

- **The next City Council Committee Meeting date will be held on Monday, September 16th, 2024.**
- **Agenda Packet will be available on the Friday before the meeting.**

**SPRINGDALE CITY COUNCIL
REGULAR MEETING
CITY COUNCIL CHAMBERS
201 SPRING STREET (2ND FLOOR)
Tuesday, September 10th, 2024**

5:55 p.m. Pre-Meeting Activities

Pledge of Allegiance

Invocation – Councilwoman Amelia Taldo

1. Call to Order – Mayor Doug Sprouse
2. Roll Call – Denise Pearce, City Clerk/Treasurer
3. Recognition of a Quorum
4. Comments from Citizens

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

5. Approval of Minutes – **Tuesday, August 27th, 2024. Pgs. 84-96**

6. Procedural Motions

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

B. Entertain Motion to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for ordinances listed on this agenda as *item number(s) **9A and 9C, 14, and 15** (Motion must be approved by two-thirds (2/3) of the council members).*

7. **Proclamation Presentation for Constitution Week.** Presented by Mayor Doug Sprouse.

8. **Downtown Springdale Alliance Quarterly Report.** Presented by Jill Dabbs, Downtown Springdale Alliance.
9. Planning Commission Report and Recommendation by Patsy Christie, Director of Planning and Community Development
 - A. **An Ordinance** accepting the final plat (FP24-11) of Magnolia Estates Subdivision in the City of Springdale Arkansas, and Declaring an Emergency. **Pgs. 1-5**
 - B. **A Resolution** approving a waiver (W24-19) of street improvements, drainage, curbs, gutters, sidewalks, and streetlights as set forth in Ordinance No. 3725 to Magnolia Estates, in connection with, FP24-11, a Final Plat. **Pgs. 6-8**
 - C. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning (R24-43) certain lands located at 530 Sunrise Drive and the lot to the north, 675 Sunrise Drive, & 4322 N. Oak Street from Agricultural District (A-1) and Low-Density Single Family Residential District (SF-1) to Institutional District (P-1), and Declaring an Emergency. **Pgs. 9-14**
10. **An Appeal** of the Planning Commission's denial of a variance request (B24-63) from the paving requirement in a General Commercial District (C-2) at 2185, 2247, and 2303 Worth Lane. Presented by Ernest Cate, City Attorney. **Pgs. 15-32**
11. Finance Committee by Chairwoman Amelia Taldo – **Item (s) forwarded from Committee with recommendation for approval**
 - A. **A Resolution** authorizing the Mayor and City Clerk to enter into a lease agreement with Impact Ministries NWA on property owned by the City of Springdale. Presented by Colby Fulfer, Chief of Staff. **Pgs. 33-39**
 - B. **A Resolution** authorizing the execution of a contract for the City of Springdale 2024 Street Overlay Project. Presented by Ryan Carr, Engineering Director. **Pgs. 40-45**
 - C. **A Resolution** authorizing the submission of an application for funding through the Reconnecting Communities Pilot Planning Program – Community Planning Grant, and for other purposes. Presented by Patsy Christie, Planning Director. **Pg. 46**

12. Committee of the Whole – **Item (s) forwarded from Committee with recommendation for approval**

A. **A Resolution** authorizing the grant of a Water & Sewer Easement across property owned by the City of Springdale, Washington County, Arkansas. Presented by Ernest Cate, City Attorney. **Pgs. 47-52**

13. Police and Fire Committee by Chairman Brian Powell – **Item (s) forwarded from Committee with recommendation for approval**

A. **A Resolution** entering into a lease agreement with Stryker Sales, LLC, for safety equipment for the Springdale Fire Department. Presented by Blake Holte, Springdale Fire Chief. **Pg. 53**

B. **A Resolution** authorizing the purchase of vehicles for the Springdale Police Department. Presented by Frank Gamble, Springdale Police Chief. **Pgs. 54-55**

14. **An Ordinance** authorizing the City Clerk to file a clean-up lien for the removal of overgrown brush and debris on property located within the City of Springdale, Arkansas, and declaring an emergency. Presented by Ernest Cate, City Attorney. **Pgs. 56-70**

15. **An Ordinance** authorizing the City Clerk to file a clean-up lien for the removal of overgrown brush and debris on property located within the City of Springdale, Arkansas, and declaring an emergency. Presented by Ernest Cate, City Attorney. **Pgs. 71-83**

16. **A Discussion** regarding a date for the 2nd Regular City Council meeting in September 2024.

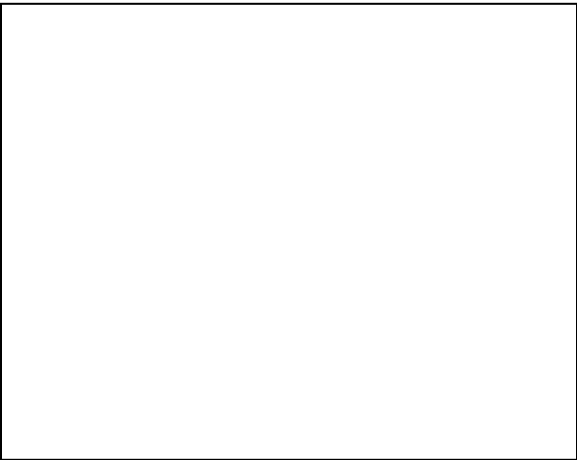
17. Comments from Department Heads.

18. Comments from Council Members.

19. Comments from City Attorney.

20. Comments from Mayor.

21. Adjournment.



ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING THE FINAL PLAT OF
MAGNOLIA ESTATES TO THE CITY OF SPRINGDALE
ARKANSAS, AND DECLARING AN EMERGENCY.**

BE IT KNOWN BY THE CITY OF SPRINGDALE, ARKANSAS:

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

LEGAL DESCRIPTION:

A PART OF THE WEST HALF OF THE FRACTIONAL SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 18 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT AN EXISTING 1/2" REBAR FOR THE NORTHWEST CORNER OF SAID FRACTIONAL WEST HALF, AND RUNNING THENCE S86°52'22"E 594.63', THENCE S03°07'30"W 621.17' TO A POINT IN THE CENTERLINE OF HAR-BER AVENUE, FROM WHICH AN EXISTING 5/8" REBAR BEARS S03°09'01"W 56.02' FOR THE POINT OF BEGINNING, THENCE ALONG SAID CENTERLINE S86°47'13"E 390.70' TO A POINT, FROM WHICH AN EXISTING 5/8" REBAR BEARS S02°44'00"W 63.97', THENCE LEAVING SAID CENTERLINE S02°44'00"W 1374.09', THENCE N87°16'03"W 233.70' TO A POINT IN CENTERLINE OF ARKANSAS HIGHWAY 112, THENCE ALONG SAID CENTERLINE THE FOLLOWING 4 COURSES AND DISTANCES: N57°58'51"W 28.34', THENCE N62°47'26"W 50.54', THENCE N68°45'23"W 53.63', THENCE N73°23'57"W 46.32' TO A POINT, FROM WHICH AN EXISTING 5/8" REBAR BEARS N03°09'01"E 30.60', THENCE LEAVING SAID CENTERLINE N03°09'01"E 1314.47' TO THE POINT OF BEGINNING. CONTAINING 12.36 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

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

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

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

PASSED AND APPROVED this _____ day of _____, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest Cate, CITY ATTORNEY

FINAL PLAT

MAGNOLIA ESTATES

HAR-BER AVENUE

SPRINGDALE, ARKANSAS

PREPARED: 9/4/2024
SPRINGDALE No FP24-11

Requested Special Approval:

With the Tankersley Subdivision Preliminary Plat (Springdale No PP23-09), a special approval was requested from Battalion Chief Steven Goss, Fire Marshal, to allow a 1,033 ft long single entrance street for the subdivision. The request was based of the Arkansas Fire Prevention Code requiring special approval for any dead end streets exceeding 750 ft in length.

Certificate of Ownership and Dedication:

The undersigned hereby transmit this plat to the City of Springdale for approval and acceptance and certify to be the owner of the property described and hereby dedicate all streets, alleys, easements, parks, and other open spaces to public or private use as shown on the plat. The undersigned certify that the platting as filed on record cannot be changed unless vacated pursuant to applicable local or other law

Date _____ Mr. Jacob Tankersley
Owner/CEO
Greenovation Builders Inc

Subscribed and sworn before me this _____ day of _____, 20____

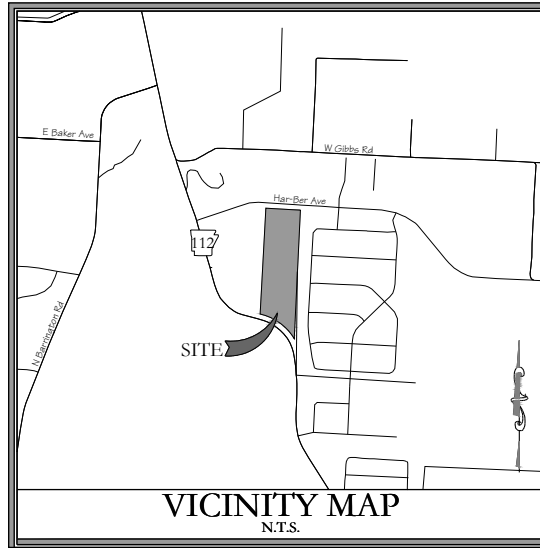
Notary Public _____

My Commission Expires _____

Certificate of Survey and Accuracy:

I Herby Certify That The Plan Shown And Described Hereon Is A True And Correct Survey And That The Monuments Have Been Placed As Stated Hereon As Required By The Subdivision Regulations Of The City Of Springdale, Arkansas

Date _____ Wesley Luker, PLS



Certificates of Acceptance:

The undersigned hereby certify that this plat meets current regulations of the City of Springdale and regulations of the Arkansas State Board of Health as each pertains to this plat and to the offices of responsibility shown below.

Acceptance of Dedications:

Date _____ City Clerk

Date _____ Mayor

Commission:

Date _____ Secretary, Planning Commission

Date _____ Chairman, Planning Commission

Approval for Recording:

Date _____ Director, Planning and Community Development Division

Water and Sewer:

Date _____ Engineer, Springdale Water Utilities

Streets and Drainage:

Date _____ Director, City Engineer

Notes:

Basis of Bearing:
Arkansas State Plane, North Zone, NAD 83
Convergence angle = -1°17'41.49433"
Distances shown on plat are ground.
Combined scale factor (ground to grid) = 0.999935555
Latitude: 36°11'07.76644"
Longitude: -94°13'30.82887"

THE UTILITIES SHOWN HEREON HAVE BEEN LOCATED BY FIELD MEASUREMENTS AND ARKANSAS ONE CALL. UTILITY LOCATE REQUEST, BLEW & ASSOCIATES MAKES NO WARRANTY TO THE EXACT LOCATION OF ANY UNDERGROUND UTILITIES SHOWN OR NOT SHOWN ON THIS DRAWING. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ANY AND ALL UTILITIES PRIOR TO CONSTRUCTION.

STATE RECORDING NUMBER:
500-18N-30W-0-31-300-72-1873

COMPLETED FIELD WORK:
FEBRUARY 13, 2023

REFERENCE DOCUMENTS:
1. WARRANTY DEED FILED IN DEED BOOK 2022 AT PAGE 4449.
2. SURVEY PLAT FILED IN PLAT BOOK 2023 AT PAGE 784.

