weather delays, owner requested changes including additional work and unforeseen underground site utility conditions. The contractor is requesting in Change Order **1**, that 287 days be added to the contract time to reconcile all delays to date with the time required to complete the project. The new completion date will be July 22, 2022.

The architect has provided architectural and engineering construction administration services for the project and continues to support the project per the agreement. The architects have provided additional services for owner requested changes and to support the contractor with unforeseen underground utility conflicts. In each case we have provided the design work, engineering, and bulletins to update and coordinate the contract documents and provided the construction administration to ensure the project is constructed in concert with the project requirements. In addition, due to the contractors extended schedule the architects will be required to provide full construction administration services for an additional nine and one half months.

1. Additional services due to Changes and Additions of Scope of Work

Project requirements added to the project scope of work requiring additional architectural and engineering services:

Add ballistic windows at the north exterior wall adjacent to the Police Department Roll Call and Breakroom area. The Springdale Police Department requested to change the standard aluminum storefront windows to ballistic rated frames and glazing at the exterior wall in order to provide additional protection.

Add new fire water main piping to the Allen Building. This change was requested by the City of Springdale to facilitate a future fire sprinkler system for the Allen Building with connections as required by the Springdale Water Utility. (no work by architect)

Delete the masonry from the retention pond retaining wall. This change was requested by the Architect and the Contractor. The grading and landscaping at this wall are high enough that only a small amount of the brick would actually be seen. The masonry can be removed without effecting the functionality or aesthetics.

Add hose bibbs at the rooftop mechanical units. The City requested to add hose bibbs for easier maintenance of the roof top equipment

Add underground I.T. conduits. This change was requested by the City of Springdale to add 2 – 4" underground conduits from the intersection of Spring Street and Johnson Avenue: one to the Allen Building and one to the new Springdale Police Building. These allow the I.T. backbone to route from the existing I.T. Server location on Spring Street to the new Municipal Campus.

Add resilient flooring in Tactical Training. This change was requested by the City of Springdale to revise the flooring in Tactical Training from carpet to resilient tile. This is to service a broader range of activities within the space.

Add UV lights at HVAC units. This change was requested by the City of Springdale to add UV lights to the rooftop HVAC units to protect from contaminants in the circulated air within the new facility. (no work by architect)

Add millwork at the Police Lobby and Main Lobby Millwork Desks. As reviewed and approved by the City and Police Department, the Millwork will aid phasing needs of the Police Lobby reception desk and Main Public Lobby reception desks, require expanded functionality. The Police Lobby will function as the 'Public' Lobby during Phase 2 construction. After, it will function as an after-hours and special event security point. The Main Lobby will require a security / information desk to be fully functional 24/7 as needed.

Add underground storm drain piping from the Allen Building. The Springdale Police Department requested that the north-south secure drive be in full service at the end of Phase 1 construction. In order to comply, some of the site work for Phase 2 must be completed in Phase 1. The additional storm piping allows for the direct connection of the Allen Building to the new storm drainage system, which facilitates expanded work to complete some Phase 2 site work in Phase 1 of the project.

Add 4 – 6" conduits from Motorola antennae to Radio Room. The City requested that Milestone Construction install conduits from the Radio Tower's building entrance to the required locations within the new building. The City's radio consultant provided information regarding the required conduits and locations after construction began. This work coordinates and installs the new conduits into the existing design and construction.

Add the portion of Alternate Building to the south end of the new Municipal Campus.

Add access control and security surveillance. After thorough consideration and re-review of Phase 1 plans, the Springdale Police Department and City directed the installation of additional security and access control equipment within the new facility.

Add Springdale Police Department MILO Training System to Tactical Training room. The Police Department requested additional speakers, equipment mounting hardware, electrical, and communication connections to accommodate their MILO training system during the construction process rather than retro-fit for it after construction. This will allow for a better integration of the training system into the new facility.

Per the request of the Springdale Police Department full ventilated lockers for the police locker rooms is being added to the HVAC exhaust system.

Change to use storefront framing for all windows in lieu of premanufactured windows. Architects provided new Detailing to provide guidance for watertightness.

Selected Value Engineering changes to the steel stairs, HVAC unit locations and other items requiring redesign and reworking of the structural steel documents and to capture construction savings.

Additional Architectural Services for above changes in the scope of work:

Architectural Project Manager 420 man hours @ \$125/hour = \$52,500

Architectural Fees 680 man hours @ \$100/Hour = \$68,000

Additional Engineering Services for the above changes in the scope of work: Mechanical, Electrical, Plumbing and Fire Protection Engineering

Additional Fees : \$61,366.00

2. Additional services due to Construction Extended Time

Project time added to the project scope of work requiring additional architectural and engineering Construction Administration services:

The Contractor is requesting an extension 287 days be added to the contract time. Milestone has encountered several no-fault delays on the project. These delays include inclement weather days, unforeseen underground site conditions and Covid-19 delays. The architects will be required to provide full construction administration for the extended time. Costs include architectural and engineering services and associated travel costs.

Additional Construction Administration Due to Project Extended Duration

Fees @ \$13,000/Month for 9.5 months = \$123,500.00

Travel Expenses \$1250.00 per month for 9.5 months = \$11,875.00

Requested Additional Services Fee

We hereby propose a change to the agreement adding architectural, engineering and construction administration fees to allow our team to support the project with our professional services through the completion of the project.

If agreeable, the Agreement shall be modified as follows:

- 1. Paragraph 11.1 shall be modified to add contract administration services beyond basic services, due to the contractors extended schedule and additional services provided for owner requested changes and unforeseen site utility conditions. The additional fee shall be as follows:

Total Proposed Additional Services Fee for Phase III Construction Administration.

The total added cost shall be: \$317,241.00 apportioned as follows:

New Construction: \$181,866.00
Renovation: \$135,375.00

The New Total Proposed Fee for Phase I, II, and III shall be: \$3,567,749.00 apportioned as follows:

New Construction: \$1,551,511.00
Renovation: \$1,016,238.00

- 2. Paragraph 11.5 will be modified as follows:

Construction Administration (32.07%): Construction administration during the construction period of the project.