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

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

LOT 7 WILL HAVE NO ACCESS TO HWY 112.

PERMANENT STRUCTURES, BUILDINGS, FOOTINGS, AIR CONDITIONING UNITS OR PADS, SIGNS, RETAINING WALLS, AWNINGS, COVERED WALKWAYS, OR OTHER ITEMS SHALL NOT BE ERRECTED OR CONSTRUCTED WITHIN ANY EASEMENTS.

SPRINGDALE WATER UTILITIES (SWU) NOTES:

- The owner/developer shall be responsible for the cost of any required adjustments to the existing water and sewer facilities due to site grading, paving, lot line adjustments or other matters.
- Please be advised, the SWU GIS maps are schematic in nature, and are not intended to represent exact real-world conditions. The City of Springdale Water & Sewer Commission and SWU make no claims, warranties, promises, or guarantees regarding the accuracy, adequacy, reliability, or completeness of the information therein beyond use as an approximation or estimation, and expressly disclaim liability for any and all errors and/or omissions in its contents.
- Please be advised that permanent structures, buildings, footings, air conditioning units or pads, signs, retaining walls, awnings, covered walkways, or other items shall not be erected or constructed within utility easements.
- If perimeter walls, fences, or signs are proposed for the development, detailed drawings will need to be submitted for approval to this office prior to their construction.
- The SWU will not allow the planting of trees on water or sewer mains. Please utilize shrubs or smaller plantings within utility easements. The SWU will not be responsible for the replacement of any planting that may be removed during the course of water and sewer line maintenance.
- Please be advised that private water meter and sewer service lines, including services from septic systems, cannot cross adjacent properties in order to access service or be located and run parallel within a public utility easement.
- Please be advised that requests for meter services larger than a 5/8-inch meter setter for irrigation or larger than 1-inch meter setter for potable water will have to be approved in writing by the Engineering Director of SWU. Appropriate request forms are available at SWU Engineering Department.
- Please be advised that if any new water meter or sewer service taps are needed in the future from existing facilities, they will be installed by SWU at the owner/developer's expense should capacity exist.
- Please be advised that both the existing and proposed fire hydrants and meters must be located in a green space a minimum of 4' behind any curb and gutter, 4' behind any sidewalk, and 10' from any permanent structure.

Legal Description:

PARCEL 815-33675-401

A PART OF THE WEST HALF OF THE FRACTIONAL SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 18 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT AN EXISTING 1/2" REBAR FOR THE NORTHWEST CORNER OF SAID FRACTIONAL WEST HALF, AND RUNNING THENCE S86°52'22"E 594.63', THENCE S03°07'30"W 621.17' TO A POINT IN THE CENTERLINE OF HAR-BER AVENUE, FROM WHICH AN EXISTING 5/8" REBAR BEARS S03°09'01"W 56.02' FOR THE POINT OF BEGINNING, THENCE ALONG SAID CENTERLINE S86°47'13"E 390.70' TO A POINT, FROM WHICH AN EXISTING 5/8" REBAR BEARS S02°44'00"W 63.97', THENCE LEAVING SAID CENTERLINE S02°44'00"W 1374.00', THENCE N87°16'03"W 233.70' TO A POINT IN CENTERLINE OF ARKANSAS HIGHWAY 112, THENCE ALONG SAID CENTERLINE THE FOLLOWING 4 COURSES AND DISTANCES: N57°58'51"W 28.34', THENCE N62°47'26"W 50.54', THENCE N68°45'23"W 53.63', THENCE N73°23'57"W 46.32' TO A POINT, FROM WHICH AN EXISTING 5/8" REBAR BEARS N03°09'01"E 30.60', THENCE LEAVING SAID CENTERLINE N03°09'01"E 1314.47' TO THE POINT OF BEGINNING, CONTAINING 12.36 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD

Flood Zone Information:

BY GRAPHIC PLOTTING ONLY, NO PORTION OF THIS PROPERTY IS IN ZONE "A" OR "AE" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 05143C0055G OR PANEL NO. 05143C0065G, WHICH BEAR AN EFFECTIVE DATE OF 01/25/2024 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

(FIRM Panels #05143C0055G & #05143C0065G Dated 01/25/2024)

Minimum Finish Floor Elevations (FFE):

LOT NUMBER	ADDRESS	MINIMUM FFE	REQUIRED DUE TO
1	108 SWEET MAGNOLIA LANE	1281.60	DRAINAGE
4	146 SWEET MAGNOLIA LANE	1274.37	DRAINAGE
6	172 SWEET MAGNOLIA LANE	1263.25	DRAINAGE
7	177 SWEET MAGNOLIA LANE	1259.93	DRAINAGE
9	173 SWEET MAGNOLIA LANE	1263.48	DRAINAGE

Contacts

Owner / Developer:
Greenovation Builders Inc
885 W Henri De Tonihi Blvd
Tontitown, AR 72762
(479) 283-1763

Surveyor:
Blew & Associates, PA
3825 N. Shiloh Dr.
Fayetteville, AR 72703
(479) 443-4506

Engineer:
Blew & Associates, PA
5102 S. Pinnacle Hills Pkwy,
Rogers, AR 72758
(479) 443-4506

BLEW

Surveying | Engineering
Environmental

3825 N. Shiloh Drive Office: (479) 443-4506
Fayetteville, Arkansas 72703 www.BLEWINC.com

SHEET 1 OF 3

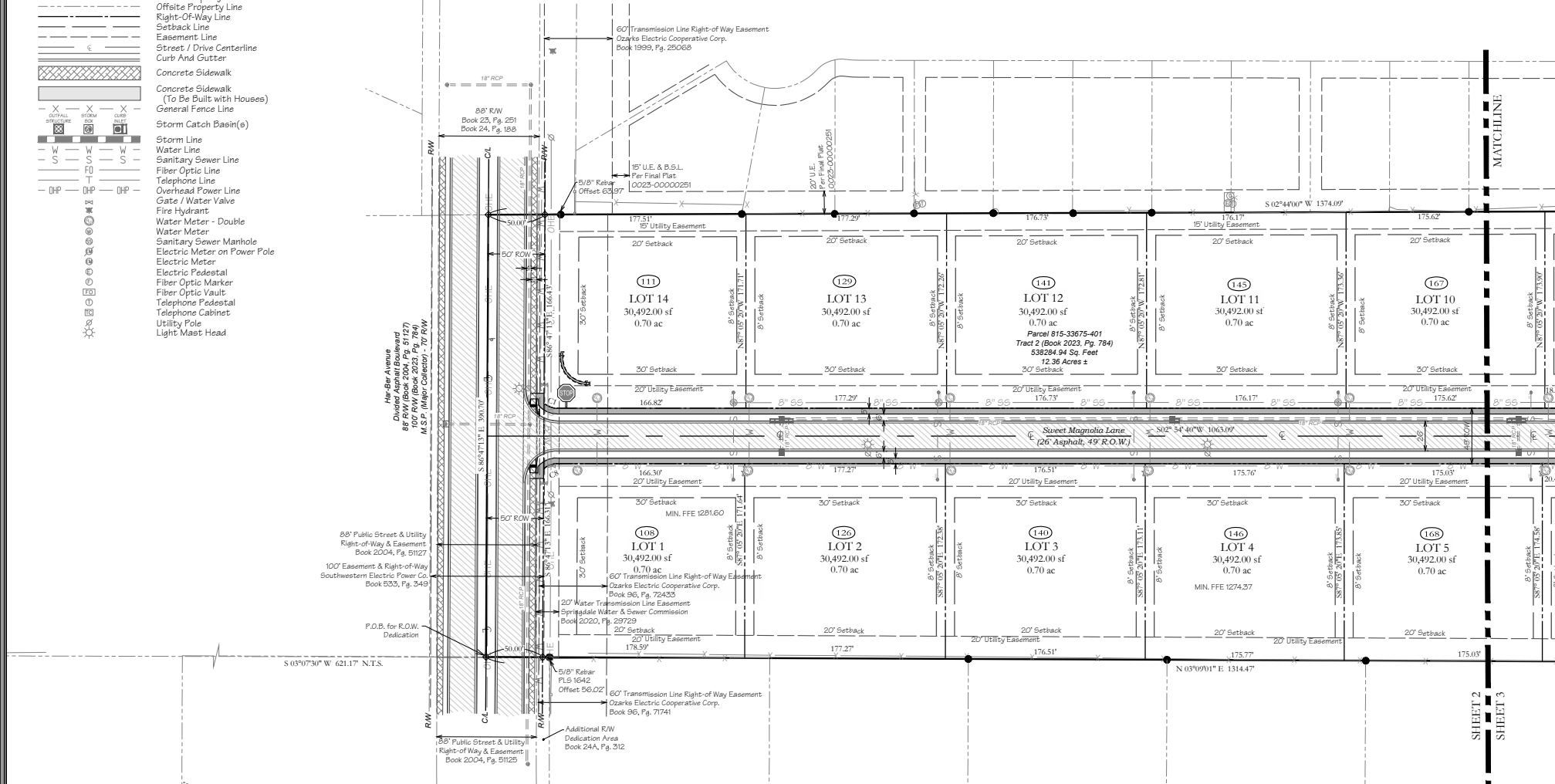
Legend:

Feature	Description
●	Found Monument
○	Set Monument
+	Computed Point
---	Property Line
---	Onsite Property Line
---	Offsite Property Line
---	Right-Of-Way Line
---	Setback Line
---	Easement Line
---	Street / Drive Centerline
---	Curb And Gutter
---	Concrete Sidewalk
---	Concrete Sidewalk (To Be Built with Houses)
---	General Fence Line
---	Storm Catch Basin(s)
---	Storm Line
---	Water Line
---	Sanitary Sewer Line
---	Fiber Optic Line
---	Telephone Line
---	Overhead Power Line
---	Gate / Water Valve
---	Fire Hydrant
---	Water Meter - Double
---	Water Meter
---	Sanitary Sewer Manhole
---	Electric Meter on Power Pole
---	Electric Meter
---	Electric Pedestal
---	Fiber Optic Marker
---	Fiber Optic Vault
---	Telephone Pedestal
---	Telephone Cabinet
---	Utility Pole
---	Light Mast Head

FINAL PLAT MAGNOLIA ESTATES HAR-BER AVENUE SPRINGDALE, ARKANSAS PREPARED: 9/4/2024 SPRINGDALE No FP24-11

Zoning Information

Zoning: SF-1 - Low Density Single Family Residential



Curve Table

Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C1	12.81'	16.50'	44.50	S 25°09'34" W	12.49'
C2	16.52'	16.50'	57.35	S 25°45'54" E	15.84'
C3	104.94'	59.50'	101.05	S 03°54'57" E	91.86'
C4	45.62'	59.50'	49.94	S 68°34'20" W	44.51'
C5	51.57'	59.50'	49.66	N 64°38'08" W	49.97'
C6	103.92'	59.50'	100.07	N 10°13'43" E	91.21'
C7	16.52'	16.50'	57.35	N 31°35'14" E	15.84'
C8	12.6'	16.50'	43.76	N 18°58'07" W	12.30'
C9	13.33'	32.00'	23.87	N 28°48'14" E	13.23'