Agreed:
Owner

The Honorable Doug Sprouse, Mayor of Springdale

Date

Architect



January 18, 2021

Roy T. Decker, FAIA, Vice President
Duvall Decker Architects, PA.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE EXECUTION
OF AN AMENDMENT TO AN ARCHITECTURE
CONTRACT FOR THE SPRINGDALE MUNICIPAL
CAMPUS
PROJECT NO. 18BPC1 AND 18BPC2**

WHEREAS, the contractor has experienced no-fault delays due to the COVID-19 virus that will extend the 780 calendar days provided in the construction contract by 287 days to a revised total of 1,067 calendar days, and

WHEREAS, the extension of the construction period will require additional oversight by the architecture firm, and

WHEREAS, there have been several changes requested by the City during construction that required additional work by the architecture firm, and

WHEREAS, the 2021 adopted budget includes funds for the anticipated architecture fees to be paid this year, the additional fees included in this amendment will be included in the Mayor's proposed 2022 budget.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor and City Clerk are hereby authorized to execute a contract amendment with Duvall Decker Architects P.A. for the Springdale Municipal Campus Project for an additional costs of \$317,241.00

PASSED AND APPROVED this 9th day of February, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

ORDINANCE NO. _____

**AN ORDINANCE ANNEXING CERTAIN LANDS
PURSUANT TO ARK. CODE ANN. §14-40-501, *et. seq.***

WHEREAS, the boundaries of the city limits of the City of Springdale have changed over time, causing certain lands which are not in the City of Springdale to become surrounded by land which is located in the City of Springdale;

WHEREAS, given the fact that certain lands are surrounded by property in the City of Springdale, it would be in the public interest for the City of Springdale to provide municipal services, such as police protection, fire protection, etc., to these surrounded lands;

WHEREAS, Ark. Code Ann. §14-40-501, *et. seq.*, provides that the governing body of a municipality may propose an ordinance calling for the annexation of land that is surrounded by the municipality;

WHEREAS, it is in the best interest of the City of Springdale that these surrounded lands be annexed into and be made a part of the City of Springdale, and the legal descriptions of the land to be annexed, as well as a map of the land to be annexed, are attached hereto and made a part hereof;

WHEREAS, a public hearing was held on February 9, 2021, after publishing notice and notifying property owners as required by law; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the surrounded lands contained in the attached Exhibits be and hereby are annexed into the City of Springdale, Arkansas in accordance with Ark. Code Ann. §14-40-501, *et. seq.*

PASSED AND APPROVED this _____ day of _____, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY



**Department of Transformation
and Shared Services**
Governor Asa Hutchinson
Secretary Amy Feeher
Director Shelby Johnson

Mayor Doug Sprouse
City of Springdale
201 Spring Street
Springdale, AR 72764

20

GIS Office Map of Proposed Annexation
Legal Description
Secretary of State Municipal Change Checklist

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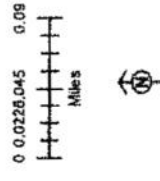
ARKANSAS GIS OFFICE
1 Capitol Mall, Suite 60 Little Rock, AR 72201 • 501.662.2767
gis.arkansas.gov • **transform.ar.gov**