BLEW
Surveying | Engineering
Environmental

3825 N. Shiloh Drive Office: (479) 443-4506
Fayetteville, Arkansas 72703 www.BLEWINC.com

SHEET 2 OF 3

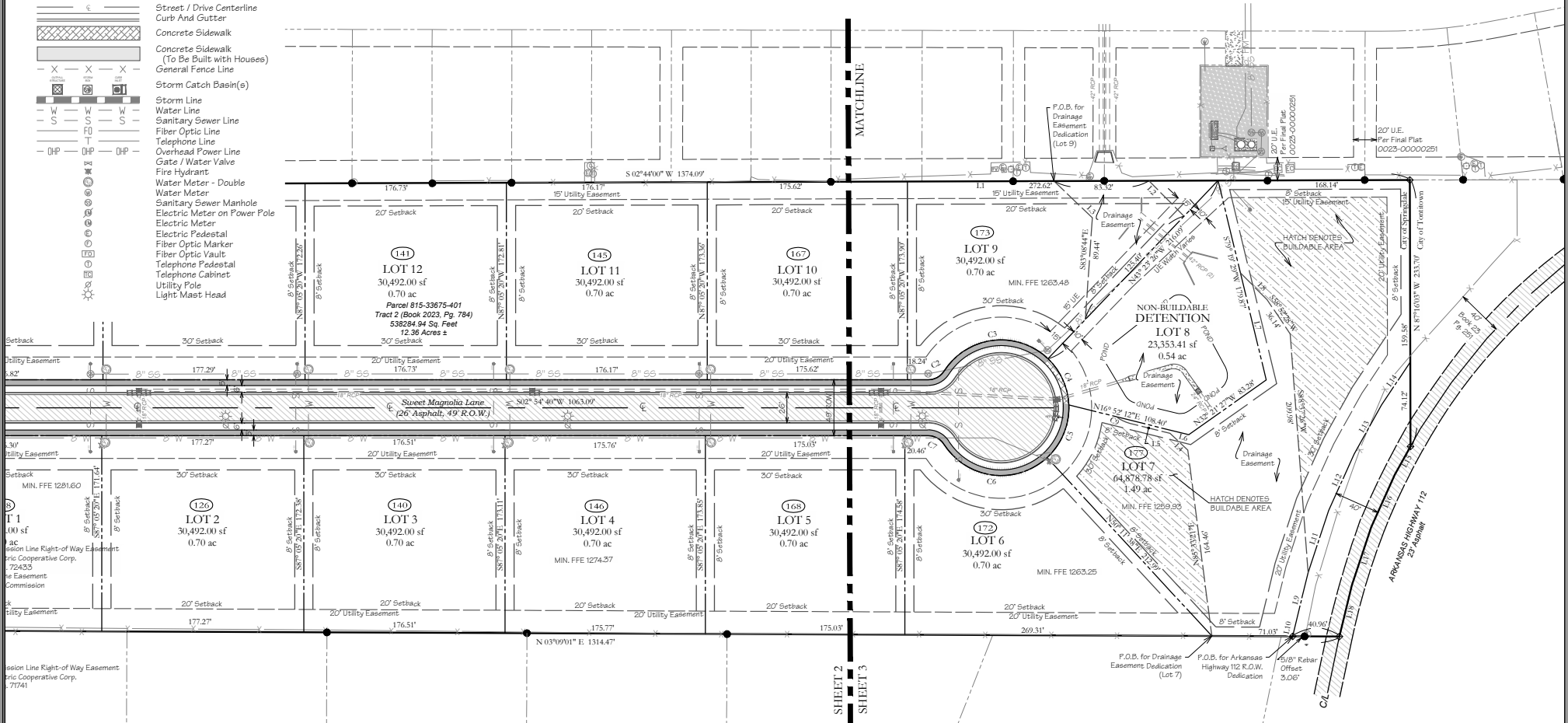
Legend:

Feature	Description
●	Found Monument
○	Set Monument
+	Computed Point
---	Property Line
---	Onsite Property Line
---	Offsite Property Line
---	Right-Of-Way Line
---	Setback Line
---	Easement Line
---	Street / Drive Centerline
---	Curb And Gutter
---	Concrete Sidewalk
---	Concrete Sidewalk (To Be Built with Houses)
---	General Fence Line
---	Storm Catch Basin(s)
---	Storm Line
---	Water Line
---	Sanitary Sewer Line
---	Fiber Optic Line
---	Telephone Line
---	Overhead Power Line
---	Gate / Water Valve
---	Fire Hydrant
---	Water Meter - Double
---	Water Meter
---	Sanitary Sewer Manhole
---	Electric Meter on Power Pole
---	Electric Meter
---	Electric Pedestal
---	Fiber Optic Marker
---	Fiber Optic Vault
---	Telephone Pedestal
---	Telephone Cabinet
---	Utility Pole
---	Light Mast Head

FINAL PLAT MAGNOLIA ESTATES HAR-BER AVENUE SPRINGDALE, ARKANSAS PREPARED: 9/4/2024 SPRINGDALE No FP24-11

Zoning Information

Zoning SF-1 - Low Density Single Family Residential



Line Table

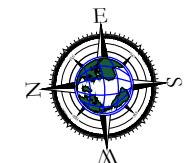
Line #	Bearing	Distance
L1	S 02°44'00" W	128.55'
L2	S 48°04'05" W	43.81'
L3	N 46°36'34" E	46.66'
L4	N 46°04'39" E	21.48'
L5	N 16°52'12" E	36.26'
L6	S 16°52'12" W	65.55'
L7	N 79°19'29" E	96.60'
L8	S 48°04'05" W	33.25'
L9	N 75°23'57" W	52.75'
L10	N 75°19'46" W	4.73'

Line Table

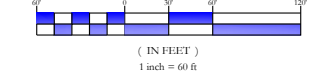
Line #	Bearing	Distance
L11	N 68°45'23" W	57.34'
L12	N 62°47'26" W	54.31'
L13	N 57°58'51" W	49.24'
L14	N 53°16'13" W	45.58'
L15	N 57°58'51" W	28.34'
L16	N 62°47'26" W	50.54'
L17	N 68°45'23" W	53.63'
L18	N 73°23'57" W	46.32'

Curve Table

Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C1	12.81'	16.50'	44.50	S 25°09'34" W	12.49'
C2	16.52'	16.50'	57.35	S 25°45'54" E	15.84'
C3	104.94'	59.50'	101.05	S 03°54'57" E	91.86'
C4	45.62'	59.50'	49.94	S 68°34'20" W	44.51'
C5	51.57'	59.50'	49.66	N 64°38'08" W	49.97'
C6	103.92'	59.50'	100.07	N 10°13'43" E	91.21'
C7	16.52'	16.50'	57.35	N 31°35'14" E	15.84'
C8	12.6'	16.50'	43.76	N 18°58'07" W	12.30'
C9	13.33'	32.00'	23.87	N 28°48'14" E	13.23'



GRAPHIC SCALE



BLEW
Surveying | Engineering
Environmental
3825 N. Shiloh Drive
Fayetteville, Arkansas 72703
Office: (479) 443-4506
www.BLEWINC.com

RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER (W24-19) OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS, SIDEWALKS, AND STREET LIGHTS AS SET FORTH IN ORDINANCE NO. 3725 TO MAGNOLIA ESTATES, IN CONNECTION WITH FP24-11, A FINAL PLAT.

WHEREAS, Ordinance #3047 provides for the waiver (W24-19) of street improvements, drainage relating thereto, curbs, gutters, sidewalks, and street lights to be first heard by the Planning Commission and a recommendation made to the City Council, with any waivers to be granted by the City Council only; and

WHEREAS, the Planning Commission reviewed a request for waiver (W24-19) of street improvements to AR Highway 112 including drainage improvements related thereto, curbs, gutters, sidewalks, and street lights in connection with Magnolia Estates, FP24-11, a Final Plat, and the Planning Commission recommends approval of the waiver request.

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

Option 1: Grants a waiver of street improvements to AR Highway 112 including drainage improvements related thereto, curbs, gutters, sidewalks, and street lights in connection with, FP24-11, a Final Plat for Magnolia Estates.

Option 2: Denies a waiver of street improvements to AR Highway 112 including drainage improvements related thereto, curbs, gutters, sidewalks, and street lights in connection with, FP24-11, a Final Plat for Magnolia Estates.

Option 3: Approves payment in lieu of improvements to AR Highway 112 in connection with, FP24-11 for Magnolia Estates, with estimated cost to be submitted by the developer’s engineer for confirmation by the Planning Department.

Option 4: Denies a waiver and allow a Bill of Assurance for a period not to exceed _____ years for street improvements to AR Highway 112 including drainage improvements related thereto, curbs, gutters, sidewalks, and street lights to be built in connection with, FP24-11, a Final Plat for Magnolia Estates.

PASSED AND APPROVED THIS _____ DAY OF _____, 2024.

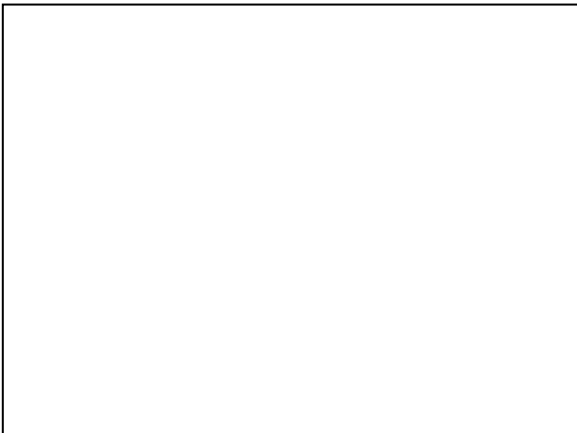
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307, THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING (R24-43) CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) & LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (SF-1) TO INSTITUTIONAL DISTRICT (P-1) WITHIN SPRINGDALE, ARKANSAS, AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Benton County gave notice required by law and set a hearing date of September 3, 2024, for hearing the matter of the City of Springdale a petition requesting that the following described tracts of real estate be rezoned from Agricultural District (A-1) & Low Density Single Family (SF-1) to Institutional District (P-1).