Proposed Annex "Island A": City of Springdale
December 2020

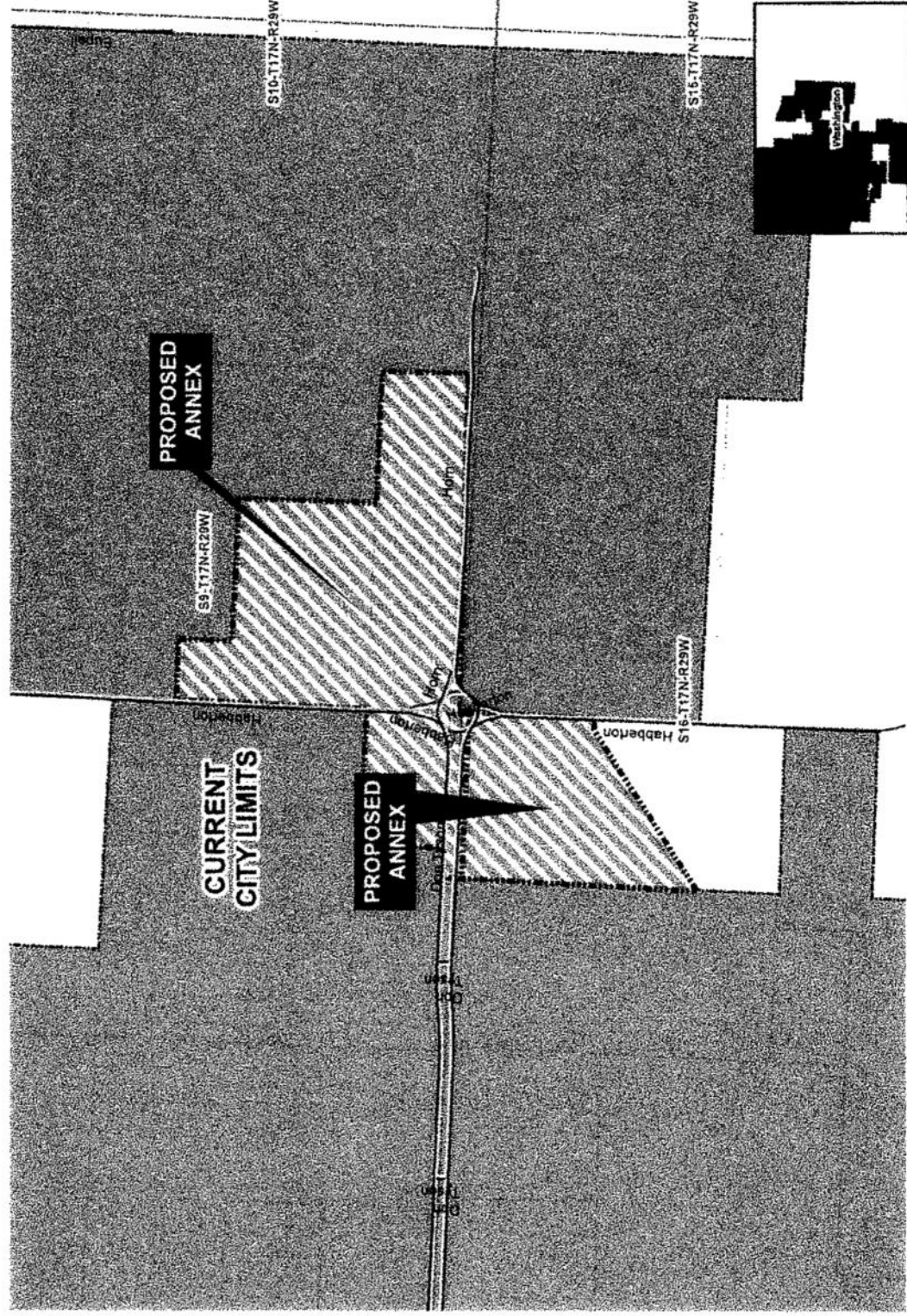
City: Springdale
Mayor: Doug Sprouse

Arkansas Code 14-40-101.
Before an entity undertakes an annexation, consolidation, or detachment, proceeding under this chapter, the entity shall coordinate with the Arkansas Geographic Information Systems Office for preparation of legal descriptions and digital mapping for the relevant annexation, consolidation, and detachment areas.

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



H:\City_Annexation\2020\Springdale\20201201



City of Springdale Zoning Map



020

- o. Parcels

Parcels
- STREAMS

MAIN CHANNEL

TRIBUTARY
- LAKES

Buildings

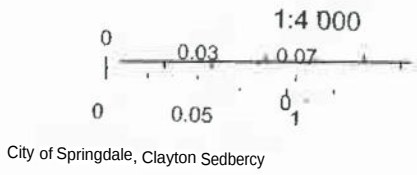
RAILROAD
- STREETS - ALL

INTERSTATE

RAMP
- U.S. HWY

AR HWY

LOCAL
- PRIVATE



Clayton Sedberry

Exhibit B
Washington County Island Annexation 2/09/21

Tract 1: Parcel No. 001-14800-005

Kiangta Xaysanasy/Dalavanh Xaysingkham
3295 Habberton Rd.
Springdale, AR 72764

A part of the Southwest Quarter of the Southeast Quarter of Section Nine (9), Township Seventeen (17) North, Range Twenty-nine (29) West, Washington County, Arkansas, as described as follows: Commencing at the Southeast Comer of the SW 1/4 of the SE 1/4 of Section 9; thence N00°01'31"W 347.24 feet; thence N89°04'56"W 502.11 feet; thence N00°01'31"W 533.45 feet; thence N89°04'56"W 808.98 feet to the point of beginning; thence East 242 feet; thence North 180 feet; thence West 242 feet to the West line of the SW 1/4 of the SE 1/4; thence South 180 feet, more or less, to the point of beginning.

Tract 2: Parcel No. 001-14800-002

Adams Family Properties, LLC.
3885 Julio Rd.
Springdale, AR 72764

Part of the SW 1/4 of the SE 1/4 of Section 9, Township 17 North, Range 29 West, of the Fifth Principal Meridian, Washington County, Arkansas, and being more particularly described as follows: Commencing at the Southwest Comer of the SW 1/4 of the SE 1/4 of said Section 9; said point being a found railroad spike; thence along the West line of said SW 1/4 of the SE 1/4, N 02°21'58"E a distance of 374.24 feet to a computed point and the point of beginning; thence continuing along said West line, N 02°21'58"E a distance of 538.45 feet to a computed point; thence leaving said West line, S86°42'17"E a distance of 807.37 feet to a set iron pin with cap, "PLS 1156"; thence S02°21'58"W a distance of 538.45 feet to a set iron pin with cap, PLS 1156"; thence N86°42'17"W a distance of 807.37 feet to the point of beginning, containing 9.98 acres, more or less, and subject to the right of way of N. Habberton Road along the West side thereof.

Tract 3: Parcel No. 001-14800-003

Jeff & Kim Coles
5280 Horn Ln.
Springdale, AR 72764

Part of the Southwest Quarter of the Southeast Quarter of Section 9, Township 17 North, Range 29 West of the 5th Principal Meridian, Washington County, Arkansas, being more particularly described as follow, to-wit: Commencing at the Southeast comer of said Southwest quarter of the Southeast quarter, thence North 0°01'31" West 15.00 feet to the point of beginning; thence North 89°04'56" West 131.10 feet, thence North 0°01'31" West 332.24 feet; thence South 89°04'56" East 131.10 feet, thence South 0°01'31" East 332.24 feet to the point of beginning, containing 1.00 acres, more or less.

Tract 4: Parcel No. 001-14800-008

Miguel Bahena Hernandez
Argelia Behena Obispo
5198 Horn Lane
Springdale, AR 72764

Part of the Southwest Quarter of the Southeast Quarter of Section 9, Township 17 North, Range 29 West, being more particularly described as follows, to-wit: Beginning at a point N00°01'31"W 15.00 feet and S89°04'56"E 819.71 feet from the Southwest comer of said 40 acre tract, and miming thence N01°40'05"E 332.10 feet, thence S89°04'56"E 350.47 feet, thence S00°01'31"E 332.24 feet, thence N89°04'56"W 360.28 feet to the Point of Beginning, containing 2.71 acres, more or less.