Layman’s Description: 4322 N. Oak Street, 675 Sunrise Drive, 530 Sunrise Drive & the tract to the North

Legal Description:

**PARCEL NO. 21-00107-024 (FORMERLY 20-00042-000):
PART OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (NW1/4).PF SECTION 13, TOWNSHIP 18 NORTH, RANGE, 30 WEST, BENTON COUNTY, ARKANSAS, DESCRIBED AS FOLLOW, TO WIT: BEGINNING 1060.4 FEET EAST OF THE NORTHWEST CORNER OF SAID 40 ACRES, RUN THENCE EAST 208.8 FEET; THENCE SOUTH 417:6 FEET; THENCE WEST 208:8 FEET; THENCE NORTH 417.6 FEET TO THE PLACE OF BEGINNING.**

**PARCEL NO. 21-00246-050 (FORMERLY 20-00092-000):
PART OF THE S1/2 OF THE NW1/4 OF THE NE1/4 OF SECTION 24, TOWNSHIP 18 NORTH, RANGE 30 WEST, DESCRIBED AS BEGINNING 330.34 FEET N 0°13'07" W OF THE SW CORNER OF THE NW1/4 OF THE NE1/4, THENCE N 89°43'29" E 1331.62 FEET, THENCE N 0°01'45" E 325.42 FEET, THENCE S 89°48'44" W 365.97 FEET, THENCE S 89°58'10" W 300.49 FEET, THENCE S 89°48'51" W 323.93 FEET, THENCE S 89°48'16" W 342.61 FEET, THENCE S 0°13'07" E-330.34 FEET TO THE POINT OF BEGINNING, CONTAINING 10.02 ACRES, MORE OR LESS. SUBJECT TO THE RIGHT OF WAY OF A COUNTY ROAD ON THE EAST.**

**PARCEL NO. 21-03119-000 (FORMERLY 20-00145-000):
LOT 5 IN BLOCK. 1 IN MOODY ACRES, A SUBDIVISION OF A PART
OF THE. NW1/4 OF THE NW1/4 OF SECTION 13, TOWNSHIP 18
NORTH, RANGE 30 WEST, AS DESIGNATED IN PLAT RECORD E AT
PAGE 54 OF THE BENTON COUNTY RECORDS.**

**PARCEL NO. 21-03123-000 (FORMERLY 20-00148-000):
LOT 3, BLOCK 2 MOODY ACRES SUBDIVISION, CONTAINING .89
ACRES, MORE OR LESS. ALSO KNOWN AS 675 SUNRISE DRIVE.**

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and recommends to the Springdale City Council that the area described herein should be rezoned (R24-43) from Agricultural District (A-1) & Low Density Single Family (SF-1) to Institutional District (P-1) for the purposes of the Zoning Ordinance would be more properly carried out by such rezoning and that unless granted, citizens of Springdale will suffer intolerable harm and damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended by rezoning the above-described tracts of real estate as follows:

From Agricultural District (A-1) & Low Density Single Family (SF-1) to Institutional District (P-1).

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

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

PASSED AND APPROVED this _____ day of _____, 2024.

Doug Sprouse, Mayor

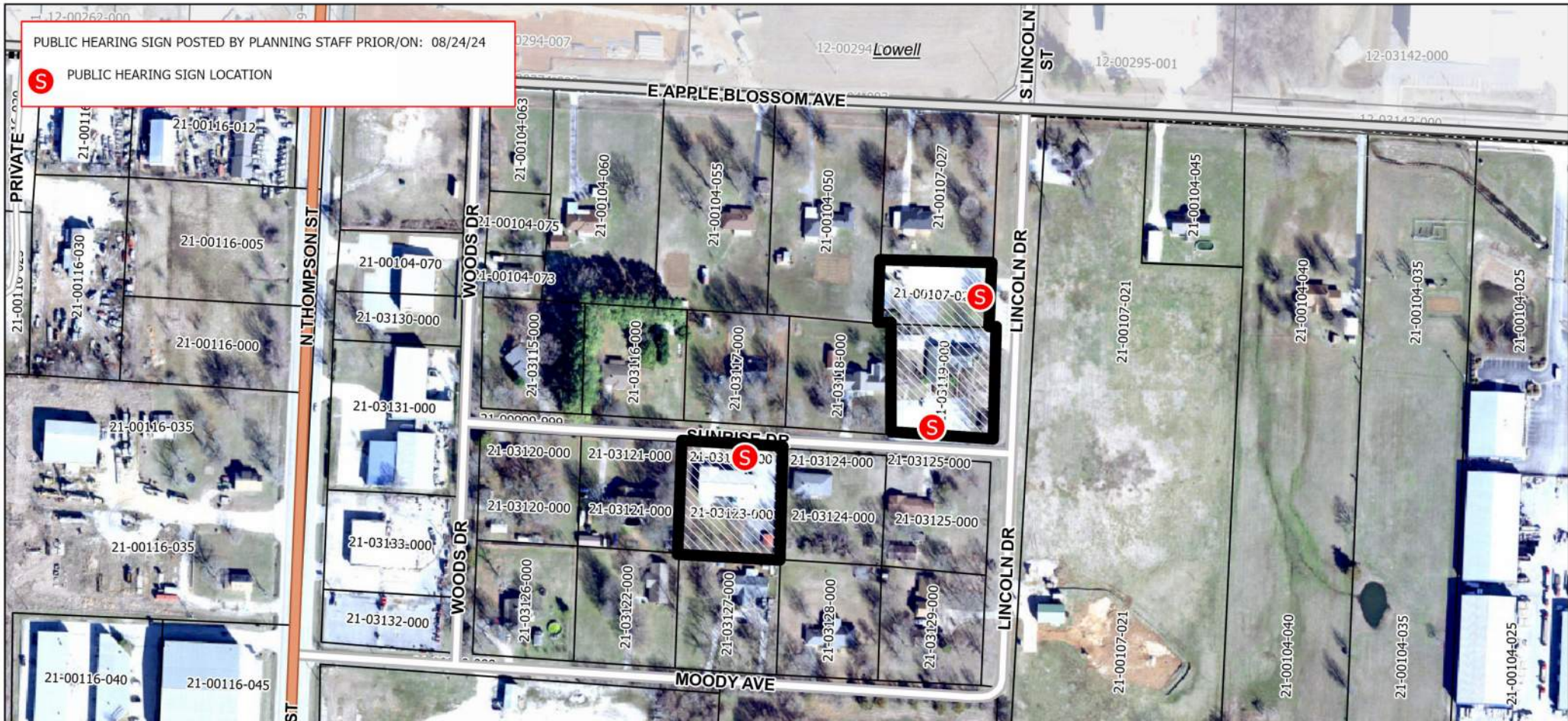
ATTEST:

Denise Pearce, City Clerk

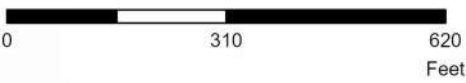
APPROVED AS TO FORM:

Ernest Cate, City Attorney

PUBLIC HEARING SIGN POSTED BY PLANNING STAFF PRIOR/ON: 08/24/24
PUBLIC HEARING SIGN LOCATION



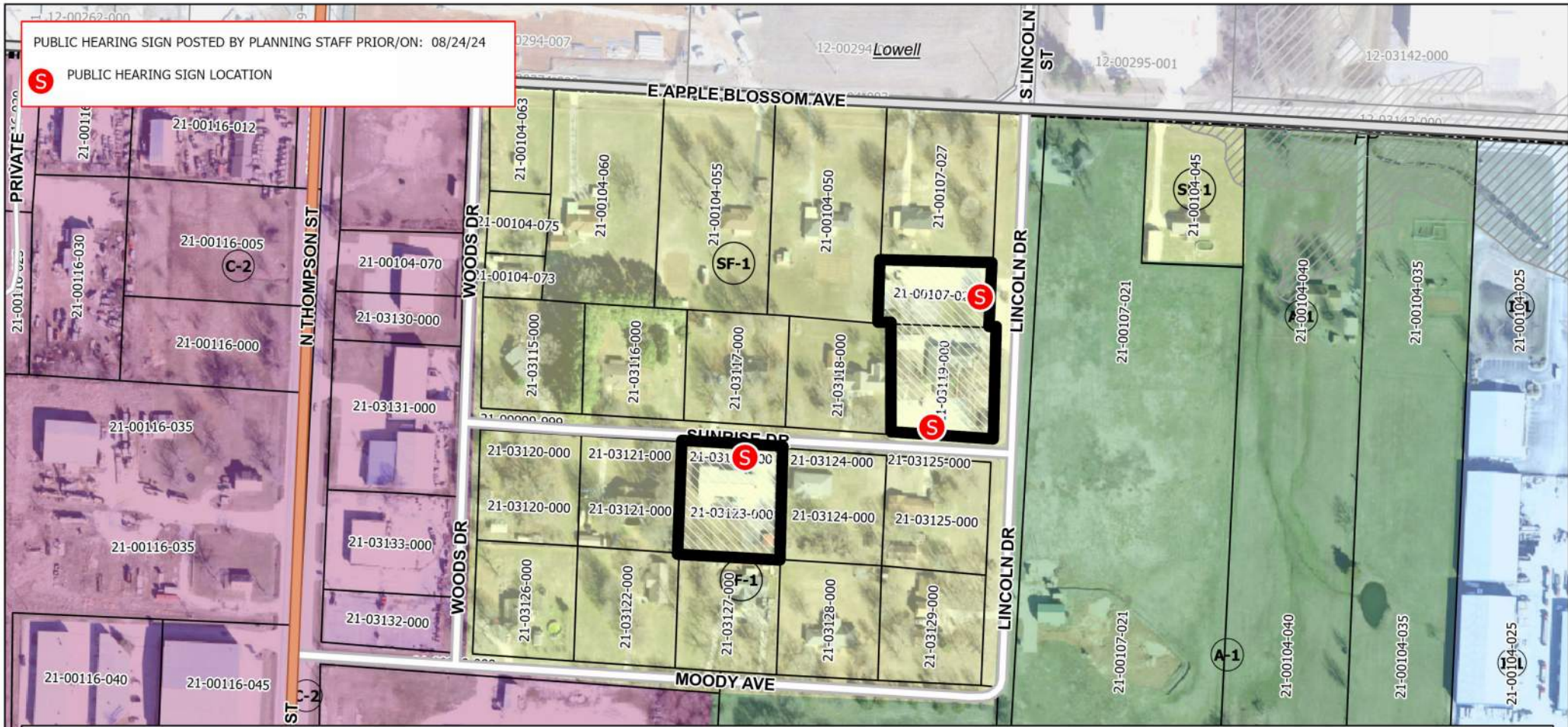
City Council Meeting
September 10, 2024



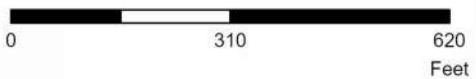
PROJECT: R24-43
APPLICANT: City of Springdale
LOCATION: Property N of 530 Sunrise Dr., 530 & 675 Sunrise Dr. & 4322 N Oak St.
REQUEST: Rezoning from A-1 & SF-1 to P-1



PUBLIC HEARING SIGN POSTED BY PLANNING STAFF PRIOR/ON: 08/24/24
S PUBLIC HEARING SIGN LOCATION



City Council Meeting
September 10, 2024



PROJECT: R24-43
APPLICANT: City of Springdale
LOCATION: Property N of 530 Sunrise Dr., 530 &
675 Sunrise Dr. & 4322 N Oak St.
REQUEST: Rezoning from A-1 & SF-1 to P-1