Tract 5: Parcel No. 001-14800-007

Ruben & Maria Tovar
11690 Remington St.
Lake View Terrace, CA 91342

Part of the SW 1/4 of the SE 1/4 of Section 9, T-17-N, R-29-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a point which is N 00°01'31"W 15.00 feet and S89°04'56"E 426.40 feet from the SW corner of said 40 acre tract, and running thence N01°40'05"E 332.10 feet; thence S89°04'56"E 393.31 feet; thence S01°40'05"W 332.10 feet; thence N89°04'56"W 393.31 feet to the point of beginning, containing 3.00 acres, more or less.

Tract 6: Parcel No. 001-14800-001

Lloyd & Anne Godby
1904 SW Fir Ave.
Bentonville, AR 72712

A part of the Southwest Quarter of the Southeast Quarter of Section 9, Township 17 North, Range 29 West, being more particularly described as follows, to-wit: Beginning at a point which is N00°01'31"W 15.00 feet from the Southwest corner of said forty acre tract and running thence N00°01'31"W 332.24 feet, thence S89°04'56"E 436.21 feet, thence S01°40'05"W 332.10 feet, thence S89°04'56"W 426.40 feet to the Point of Beginning, containing 3.29 acres, more or less. Subject to that portion in Habberton Road on the West side and subject that portion in private lane on the South side of herein described tract.

Tract 7: Parcel No. 001-14794-003

Tract 8: Parcel No. 001-14794-004

Mary, Kevin, Rodney, & Polly Alderson
3566 A Habberton Rd.
Springdale, AR 72764

Part of the SE1/4 of the SW1/4 of Section 9, Township 17 North, Range 29 West of the Fifth Principal Meridian in Washington County, Arkansas, being more particularly described as follows, to-wit: Commencing at the northwest corner of said SE1/4 of the SW1/4, thence S0°02'11"W 982.91 feet, thence S89°21'43"E 785.71 feet to the point of beginning, thence S89°21'43"E 522.00 feet, thence S0°02'11"W 333.72 feet, thence N89°21'43"W 522.00 feet, thence N0°02'11"W 333.72 feet to the point of beginning, containing 4.00 acres, more or less.

Tract 9: Parcel No. 001-15077-000

(that portion North and West of Parcel No. 815-36188-700)

Leroy Horn Trust/Mary Horn Trust
624 Purtle
Springdale, AR 72764

That portion of the Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4) of Section 9, Township 17 North, Range 29 West, the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4), the Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4), the Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4) and part of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) being the West 6.5 acres of Section 16, Township 17 North, Range 29 West, Washington County, Arkansas, located north and west of Parcel No. 815-36188-700.

ORDINANCE NO. _____

AN ORDINANCE TO ESTABLISH AND ASSESS A VIDEO SERVICE PROVIDER FEE FROM RITTER COMMUNICATIONS HOLDINGS, LLC, PURSUANT TO THE ARKANSAS VIDEO SERVICE ACT AND ARK. CODE ANN. §23-19-201, *et seq.*

WHEREAS, in 2013, the Arkansas General Assembly passed Act 276 of 2013, known as the Arkansas Video Service Act ("the Act"), and codified as Ark. Code Ann. §23-19-201, *et seq.*;

WHEREAS, the Act provides that a video service provider shall pay to the political subdivision where it provides video service a video service provider fee as may be required by the political subdivision;

WHEREAS, on November 10, 2020, the City Council for the City of Springdale, Arkansas, adopted Resolution 131-20, thereby providing ninety (90) days' notice to Ritter Communications Holdings, LLC, of the City's intent to establish and assess a video service provider fee as provided in the Act;

WHEREAS, the City wishes to establish and assess a video service provider fee in accordance with the Act;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City hereby establishes and assesses to Ritter Communications Holdings, LLC, a video service provider fee in the amount of four percent (4.00%) of gross revenues, to be determined and paid in accordance with and as provided in the Arkansas Video Service Act, codified as Ark. Code Ann. §23-19-201, *et seq.*, with the first payment to be due and payable forty-five (45) days after the close of the next calendar quarter

PASSED AND APPROVED this _____ day of _____, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

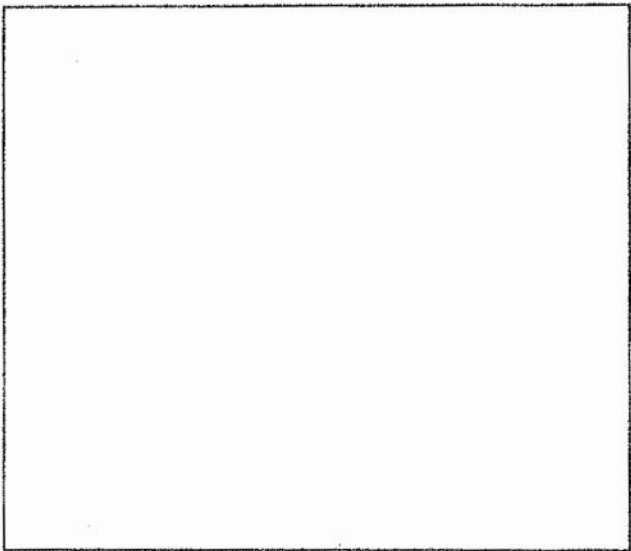
APPROVED:

Ernest B. Cate, City Attorney

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.

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



PROPERTY OWNER: Carole Palesotti, Josh & Jeremy Stamps, Kenneth Powell
LEGAL DESCRIPTION: Lot Number Four (4) in Block Number (2) in the West Huntsville Addition to the City of Springdale, Washington County, Arkansas.
LAYMAN’S DESCRIPTION: 705 Buford Street
PARCEL NUMBER: 815-26784-000

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:

\$454.13 clean-up cost and \$22.05 administrative cost-705 Buford Street (815-26784-000)

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:

\$476.18, plus 10% for collection-705 Buford Street (815-26784-000)

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

PASSED AND APPROVED this _____ day of _____, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:



Ernest B. Cate, CITY ATTORNEY

Domestic Return

ORDINANCE NO.

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

WHEREAS, Ronda Poole, owns the following described property situated in Washington County, Arkansas, to-wit:

A part of the Northeast Quarter of the Northeast Quarter of Section 29, Township 18 North, Range 29 West, Washington County, Arkansas, being more particularly described as follows, to-wit: Beginning at a point which is N87°31'33"W 629.41' from an existing rebar marking the Northeast corner of said forty acre tract and running thence S02°30'36"W 164.82', thence N87°29'13"W 163.57' to an existing rebar, thence N19°00'40"W 177.00', thence S87°31'33"E 228.50' to the Point of Beginning, containing 0.74 acres, more or less. Subject to all easements and rights-of-way of record.

A part of the Northeast Quarter of the Northeast Quarter of Section 29, Township 18 North, Range 29 West, Washington County, Arkansas, being more particularly described as follows, to-wit: Beginning at an existing rebar which is N87°31'33"W 365.35' from an existing rebar marking the Northeast corner of said forty acre tract and running thence S02°31'52"W 165.00' to an existing rebar, thence N87°29'13"W 264.00', thence N02°30'36"E 164.82', thence S87°31'33"E 264.06' to the Point of Beginning, containing 1.00 acre, more or less. Subject to all easements and rights-of-way of record.

See attached Exhibit "A" and also known as Washington County Tax Parcel Nos. 001-18488-000; 001-18489-000; and 001-18487-002.

WHEREAS, Ms. Poole file a Petition for Annexation of the lands described herein with the County Court of Washington County, Arkansas, on December 28, 2020, pursuant to Ark. Code Ann. §14-40-609;

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

WHEREAS, on February 3, 2021, the Washington County Judge entered an Order for Annexation, ordering that the lands herein described be annexed into the City of Springdale, Arkansas, pending approval of the Springdale City Council, pursuant to Ark. Code Ann. §14-40-609.

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

Section 1: That the above-described real property is hereby accepted for annexation into the City of Springdale, Washington County, Arkansas, pursuant to Ark. Code Ann. §14-40-609, and assigned to Ward 4 of the City of Springdale, Arkansas.

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

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

PASSED AND APPROVED this ____ day of _____, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS:
IN THE MATTER OF THE ANNEXATION OF CERTAIN LANDS
INTO THE CITY OF SPRINGDALE, ARKANSAS

RONDA POOLE, PETITIONER

NO CC 2020-28

RECEIVED
CITY OF SPRINGDALE
CLERK OF COURT
JAN 14 2021

PETITION FOR ANNEXATION

Comes now, Ronda Poole, the undersigned petitioner, and states as follows:

1. That I, owning 100% of the property in the following described area, do hereby petition, pursuant to A.C.A. § 14-40-609, the City Council of Springdale, Arkansas, to annex the following lands to the City of Springdale, Arkansas:

TRACT 1:

A part of the Northeast Quarter of the Northeast Quarter of Section 29, Township 18 North, Range 29 West, Washington County, Arkansas, being more particularly described as follows, to-wit: Beginning at a point which is N87°31'33"W 629.41' from an existing rebar marking the Northeast corner of said forty acre tract and running thence S02°30'36"W 164.82', thence N87°29'33"W 163.57' to an existing rebar, thence N19°00'40"W 177.00', thence S87°31'33"E 228.50' to the Point of Beginning, containing 0.74 acres, more or less. Subject to all easements and rights-of-way of record.

TRACT 2

A part of the Northeast Quarter of the Northeast Quarter of Section 29, Township 18 North, Range 29 West, Washington County, Arkansas, being more particularly described as follows, to-wit: Beginning at an existing rebar which is N87°31'33"W 365.35' from an existing rebar marking the Northeast corner of said forty acre tract and running thence S02°31'52"W 165.00' to an existing rebar, thence N87°29'33"W 264.00', thence N02°30'36"E 164.82', thence S87°31'33"E 264.06' to the Point of Beginning, containing 1.00 acre, more or less. Subject to all easements and rights-of-way of record.

2. I further state that this petition is signed by one hundred percent (100%) of the real estate owners owning one hundred percent (100%) of the acreage in said area and that the area to

be annexed does not contain property whose owners do not wish to have their property annexed. I further state that I am the widow of Jimmy Poole, who passed away on November 3, 2017.

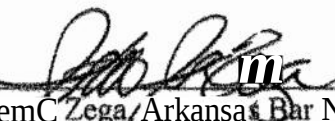
3. That said property described herein is contiguous to and adjoining the present City of Springdale, Arkansas limits, as shown on the map attached hereto as Exhibit No. 1 (shown as (Washington County Parcels No. 001-18488-000; 001-18489-000; and 001-18487-002).

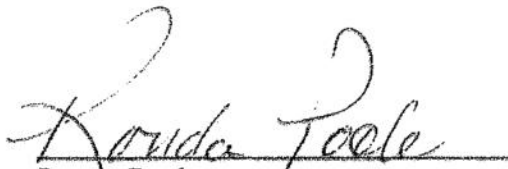
4. That no enclaves will be created if this petition is accepted and the territory annexed into the City of Springdale, Arkansas. A copy of the Arkansas GIS Office Coordination letter is attached hereto as Exhibit No. 2.

5. Attached hereto as Exhibit No. 3 is a letter or title opinion from a certified abstractor or title company verifying that the petitioner is the sole owner of record of the relevant property and attached hereto as Exhibit No. 4 is a letter or verification from a certified surveyor or engineer verifying that the relevant property is contiguous with the annexing City of Springdale, Arkansas and that no enclaves will be created if the property is accepted by the City of Springdale, Arkansas.

6. That the following schedule of services shall be extended to the area by the City of Springdale within three (3) years after the date the annexation becomes final: (1) water service, (2) sewer service, (3) sanitation service, (4) police service, (5) fire service, and (6) ambulance service.

Respectfully submitted,
Ronda Poole, Petitioner

By: 
Steven C Zega, Arkansas Bar Number 93234
Crouch, Harwell, Fryar & Fener, PLLC
111 Holcomb, P.O. Box 1400
Springdale, AR 72765-1400
(479) 751-5222
(479) 751-5777 (fax)
szeea@nwa.law


Ronda Poole

STATE OF ARKANSAS

COUNTY OF WASHINGTON) ss.