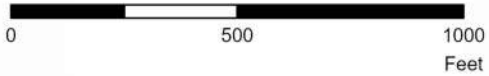
PUBLIC HEARING SIGN POSTED BY PLANNING STAFF PRIOR/ON: 08/24/24



PUBLIC HEARING SIGN LOCATION



City Council Meeting
September 10, 2024



PROJECT: R24-43

APPLICANT: City of Springdale

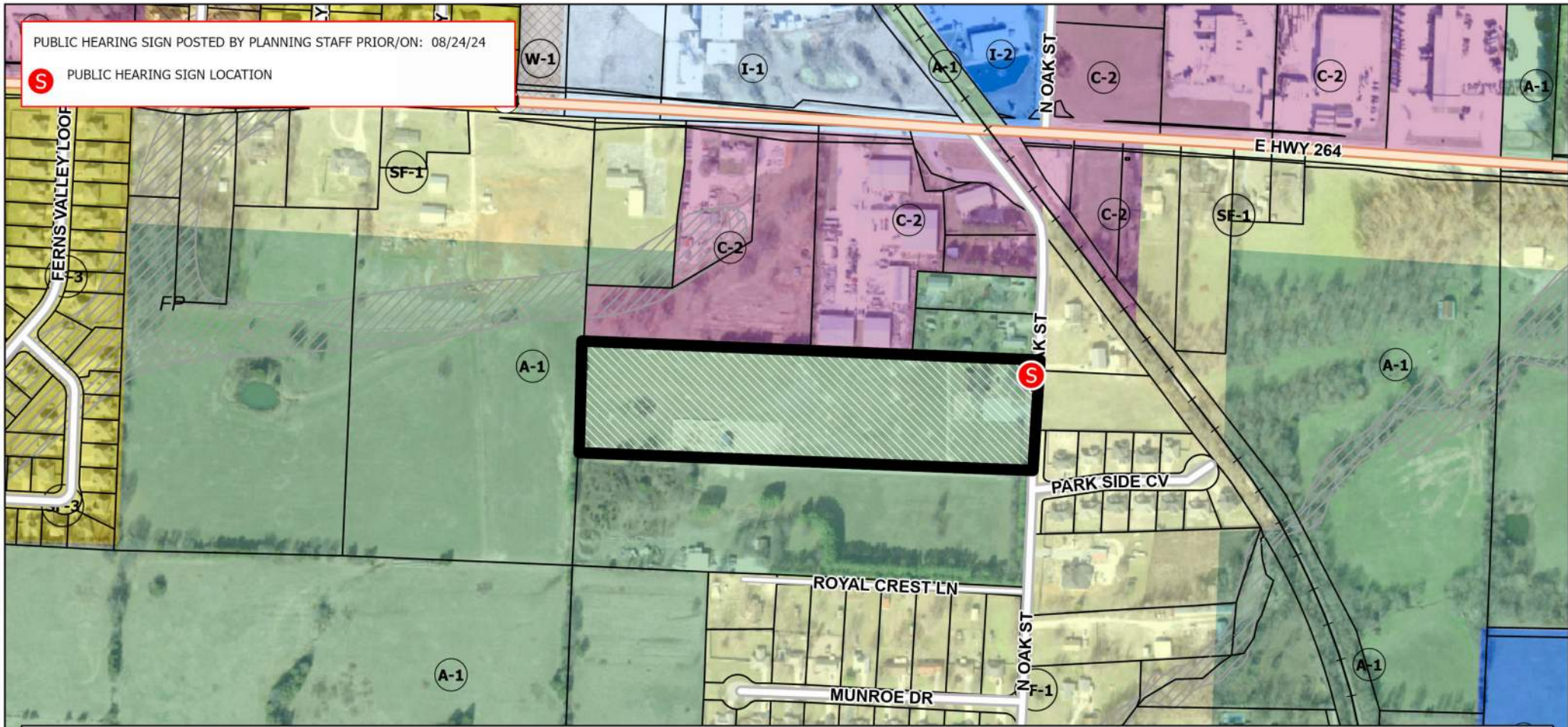
LOCATION: Property N of 530 Sunrise Dr., 530 &
675 Sunrise Dr. & 4322 N Oak St.

REQUEST: Rezoning from A-1 & SF-1 to P-1

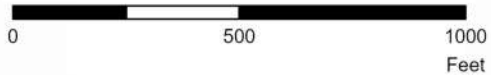


PUBLIC HEARING SIGN POSTED BY PLANNING STAFF PRIOR/ON: 08/24/24

S PUBLIC HEARING SIGN LOCATION



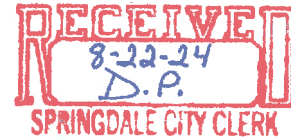
City Council Meeting
September 10, 2024



PROJECT: R24-43
APPLICANT: City of Springdale
LOCATION: Property N of 530 Sunrise Dr., 530 &
675 Sunrise Dr. & 4322 N Oak St.
REQUEST: Rezoning from A-1 & SF-1 to P-1



August 22, 2024



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

Re: Appealing Planning Commission Denial of Variance Request (B24-63)
2185, 2247, & 2303 Worth Lane
Springdale, AR

Please accept this letter as a formal appeal to the City Council from the Planning Commission's denial the referenced variance to allow construction of gravel areas for heavy equipment storage for tracked construction equipment at the addresses listed above.

The discussion at the Planning Commission meeting centered almost exclusively on minor construction closeout-related items raised by city staff rather than a fair consideration of the suitability of the request. It is our contention that had the discussion been focused on facts germane to the request, it meets the scenario specifically envisioned under Chapter 130, Art. 7, §8.3(f)., allowing gravel for "heavy equipment storage in areas other than an industrial zoning district or a C-6 Large Product Retail Sales District area by variance granted by the planning commission".

Very truly yours,

MT NWA Ventures LLC

Matt Trulove, President

ENGINEERING SERVICES INC.

1207 S. Old Missouri Rd. • P.O. Box 282 • Springdale, Arkansas 72764 • (479) 751-8733 • Established 1971

July 9, 2024

City of Springdale *Via iWorq portal*
Planning & Community Development Division
201 Spring Street
Springdale, Arkansas 72764

Re: Certified List of Adjacent Property Owners
 2185, 2247, & 2303 Worth Lane
 Springdale, AR

I hereby certify, based upon the records of the Circuit Clerk of Washington County, Arkansas, the names and addresses listed below represent all adjacent property owners to the subject property.

815-28649-010
WANG, YONGQUIANG & BU, YONGMEI
7964 ARJONS DR STE 3G
SAN DIEGO, CA 92126-4392

815-28649-022
WORTH LANE PARTNERS LLC; MSIDE FAY
LLC; RIBBLE INVESTMENT COMPANY LLC
100 W CENTER ST STE 200
FAYETTEVILLE, AR 72701-6081

815-28648-000
TRULOVE PROPERTIES LLC
PO BOX 152
BERRYVILLE, AR 72616

815-28649-020
SOSA PROPERTIES LLC
1301 E ROBINSON AVE SUITE C16
SPRINGDALE, AR 72764-5721

815-28649-130
INDUSTRIAL DEVELOPERS LLC
ATTN: JOE EDWARDS, MANAGER
PO BOX 1549
SPRINGDALE, AR 72765-1549

815-28649-002
SPRINGDALE SCHOOL DISTRICT # 50
P O BOX 8
SPRINGDALE, AR 72762



Very truly yours,

S. Craig Davis, PLS

Z:\Engineers\00 - Engineer Projects\21975 Worth Lane\2024-07-09 Gravel Variance\CLAPO.docx

Notice of Public Hearing before the Springdale City Council on a Variance Application

To All Owners of land lying adjacent to the property at:

Location: 2185, 2247, & 2303 Worth Lane

Owned by: MT NWA Ventures

NOTICE IS HEREBY GIVEN THAT an application has been filed to the Board of Adjustment for the above property. Variance was denied by Planning Commission on August 6 and is being appealed.

If approved, the variance will occur only upon the property described above.

It will not change anything pertaining to your property.

The purpose of this request is to:

variance to allow gravel storage/parking for construction

equipment in rear of buildings

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

September 10, 2024 at 6:00 p.m.

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

B24-63 Appeal

9589 0710 5270 1184 5592 13
9589 0710 5270 1184 5592 13
9589 0710 5270 1184 5592 13
9589 0710 5270 1184 5592 13
9589 0710 5270 1184 5592 13
9589 0710 5270 1184 5592 13

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

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

OFFICIAL USE

Certified Mail Fee \$
Extra Services & Fees (check box, add fee as appropriate)
 Return Receipt (hardcopy) \$
 Return Receipt (electronic) \$
 Certified Mail Restricted Delivery \$
 Adult Signature Required \$
 Adult Signature Restricted Delivery \$

Postage \$
Total Postage and Fees \$

Sent To
Street
City, State

TRULOVE PROPERTIES LLC
PO BOX 152
BERRYVILLE, AR 72616

PS Form

Postmark Here
AUG 23 2024
SPRINGDALE ARKANSAS 72765
USPS

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

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

OFFICIAL USE

Certified Mail Fee \$
Extra Services & Fees (check box, add fee as appropriate)
 Return Receipt (hardcopy) \$
 Return Receipt (electronic) \$
 Certified Mail Restricted Delivery \$
 Adult Signature Required \$
 Adult Signature Restricted Delivery \$

Postage \$
Total Postage and Fees \$

Sent To
Street
City, State

SPRINGDALE SCHOOL DISTRICT # 50
P O BOX 8
SPRINGDALE, AR 72762

PS Form

Postmark Here
AUG 23 2024
SPRINGDALE ARKANSAS 72765
USPS

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

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

OFFICIAL USE

Certified Mail Fee \$
Extra Services & Fees (check box, add fee as appropriate)
 Return Receipt (hardcopy) \$
 Return Receipt (electronic) \$
 Certified Mail Restricted Delivery \$
 Adult Signature Required \$
 Adult Signature Restricted Delivery \$

Postage \$
Total Postage and Fees \$

Sent To
Street
City, State

WORTH LANE PARTNERS LLC;
MSIDE FAY LLC; RIBBLE
INVESTMENT COMPANY LLC
100 W CENTER ST STE 200
FAYETTEVILLE, AR 72701-6081

PS Form

Postmark Here
AUG 23 2024
SPRINGDALE ARKANSAS 72765
USPS

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

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

OFFICIAL USE

Certified Mail Fee \$
Extra Services & Fees (check box, add fee as appropriate)
 Return Receipt (hardcopy) \$
 Return Receipt (electronic) \$
 Certified Mail Restricted Delivery \$
 Adult Signature Required \$
 Adult Signature Restricted Delivery \$

Postage \$
Total Postage and Fees \$

Sent To
Street
City, State

INDUSTRIAL DEVELOPERS LLC
ATTN: JOE EDWARDS, MANAGER
PO BOX 1549
SPRINGDALE, AR 72765-1549

PS Form

Postmark Here
AUG 23 2024
SPRINGDALE ARKANSAS 72765
USPS

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

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

OFFICIAL USE

Certified Mail Fee \$
Extra Services & Fees (check box, add fee as appropriate)
 Return Receipt (hardcopy) \$
 Return Receipt (electronic) \$
 Certified Mail Restricted Delivery \$
 Adult Signature Required \$
 Adult Signature Restricted Delivery \$

Postage \$
Total Postage and Fees \$

Sent To
Street
City, State

WANG, YONGQUIANG & BU,
YONGMEI
7964 ARJONS DR STE 3G
SAN DIEGO, CA 92126-4392

PS Form

Postmark Here
AUG 23 2024
SPRINGDALE ARKANSAS 72765
USPS

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

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

OFFICIAL USE

Certified Mail Fee \$
Extra Services & Fees (check box, add fee as appropriate)
 Return Receipt (hardcopy) \$
 Return Receipt (electronic) \$
 Certified Mail Restricted Delivery \$
 Adult Signature Required \$
 Adult Signature Restricted Delivery \$

Postage \$
Total Postage and Fees \$

Sent To
Street
City, State

SOSA PROPERTIES LLC
1301 E ROBINSON AVE SUITE C16
SPRINGDALE, AR 72764-5721

PS Form

Postmark Here
AUG 23 2024
SPRINGDALE ARKANSAS 72765
USPS



Variance Application

Date: 07/17/2024 Permit No.: 240234

Applicant / Owner

Applicant Name:	MT NWA VENTURES LLC	Owner Name:	MT NWA VENTURES LLC
Address:	1457 E ROBINSON AVE STE A	Address:	1457 E ROBINSON AVE STE A
City, State, Zip:	SPRINGDALE AR 72764	City, State, Zip:	1457 E ROBINSON AVE STE A
Phone:	(870) 423-4709	Phone:	(870) 423-4709
Email:	matt@Trulovedirtworks.com	Email:	matt@Trulovedirtworks.com
Contact:	Representative		

Project

Project Location:	2185 WORTH LN - 2247 WORTH LN - 2303 WORTH LN	Multiple Buildings:	<input type="checkbox"/>
Parcel Numbers:	815-38256-000	Outdoor Storage:	<input checked="" type="checkbox"/>
Current Zone:	C2	Facades/Exterior:	<input type="checkbox"/>
Rezone Required:	C2	Detail Features:	<input type="checkbox"/>
Total Acreage:	3.24	Roofs:	<input type="checkbox"/>
Entrances:	<input type="checkbox"/>	Materials/Colors:	<input type="checkbox"/>
Parking Lot:	<input type="checkbox"/>	Entryways:	<input type="checkbox"/>
Structure Back:	<input type="checkbox"/>	Landscaping:	<input type="checkbox"/>
Pedestrian Flow:	<input type="checkbox"/>	Screening:	<input type="checkbox"/>
Central Features:	<input type="checkbox"/>	Lighting:	<input type="checkbox"/>

Variance Request: Variance to allow gravel parking for tracked construction equipment

Difficulty/Hardship: Ordinance allows for this by requesting a variance where tracked construction equipment will be stored/parked that would destroy asphalt pavement

Variance Effect: Would allow a construction oriented tenant to park their equipment

Harmony:

I do hereby certify that the information contained herein is true and correct.

Brandon Rush

Name

07/17/2024

Date

July 9, 2024

City of Springdale *via iWorQ portal*
Planning Department
201 Spring Street
Springdale, AR 72764

Re: Variance Request
 2185, 2247, & 2303 Worth Lane
 Springdale, AR

We hereby request a variance to allow construction of gravel heavy equipment storage for tracked construction equipment at the addresses listed above in accordance with the City of Springdale Code of Ordinance per Chapter 130, Art. 7, §8.3(f).

The Ordinance envisioned this scenario and allows for it specifically under “heavy equipment storage in areas other than an industrial zoning district or a C-6 Large Product Retail Sales District area by variance granted by the planning commission”. This variance will allow use of this facility by a proposed tenant who has tracked construction equipment that would damage asphalt pavement.

Thank you for your consideration, please let me know if you have any questions.

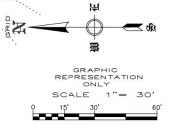
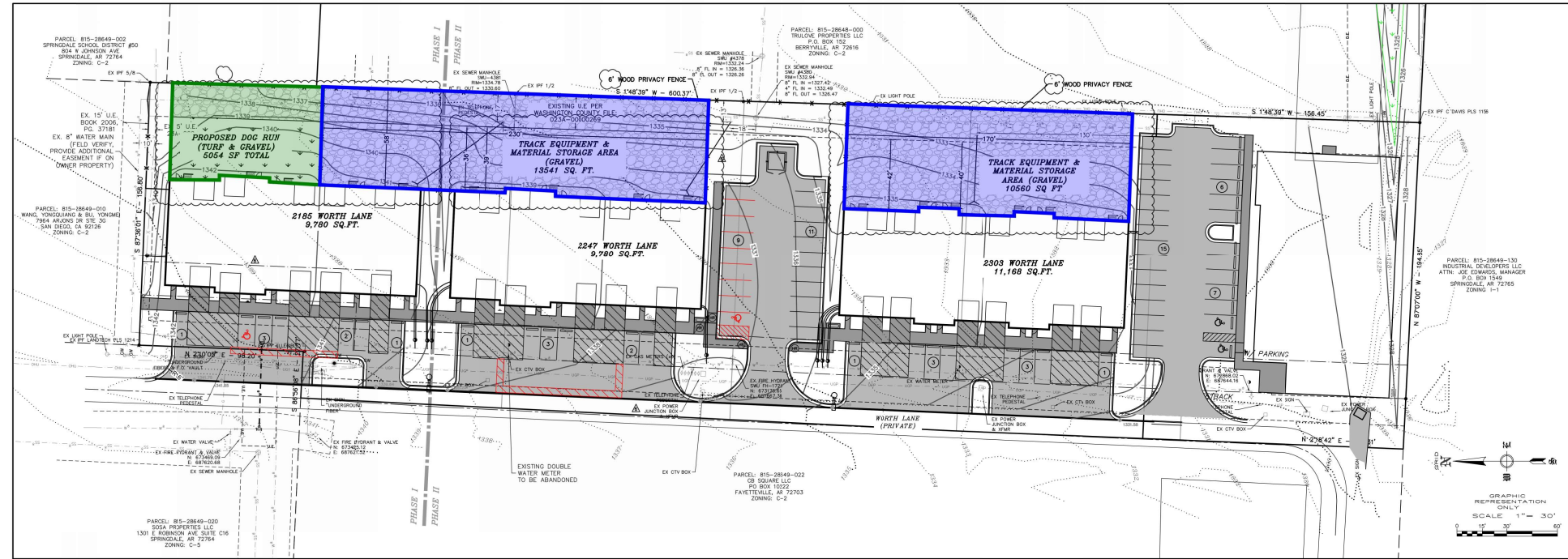
Very truly yours,



Matt Trulove



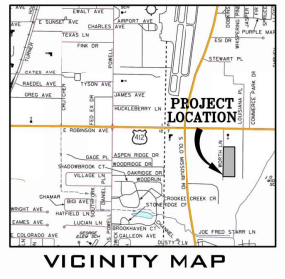
LARGE SCALE DEVELOPMENT
WORTH LANE COMMERCIAL PARK
SPRINGDALE, ARKANSAS



NOTES:

- 1) ALL PARKING LOT DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED (EXAMPLE: 15'00" AS TO BACK OF CURB).
- 2) A.D.A. ACCESSIBLE RAMPS TO HAVE A MAXIMUM INCLINATION RATIO OF 1:2.1.
- 3) ANY COST OF ADJUSTMENTS, RELOCATION OR DAMAGE OF EXISTING UTILITIES WILL BE THE RESPONSIBILITY OF THE OWNERS/DEVELOPERS.
- 4) MODIFIED CURB REQUIRED AT ALL DRIVES.
- 5) OUTDOOR STORAGE, TRASH COLLECTION, AND LOADING AREAS MUST BE LANDSCAPED, SO THAT THEIR FUNCTIONS ARE FULLY CONTAINED AND OUT OF VIEW OF THE ADJACENT PROPERTY AND THE PUBLIC RIGHT-OF-WAY.
- 6) THE GLOBAL POSITIONING SYSTEM (GPS) AND CONVENTIONAL TERRESTRIAL SURVEYING EQUIPMENT PROVIDED THE RELATIVE POSITIONING FOR THE TOPOGRAPHIC, PLANIMETRIC AND BOUNDARY LOCATIONS SHOWN HEREON.
- 7) THE MAP PROJECTION IS REFERENCED TO THE HORIZONTAL CONTROL DATUM OF NA83 (NORTH AMERICAN DATUM OF 1983), STATE PLANE, COORDINATE SYSTEM, ARKANSAS NORTH ZONE (2003), THE BASIS OF BEARINGS FOR THIS PLAN ARE STATE PLANE GRID BEARING, THE VERTICAL DATUM IS REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAV88). TWO TEMPORARY BENCHMARKS UTILIZING THIS DATUM ARE SHOWN HEREON.
- 8) ALL DEVELOPMENTS AFTER AUGUST 20, 2007 MUST HAVE UTILITY WIRES, LINES, AND/OR CABLES IN SAID DEVELOPMENTS MUST BE PLACED UNDERGROUND, EXCLUDING 120V AND ABOVE.
- 9) STOCKPILING OF CONSTRUCTION SPOIL MATERIAL, AT PARTICULAR LOCATIONS SHALL ONLY BE ALLOWED FOR A LIMITED TIME PERIOD, NOT TO EXCEED (6) MONTHS, PRIOR TO A FINAL INSPECTION OF THE GRADING PERMIT, THE FOLLOWING STANDARDS SHALL BE ACHIEVED FOR COMPLETION OF CONSTRUCTION.
 - a) DEVELOPMENT AND GRADING WITH THE DISTURBED AREA IS COMPLETE AND MATCHES PLANS AS APPROVED BY THE PLANNING COMMISSION, AND
 - b) THE DISTURBED SOIL AREA IS OBSERVED TO HAVE 80% GRASS COVERAGE AND 100% STABILITY, AND
 - c) NO SLOPES STEEPER THAN A 3:1 PITCH UNLESS OTHERWISE APPROVED IN WRITING BY THE DIRECTOR OF ENGINEERING.
- 10) NOTICE OF VIOLATIONS ISSUED HAVE ALL CORRECTIVE ACTIONS APPROVED WITH AN INSPECTION REPORT SIGNED BY A REPRESENTATIVE OF THE DIRECTOR OF ENGINEERING, AND
- 11) ALL HEAVY EQUIPMENT, STOCKPILES, AND CONSTRUCTION SITE MATERIALS HAVE BEEN REMOVED FROM THE CONSTRUCTION SITE.
- 12) ALL CROSSINGS UNDER ROADWAYS BY OPEN CUT MUST BE BACKFILLED WITH FLOWABLE FILL.
- 13) STREET LIGHTS ARE REQUIRED AT EACH INTERSECTION AND ALONG THE STREET AT INTERVALS OF 300 TO 350 FEET AS MEASURED ALONG THE CENTERLINE OF THE STREET. THE MINIMUM INITIAL RATING FOR THE STREETLIGHT SHALL BE 6,800 LUMENS FOR A LOCAL STREET, 11,000 LUMENS FOR A COLLECTOR STREET, OR 20,000 LUMENS FOR AN ARTERIAL STREET.
- 14) ALL PAVEMENT LIGHT DUTY PER GEOTECHNICAL ENGINEERS REPORT.
- 15) CONTRACTOR/DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY AND RESPECTIVE RIGHT-OF-WAY PERMITS FOR THE PROPOSED PROJECT.