ACKNOWLEDGMENT

On this 28th day of DECEMBER, 2020, before me, a Notary Public (or before any officer within this State or without the State now qualified under existing law to take acknowledgments), duly commissioned, qualified and acting, within and for said County and State, appeared in person Honda Poole, being the 100% owner of the lands described in this instrument, stating her/his capacity in that behalf, to me personally well known (or satisfactorily proven to be such person), and further stated and acknowledged that she/he had so signed, executed, and delivered said foregoing instrument for the consideration, uses, and purposes therein mentioned and set forth.

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

My Commission Expires:


Notary Public

7/24/2025

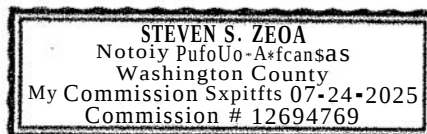


EXHIBIT 1
MAP OF SUBJECT PROPERTY

City of Springdale Zoning Map



December 4, 2020

- ☐ Washington Co. Parcels
- ☐ Benton Co. Parcels
- ☐ SCHOOLS
- ☐ LAKES
- ☐ MAIN CHANNEL
- ☐ TRIBUTARY
- ☐ RAILROAD
- ☐ STREETS - ALL
- ☐ INTERSTATE
- ☐ RAMP
- ☐ U.S. HWY
- ☐ AR HWY
- ☐ LOCAL
- ☐ PRIVATE

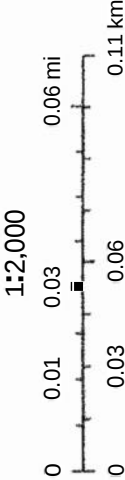
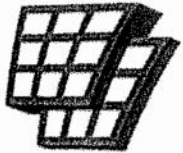


EXHIBIT NO. 2
ARKANSAS GIS OFFICE LETTER



ARKANSAS GIS OFFICE

Department of Transformation
and Shared Services
Governor Asa Hutchinson
Secretary Amy Fecher
Director Shelby Johnson

December 17, 2020

Steven S. Zega
Attorney at Law
Crouch, Harwell, Fryar & Ferner, PLLC
111 Holcomb Street
P.O. Box 1400
Springdale, AR 72765-1400

RE: City of Springdale Annexation Coordination Requirement

Mr. Zega,

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

Our office will wait completion of any additional steps necessary for the proposed boundary change, which normally comes from the Arkansas Secretary of State Elections Division after any appropriate filing by your County Clerk.

Thank you,

Thomas Melton, GIS Analyst

Attachments:
GIS Office Map of Proposed Annexation
Legal Description
Secretary of State Municipal Change Checklist

M:\City_Annexations\Cfttex\Epringdste\2020\Z\7\Doc\2020\217_Springdale_Annexation_Coordination_Letter.docx

Legal Descriptions

IBACTlj

A part of the Northeast Quarter of the Northeast Quarter of Section 29, Township 18 North, Range 29 West, Washington County, Arkansas, being more particularly described as follows, to-wit: Beginning at a point which is N87°B1'33"W 629.41' from an existing rebar marking the Northeast corner of said forty acre tract and running thence S02°30'36"W 164.82', thence N87°29'13"W 163.57' to an existing rebar, thence N19°00'40"W 177.00', thence S87°31'33"E 228.50' to the Point of Beginning, containing 0.74 acres, more or less. Subject to all easements and rights-of-way of record.

TRACT 2

A part of the Northeast Quarter of the Northeast Quarter of Section 29, Township 18 North, Range 29 West, Washington County, Arkansas, being more particularly described as follows, to-wit: Beginning at an existing rebar which is N87°31'33"W 365.35' from an existing rebar marking the Northeast corner of said forty acre tract and running thence S02°31'52"W 165.00' to an existing rebar, thence N87°29'13"W 264.00', thence N02°30'36"E 164.82', thence S87°31'33"E 264.06' to the Point of Beginning, containing 1.00 acre, more or less. Subject to ail easements and rights-of-way of record.



Arkansas Secretary of State

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

Municipal Boundary Change Checklist

Act 655 of 2017 and A.C.A. §14-40-103

County: _____ City/Town: _____

City Ordinance/Resolution No: _____ Date approved: _____

County Court Case No: _____ Date Order Filed: _____

Type: _____

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

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

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

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

Initiating party:

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

Supporting Documentation attached (check all that apply):

- ☐ File marked copy of City Ordinance/Resolution (required)
- ☐ File marked copy of County Court Order or certified annexation election results (required except for A.C.A. §14-40-50J)
- ☒ Copy of Arkansas GIS approved printed map and certification letter (required)
- ☒ Proof of Publication for all Legal Notices (Include Hearing, Election, and City Ordinance/Resolution notices)
- ☒ File marked copy of Petition Part (if applicable)
- ☐ File marked copy of Complaint and final Circuit Court Order (Court Challenge only)

Municipal Contact:

Name: _____ Title: _____

Street Address: _____

City: _____ St: _____ Zip code: _____

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

County Official:

Signature: _____ Title: _____

Date: _____

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

Municipal Annexation, Detachment, and Incorporation Reference

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

EXHIBIT 3
TITLE OPINION OR LETTER



2592 S. 48th St.
Springdale, AR 72762
Phone: 479-770-6700
Fax: (479) 770-6876

LIMITED TITLE SEARCH

File #: 2023311-102

For the use and benefit of: Crouch, Harwell, Fryar, and Fewer, PLLC
Attn: Steven S. Zega

We have examined the records of Washington County, Arkansas from March 14, 1983 at 1:30 p.m. through December 15, 2020 at 7:00 a.m. and find the last grantee of record of the following described property, to wit:

SEE ATTACHED EXHIBIT "A"

is by Warranty Deeds filed for record September 3, 1996 as Land Document No. 96055296, March 14, 1983 as Record Book 1073 at Page 471, and Fiduciary Deed filed for record September 28, 2015 as Land Document No. 2015-27597 among the land records of Washington County, Arkansas, in the names of:

Jim Poole and Rhonda Poole, husband and wife Vesting Deed 1
Jim Poole and Rhonda Poole, his wife Vesting Deed 2
Ronda Poole, a married woman in her own right Vesting Deed 3

Based on our examination of the records of Washington County, Arkansas, the following instruments have been filed for record BETWEEN THE DATES SET FORTH ABOVE, to-wit:

1. Warranty Deed filed for record in/as Record Book 1073 at Page 471.
2. Mortgage filed for record in/as Record Book 1076 at Page 372.
 - 2a. Release filed in/as Record Book 1147 at Page 854.
 - 2b. Release filed in/as Record Book 1311 at Page 338.
3. Mortgage filed for record in/as Record Book 1311 at Page 792.
 - 3a. Release filed in/as Record Book 1340 at Page 530.
4. Mortgage filed for record in/as Record Book 1340 at Page 531.
 - 4a. Release filed for record in/as Land Document No. 95028703.
5. Warranty Deed filed for record in/as Land Document No. 96055296.
6. Mortgage filed for record in/as Land Document No. 96062332.
 - 6a. Modification filed for record in/as Land Document No. 99009839.
 - 6b. Modification filed for record in/as Land Document No. 2002025206.
7. Mortgage filed for record in/as Land Document No. 2002025209.
 - 7a. Release filed for record in/as Land Document No. 2017-5466.
8. Right of Way Easement filed for record in/as Land Document No. 2004-33962.
9. Tract Split filed for record in/as Land Document No. 2015-6218.
10. Fiduciary Deed filed for record in/as Land Document No. 2015-27597.

General taxes for the year 2019 in the amount of \$117.50 are:

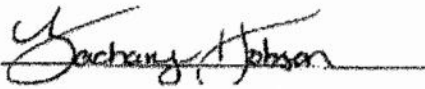
☒ paid
☐ due and payable
☐ delinquent
☐ exempt

NOTE: If taxes are delinquent, contact the Washington County Tax Collector's office at 479-444-1526.

Waco Title Company

Date: December 23, 2020

av



Zachary Hobson, Authorized Signatory
Signing Agent No.: 17931396
Title Agency No.: 100113373

******* DISCLAIMER *******

This limited title search reflects the most recent grantee of record for the above-described property and any mortgage or liens recorded in the property records during the period covered by the search. This limited title search does not reflect any claims to title that are not a part of the property records for the county in which the property is located nor does it reflect possessory claims such as leases, easements and encroachments filed outside the search dates. This report does not disclose overlapping legal descriptions. The above certificate is issued solely for the use and benefit of the party named herein and may not be relied upon by any other person. The party named herein agrees that Waco Title Company's liability for this limited title search shall be expressly limited the amount paid to Waco Title Company for this limited title search.

EXHIBIT "A"

Vesting Deed 1 Legal, (Parcel 001-18487-002):

Part of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section Twenty-nine (29), Township Eighteen (18) North, Range Twenty-nine (29) West, and being more particularly described as follows, to-wit: From the Northwest corner of said 40 acre tract, run North 88°37'43" E 481.02 feet to the Point of Beginning, and running thence South 22°48'47" East 177.27 feet; thence North S6°37'45" E 31.68 feet; thence North 0 P22T9" West 165.00 feet; thence South 88°37'45" West 96.48 feet to the Point of Beginning, containing 0.24 acres, more or less.

THE ABOVE PARCEL TO BE INCORPORATED INTO AND HENCEFORTH RECOGNIZED AS A PART OF EXISTING TRACT, DESCRIBED BELOW, CURRENTLY OWNED BY JIM POOLE AND RHONDA POOL, HUSBAND AND WIFE.

Part of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section Twenty-nine (29), Township Eighteen (18) North, Range Twenty-nine (29) west, Washington County, Arkansas, more particularly described as follows: Beginning at a point 35 rods East of the Northwest corner of said forty acre tract; thence East 16 rods, thence South 10 rods, thence West 16 rods, thence North 10 rods to the place of beginning, containing one (1) acre, more or less. Also, an easement for roadway from the above one acre tract to the County Road lying and being in Benton County, Arkansas, described as being a part of the Southeast Quarter (SE/4) of the Southeast Quarter (SE/4) of Section Twenty (20), Township Eighteen (18) North, Range Twenty-nine (29) West more particularly described as commencing at the Northwest corner of the above described one acre tract lying in Washington County for a point of beginning; thence along the County Line Easterly to County Road No. 593 Westerly right of way; thence North along said road right of way 20 feet; thence West to a point 20 feet due North of the point of beginning; thence South 20 feet to the place of beginning.

Vesting Deed 2 Legal, (Parcel 18-18489-000):

Part of the Northeast Quarter of the Northeast Quarter of section Twenty Nine (29) in township eighteen (18) North, Range Twenty Nine (29) west, more particularly described as follows: Beginning at a point 35 rods East of the Northwest corner of said forty acre tract, thence East 16 rods, thence South 10 rods, thence West 16 rods, thence North 10 rods to the place of beginning, containing one acre, more or less.

Also, an easement for roadway from the above one acre tract, to the County Road, described as follows: Beginning at the Northeast corner of the above one acre tract, thence North 20 feet, thence East 600 feet or to the County Road, thence South 20 feet, thence West to the point of beginning.