- 14) FIELD LOCATE AND VERIFY THE LOCATION OF EXISTING WATER AND SANITARY SEWER FACILITIES. INDICATE THE LOCATION OF THESE FACILITIES ON THE DRAWING AND PROVIDE ADEQUATE EASEMENTS, ON-SITE AND OFF-SITE, ACCEPTABLE TO THE SPRINGDALE WATER UTILITIES. EASEMENTS SHALL BE ESTABLISHED SUCH THAT A 10-FOOT SPACE SHALL BE PROVIDED BETWEEN THE UTILITY AND ANY PERMANENT STRUCTURE AND EASEMENTS SHALL BE PROVIDED SUCH THAT 10' IS BETWEEN THE UTILITY AND EASEMENT LINE.
- 15) THE FINAL APPROVAL AND ACCEPTANCE OF FACILITIES PROPOSED HEREIN IS SUBJECT TO THE ACCEPTANCE BY THE UTILITY OF A UTILITY SPACING PLAN. PRIOR TO ANY CONSTRUCTION ON THIS PROJECT, PLEASE SUBMIT A UTILITY SPACING PLANS. THE OWNER AND ENGINEER MUST SUBMIT CERTAIN ASSURANCE IN WRITEN FORM GUARANTEEING ADHERENCE TO SAID PLAN.
- 16) FULL DEPTH COMPACTED CLASS 7 BASE MATERIAL IS REQUIRED FOR THE WATER AND SEWER TRENCHES UNDER PRIVATE EXISTING OR PROPOSED DRIVING SURFACES.
- 17) THE OWNER/DEVELOPER SHALL BE RESPONSIBLE FOR THE COST OF ANY REQUIRED ADJUSTMENTS TO THE EXISTING WATER AND SEWER FACILITIES DUE TO SITE GRADING, PAVING, LOT LINE ADJUSTMENTS OR OTHER MATTERS.
- 18) ALL WATER AND SEWER MAIN EXTENSIONS AND SERVICES SHALL BE DESIGNED AND CONSTRUCTED IN COMPLIANCE WITH THE CITY OF SPRINGDALE WATER AND SEWER COMMISSION'S SPECIFICATION REQUIREMENTS FOR THE CONSTRUCTION OF WATER AND SEWER FACILITIES (DATED MAY 6, 2021), AS ADOPTED MARCH 10, 1987, AMENDED AUGUST 27, 2014, AND INCLUDING REVISIONS APPROVED JANUARY 20, 2021.
- 19) CONSTRUCTION PLANS AND SPECIFICATIONS WILL NEED TO BE SUBMITTED AND APPROVED BY SWU AND THE ARKANSAS DEPARTMENT OF HEALTH PRIOR TO BEGINNING ANY WATER AND SEWER CONSTRUCTION.
- 20) A PRE-CONSTRUCTION MEETING IS TO BE HELD WITH THE WATER AND SEWER CONTRACTOR AND SWU PRIOR TO BEGINNING ANY CONSTRUCTION.
- 21) ALL WATER MAINS SHALL BE SPECIAL CLASS 50 DUCTILE IRON.
- 22) ALL LOT LINES SHALL BE STAKED IN ADVANCE OF WATER AND SANITARY SEWER CONSTRUCTION PER SWU STANDARD SPECIFICATIONS.
- 23) CONTRACTOR SHALL CONTACT SWU PRIOR TO PERFORMING WORK.
- 24) SWU STAFF SHALL BE PRESENT DAY OF TAPPING, DISINTEGRATION AND FLUSHING.
- 25) SWU SHALL PERFORM AND BE PRESENT FOR ALL TAPS TO EXISTING SYSTEM.
- 26) LONG WATER SERVICES SHALL BE ENCASED WITH 2" SLEEVE.
- 27) ALL UTILITIES SHALL HAVE FULL DEPTH BACKFILL (FLOWABLE FILL) UNDER PUBLIC ROADWAYS.
- 28) STAKE ALL FIRE HYDRANTS FOR SWU APPROVAL PRIOR TO INSTALLATION.
- 29) TRACER WIRE PORTS SHALL BE INSTALLED AT EVERY CHANGE IN DIRECTION OR EVERY 400'.
- 30) SEWER BACKWATER VALVES TO BE INSTALLED ON PRIVATE SERVICE LINE BY LICENSED PLUMBER WHERE APPLICABLE.
- 31) FIRE PROTECTION SYSTEM PLANS TO BE SUBMITTED TO ADH BY OTHERS.
- 32) EX. WATER WELL TO BE ABANDONED PER ARKANSAS WATER WELL COMMISSION REQUIREMENTS.
- 33) OWNER/DEVELOPER IS RESPONSIBLE FOR REPLACING EXISTING WATER OR SANITARY SEWER PIPE IF DAMAGED DURING CONSTRUCTION.



VICINITY MAP

OWNER/DEVELOPER:	MT NWA VENTURES LLC 1457 E ROBINSON AVE SITE A SPRINGDALE, AR 72764
ENGINEER:	ENGINEERING SERVICES, INC. 1207 S. OLD MISSOURI ROAD P.O. BOX 282 SPRINGDALE, AR 72762
CITY ZONING:	C-2
BUILDING SETBACKS:	FRONT - 30' FRONT IF PARKING IS ALLOWED BETWEEN R-C-W AND THE BUILDING - 50' SIDE (SUBJECT TO APPLICABLE FIRE AND BUILDING CODES) - 0' SIDE WHEN CONTIGUOUS TO A RESIDENTIAL DISTRICT - 20'
GROSS SITE AREA:	REAR - 20'
NET SITE AREA:	2.53 ACRES
PARKING REQUIRED:	OFFICE - 1 SPACE 300 SQUARE FEET OF NET FLOOR SPACE. WAREHOUSE - 1 SPACE/1,200 SQUARE FEET OF GROSS FLOOR AREA.
PARKING PROVIDED:	6,768 SF / 300 SF = 22.6 SPACES 20,860 SF / 1,200 SF = 17.4 SPACES 40 SPACES REQUIRED (INCL. 1 ADA) 41 SPACES (INCLUDING 2 ADA)
FEMA FLOODPLAIN ZONE:	THIS PROPERTY IS NOT WITHIN A 100 YEAR FLOODPLAIN ZONE AS SHOWN ON THE F.I.R.M. MAP #051430009F, WASHINGTON COUNTY, ARKANSAS & INCORPORATED AREAS EFFECTIVE DATE: APRIL 2, 2008
PARCEL:	815-28648-000, 815-38255-000, & 815-38252-000
PROPOSED USE:	OFFICE/WAREHOUSE (UNIT 1E)

LEGEND	
●	SET IRON PIN
○	IRON PIN FOUND
—	MAE LINE FOUND
—	C. PROPERTY LINE
—	SAW-CUT LINE
—	EX. EASEMENT LINE
—	EX. BUILDING SETBACK LINE
—	EX. SEWER LINE
—	EX. STORM DRAIN LINE
—	EX. ROAD CENTERLINE
—	EX. CURB & GUTTER
—	EX. CONTOUR
—	PROPOSED CONTOUR
—	EX. OVERHEAD POWER LINE
—	EX. GAS LINE
—	EX. UNDERGROUND TELEPHONE LINE
—	EX. WATER LINE
—	EX. FIBER OPTIC LINE
—	EX. FIBER OPTIC VENT
—	EX. WATER METER
—	EX. FIRE HYDRANT
—	EX. SEWER MANHOLE
—	EX. POWER POLE
—	EX. WATER VALVE
—	EX. LIGHT POLE
—	EX. SIGN
—	EX. WATER METER
—	EX. TRAFFIC POLE
—	EX. GAS MANHOLE
—	EX. ELECTRIC MANHOLE
—	EX. TELEPHONE MANHOLE
—	EX. REES
—	EX. SEWER MANHOLE
—	EX. FIBER OPTIC VALVE
—	EX. TELEPHONE BOX
—	EX. WALBOX
—	EX. GAS METER
—	EX. GAS VALVE
—	PROPOSED FENCE
—	PROPOSED EASEMENT LINE
—	PROPOSED SIDEWALK
—	PROPOSED GAS LINE
—	PROPOSED ELECTRIC LINE
—	PROPOSED WATERLINE
—	PROPOSED ADA RAMP
—	PROPOSED STORM BOX & PIPE
—	PROPOSED SEWER MANHOLE & PIPE

REVISION	DATE	DESCRIPTION
1	6/29/22	FIELD REVISION 1
2	7/12/22	FIELD REVISION 2
3	7/27/22	PLANNING REVISION
4	8/10/22	PLANNING REVISION
5	8/10/22	PARKING AND STRIPING REVISIONS
6	8/10/22	PARKING AND STRIPING REVISIONS
7	8/11/24	ADD DOC RUN & GRAVEL

SCALE: 1"=30'
DATE: Jun 11, 2024
N.O.# 21975

L22-06

2

B24-63 **MT NWA Ventures, LLC**
2185, 2247, & 2303 Worth Lane
Variance for Paving Requirement
Presented by Engineering Services, Inc.

Mr. Cloud: Next on the agenda is B24-63 Mt NWA Ventures, LLC, presented by ESI.

Mr. Rush: Thank you. Brandon Rush with ESI. This is a variance request to have some gravel parking for heavy equipment behind some office warehouse flexible space on Worth Lane. Happy to answer any questions.

Mr. Cloud: Staff comments.

Mrs. Christie: I want to be first on this one. I distinctly remember when we approved this piece of property, that there was a statement made by the developer and by the engineering firm that there would be nothing in the back because the structures do not have doors that go to the back. You don't drive through; you don't have access to that from the parking lot or anything like that, correct?

Mr. Rush: There are garage doors where you can drive through to the rear.

Mrs. Christie: Okay. But there was not going to be anything stored back there, and now you want to put heavy equipment on all that area that's purple?

Mr. Rush: Yes, they have a tenant that's a construction business, and they're wanting to park heavy track equipment back there and their work...

Mrs. Christie: And they're going to drive through the buildings to get to it? How are they going to access it?

Mr. Rush: Yeah, from the garage doors.

Mrs. Christie: Also, there's been a change in the uses of several of these pieces of property from what we started with, with trades and services. What's in the building that has the green area behind it?

Mr. Rush: Dog boarding.

Mrs. Christie: Okay, and so that's got AstroTurf and stuff put behind it, correct?

Mr. Rush: Yes.

Mrs. Christie: And now we have a dance studio on the other end, and we had to adjust the parking for that, and we have two parking agreements for some additional parking in the property to the west because there wasn't enough parking on this side for the change in uses.

Mr. Rush: Yes.

Mrs. Christie: Okay.

Mr. Cloud: Further staff comments.

Mr. Hritz: I was out there just the other day. From the original large scale, there are probably still six or seven items on the original punch list that still haven't been done, and we've not released the COO on all the buildings due to that. The back area is still just red dirt with weeds growing up in there. There's some concern about some of the drainage; there's still a fence that needs to be built. We've been out there multiple times on some inspections trying to get this one closed out.

Mr. Cloud: Engineering.

Mrs. Hollingshead: If I remember correctly, they also bonded for sod in the detention pond, and I don't know that that's ever been placed.

Mrs. Christie: But the drainage calculations were not supposed to have anything or surface in the back, correct?

Mrs. Hollingshead: That is true, so that will need to be addressed with an updated drainage report.

Mr. Brush: So, I think the entire property was designed as commercial, so it would be equivalent as if it had been paved, so there shouldn't need to be any change in drainage.

Mrs. Christie: But what about the statement that there would be nothing in the back? So, I'm not sure that the calculations and the drainage took into account that that was going to be asphalt or pavement or gravel back there when it originally came in.