Vesting Deed 3 Legal, (Parcel 001-18488-000):

Tract **B** of a Tract Split filed of record at 2015-00006218 of the records of the Washington County Arkansas Circuit Clerk and Recorder, more particularly described as follows:

A part of the Northeast Quarter of the Northeast Quarter of Section 29, Township 18 North, Range 29 West, Washington County, Arkansas, being more particularly described as follows, to-wit: Beginning at a point which is North 87°03'33" West 365.35 feet from an existing rebar marking the Northeast Corner of said forty acre tract and running thence South 02°31'52" West 164.97 feet, thence North 87°28'30" West 132.00 feet to an existing rebar, thence North 02°30'36" East 164.85 feet to the North line of said forty acre tract, thence along said North line South 87°31'33" East 132.06 feet to the point of beginning, containing 0.50 acres, more or less, subject to all easements and rights-of-way of record.

EXHIBIT 4
LETTER FROM SURVEYOR



Bates & Associates, Inc.

Civil Engineering • Land Surveying » Landscape Architecture

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

www.batesnwa.com

December 28, 2020

Steven S. Zega
Crouch, Harwell, Fiyar Sc Femer, PLLC
111 Holcomb Street
P.O. Box 1400
Springdale, AR 72765-1400

RE: Jim & Rhonda Poote Resuming Application

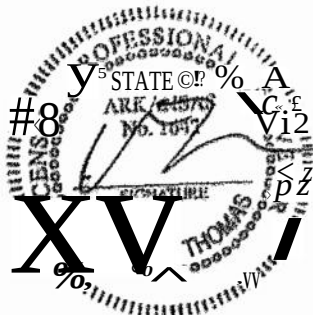
To whom it may concern,

After review of the City of Springdale GIS Zoning map I have determined that the following lands are contiguous to and adjoining the City of Springdale, Arkansas and that no enclaves will be created if the City annexes foe property:

Washington County Parcel #001-18488-000
Washington County Parcel #001-18489-000
Washington County Parcel #001-18487-002

Thank yon,

Denick Thomas PLS
President of Surveying
Bates & Associates



2021 FEB -3 PM 4:27

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

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

RONDA POOLE, PETITIONER NO CC 2020-28

ORDER FOR ANNEXATION

NOW, on this _____ day of January, 2021, comes on for consideration before the Court the Verified Annexation Petition of Ronda Poole, who appears by her attorney, Steven S. Zega of Crouch, Harwell, Fryar & Ferner, PLLC. The Court finds that no other person or entity is entitled to notice of these proceedings. From the Court’s examination of the file, the statements of Counsel and all other things, matters and facts properly before the Court, the Court FINDS, CONSIDERS, ORDERS and ADJUDGES:

1. The Petitioner owns 100% of the property in the following described area, and has petitioned, pursuant to A.C.A. § 14-40-609, to the Washington County Court and the City Council of Springdale, Arkansas, to annex the following lands into the City of Springdale, Arkansas:

TRACT 1:

A part of the Northeast Quarter of the Northeast Quarter of Section 29, Township 18 North, Range 29 West, Washington County, Arkansas, being more particularly described as follows, to-wit: Beginning at a point which is N87°31’33”W 629.41' from an existing rebar marking the Northeast corner of said forty acre tract and running thence S02°30’36”W 164.82', thence N87°29’33”W 163.57' to an existing rebar, thence N19°00’40”W 177.00', thence S87°31’33”E 228.50' to the Point of Beginning, containing 0.74 acres, more or less. Subject to all easements and rights-of-way of record.

TRACT 2

A part of the Northeast Quarter of the Northeast Quarter of Section 29, Township 18 North, Range 29 West, Washington County, Arkansas, being more particularly described as follows, to-wit: Beginning at an existing rebar which is N87°31’33”W 365.35' from an existing rebar marking the Northeast corner of said forty acre tract and running thence

S02°31'52"W 165.00' to an existing rebar, thence N87°29'13"W 264.00', thence N02°30'36"E 164.82', thence S87°31'33"E 264.06' to the Point of Beginning, containing 1.00 acre, more or less. Subject to all easements and rights-of-way of record.

2. The Petition is signed by one hundred percent (100%) of the real estate owners owning one hundred percent (100%) of the acreage in said area. The area to be annexed does not contain property whose owners do not wish to have their property annexed. The Petitioner is the widow of Jimmy Poole, who passed away on November 3, 2017.

3. The property described herein is contiguous to and adjoining the present City of Springdale, Arkansas limits, as shown on the map attached to the Petition as Exhibit No. 1 (shown as Washington County Parcels No. 001-18488-000; 001-18489-000; and 001-18487-002).

4. No enclaves will be created if the Petition is accepted and the territory annexed into the City of Springdale, Arkansas. The Court notes the Arkansas CIS Office Coordination letter attached to the Petition as Exhibit No. 2.

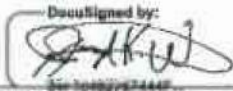
5. Attached to the Petition as Exhibit No. 3 was a letter or title opinion from WACO Title verifying that the petitioner is the sole owner of record of the relevant property. Attached to the Petition as Exhibit No. 4 was a letter or verification from Bates & Associates, Inc., a certified surveyor verifying that the relevant property is contiguous with the annexing City of Springdale, Arkansas and that no enclaves will be created if the property is accepted by the City of Springdale, Arkansas.

6. The Petitioner has represented to the Court that following schedule of services shall be extended to the area by the City of Springdale within three (3) years after the date the annexation becomes final: (1) water service, (2) sewer service, (3) sanitation service, (4) police service, (5) fire service, and (6) ambulance service.

7. Washington County Assessor, Russell Hill, has certified that the Annexation Petition meets the statutory requirements that concern his office.

8 . The Petition is in all respects proper and should be GRANTED.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED that the lands described above should be and hereby are annexed into the City of Springdale, Arkansas, pending approval of the Springdale City Council.

DocuSigned by:

Honorable Joseph Wood

Washington County Judge

Feb 3, 2021 | 4 24 PM CST

Date

Prepared by:
Steven S. Zega, Arkansas Bar Number 93234
Crouch, Harwell, Fryar & Femer, PLLC
111 Holcomb, PO. Box 1400
Springdale, AR 72765-1400
(479) 751-5222
(479) 751-5777 (fax)
szcgatamwa@law.com
Attorney for the Petitioner