Mrs. Hollingshead: Right, we'll have to look at the drainage report and see if that was taken into account or not.

Mr. Cloud: Brandon, is your statement that that was... the blue shades, that was originally paved as parking or grass? I'm confused, I'm sorry.

Mr. Rush: So, when we did our drainage analysis on this whole project...

Mr. Cloud: Yes, sir.

Mr. Rush: We used the fully developed condition, the 90% impervious area.

Mrs. Hollingshead: A lot of times when we're looking at commercial areas like this, we kind of assume as a whole that, you know, that there's going to be a certain amount of impervious area. So, if we used that fully developed condition, it's probable that the detention pond was designed for that amount.

Mr. Cloud: Understood. Any public comment? Commissioners?

Mr. Couch: What's the timing been from what Ron was talking about, from closing this project out till today from the punch list and things?

Mr. Hritz: We started—we gave them the COO on the first building probably a year ago, and they weren't done with construction on the other two or three buildings. Now construction is done on all of them. I'm holding up the COO on the third building from the east until we get the stuff done. We still have power poles that need to be removed. It's been at least a year, probably, since the first building was released.

Mr. Couch: Is that stuff, I guess, actively being pursued, I guess?

Mr. Rush: It's being worked on; I wouldn't say it's being, you know, 8 to 5 Monday through Friday, but...

Mrs. Hollingshead: I received a bond for sod in January, and I think the reason was we thought it was too cold to plant the sod.

Mrs. Christie: Has it been sodded? Do you know?

Mr. Rush: I don't think it's been sodded.

Mrs. Christie: You don't think it's been sodded.

Mr. Cloud: I guess my biggest concern is with the existing tenant mix, which I would call light commercial, and this request looking to be at best heavy commercial, probably more realistically industrial. That just doesn't feel like a good mix of those buildings, especially with all the work and all the different things that we went through to accommodate parking and just the use of the building currently. That's the biggest issue I see. The mix of use seems to be not very productive in my mind. Any other comments? So, this will be a call for the vote.

Mr. Couch: Call for the vote.

Mr. Cloud: Mr. Couch.

Mr. Cloud: The variance request fails 7 to 1.

Mrs. Christie: You have the right to appeal the planning commission's denial to the city council. It has to be filed within 15 days in the city clerk's office, indicating why you think the Planning Commission's decision was in error. You have to notify the adjacent property owners again.

Mr. Rush: Thank you.

Mr. Cloud: Thank you.

WORTH LANE COMMERCIAL PARK

2022 PROJECTS

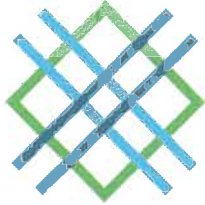
- **L22-06 Worth Lane Commercial Park**
 - February 1, 2022 – TABLED PER APPLICANT
 - March 1, 2022 – APPROVED
- **B22-13 Worth Lane Commercial Park**
 - Deviation of the Paved Parking Requirement
 - February 1, 2022 – DENIED
- **B22-14 Worth Lane Commercial Park**
 - Commercial Design Standards
 - Parking Lot Orientation
 - Pedestrian Flow
 - Central Features & Community Spaces
 - Detail Features
 - Roofs
 - February 1, 2022 – DENIED
- **B22-27 Worth Lane Commercial Park**
 - Paving Requirement
 - March 1, 2022 – WITHDRAWN
- **B22-28 Worth Lane Commercial Park**
 - Commercial Design Standards
 - Materials & Colors
 - March 1, 2022 – WITHDRAWN
- **L22-06 Worth Lane Commercial Park – Phasing Plan, Phase I & Phase II**
 - December 6, 2022 – APPROVED

2023 PROJECTS

- **L23-08 MT NWA Dance Studio (Worth Lane Commercial Park, Phase III)**
 - January 3, 2023 APPROVED
- **B23-14 MT NWA Dance Studio (Worth Lane Commercial Park, Phase III)**
 - Commercial Design Standards
 - Materials & Colors
 - January 3, 2023 APPROVED
- **RP23-10 Worth Lane Commercial Park**
 - June 6, 2023 APPROVED
- **L23-38 MT NWA Dance Studio (Worth Lane Commercial Park, Phase III)**
 - June 6, 2023 APPROVED
- **B23-60 MT NWA Dance Studio (Worth Lane Commercial Park, Phase III)**
 - Reduction of Required Parking Spaces from 53 to 28 spaces
 - June 6, 2023 APPROVED

2024 PROJECT

- **B24-63 MT NWA Ventures, LLC**
 - Paving requirement to allow gravel parking for tracked construction equipment in rear of buildings
 - August 6, 2024 DENIED



SPRINGDALE[™]
WE'RE MAKING IT HAPPEN

B22-13 - DENIED
B22-14 - DENIED

www.SpringdaleAR.gov

February 2, 2022

Engineering Services, Inc.
Attn: Brandon Rush, P.E.
P. O. Box 282
Springdale, AR 72765

RE: B22-13
B22-14

Variance

Worth Lane Commercial Park
1801 E. Robinson Ave

At the February 1, 2022 meeting of the Springdale Planning Commission, your variance requests for Commercial Design Standards (A) Parking lot orientation, (B) Pedestrian Flow, (C) Central Features & Community Spaces, (D) Detail Features, (E) Roofs and deviation of the paved parking requirement was denied for the above location.

You may appeal the Planning Commission's decision in writing to the City Clerk's office within fifteen (15) day. You must state why you think the Planning Commission erred in its decision and you must re-notify the adjacent property owners.

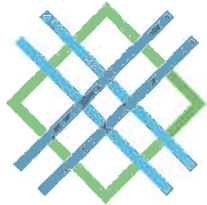
Respectfully,



Rick Barry, Assistant Director
Planning and Community Development Division

/dp

Cc: File
Building Inspection



SPRINGDALE[™]
WE'RE MAKING IT HAPPEN

B22-27 - WITHDRAWN
B22-28 - WITHDRAWN

www.SpringdaleAR.gov

March 2, 2022

Brandon Rush
1207 S. Old Missouri Rd
Springdale, AR 72764

RE: B22-27, B22-28

Variance

1801 E. Robinson Ave

At the March 1, 2022 meeting of the Springdale Planning Commission, your variance request for the paving requirement and commercial design standards of materials and colors at the above location was withdrawn per your request.

Respectfully,



Rick Barry, Assistant Director
Planning and Community Development Division

/dp

Cc: File
Building Inspection

Patsy Christie Director

Planning and Community Development Division

(479) 750.8550 phone | (479) 750.8539 fax | 201 Spring Street | Springdale, Arkansas 72764

Page 28



June 8, 2023

Engineering Services, Inc.
Attn: Jason Appel, P.E.
P. O. Box 282
Springdale, AR 72765

RE: B23-60 Variance 2382 Worth Lane

At the June 6, 2023 meeting of the Springdale Planning Commission, the variance request to reduce the number of parking spaces from 53 to 28 at the above location was approved.

Respectfully,



Rick Barry, MPA, Assistant Director
Planning and Community Development Division

/dp

Cc: File
Building Inspection

PUBLIC HEARING SIGN POSTED BY PLANNING STAFF PRIOR/ON: 07/27/24

S PUBLIC HEARING SIGN LOCATION



City Council Meeting
September 10, 2024



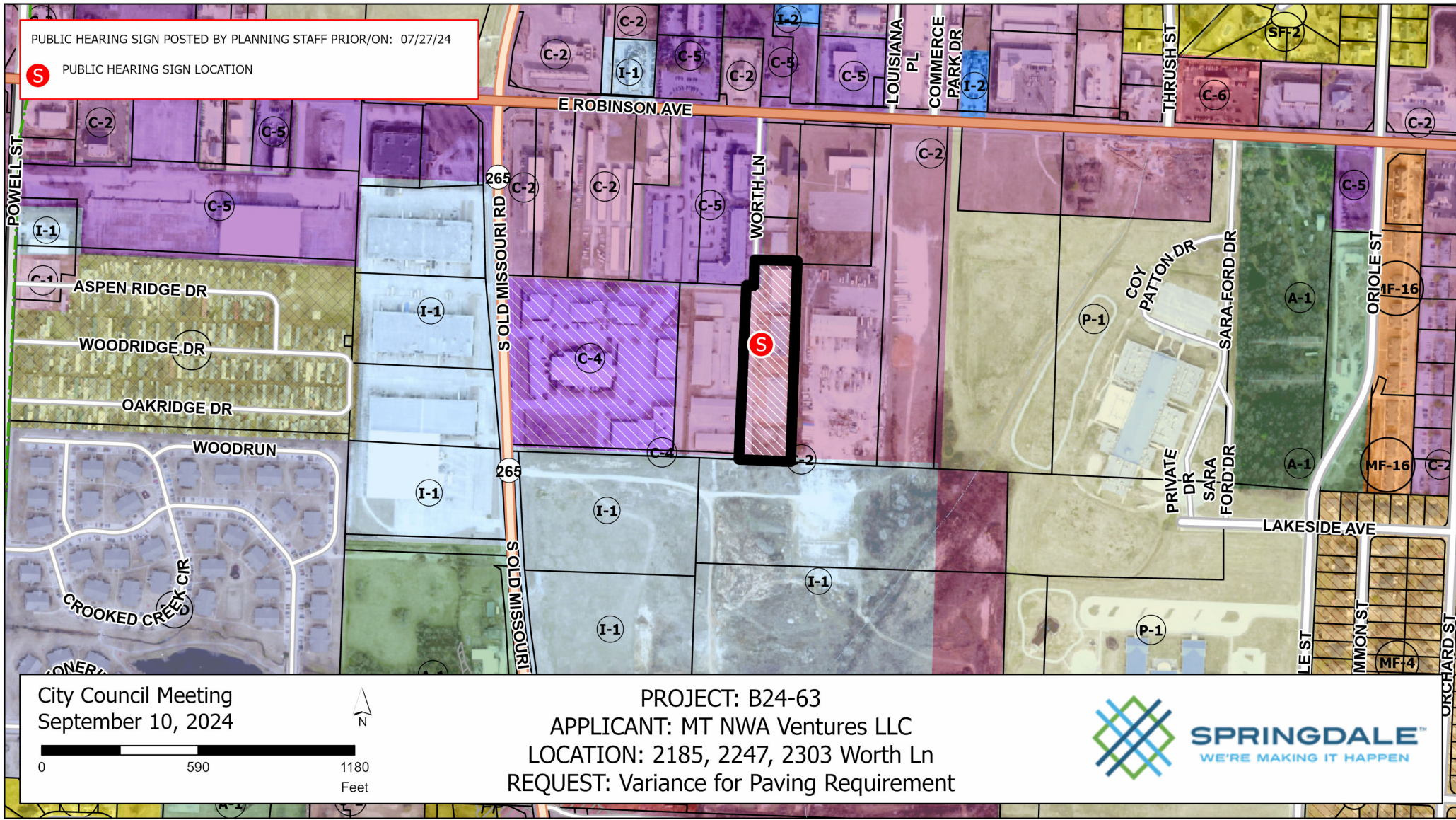
0 590 1180
Feet

PROJECT: B24-63
APPLICANT: MT NWA Ventures LLC
LOCATION: 2185, 2247, 2303 Worth Ln
REQUEST: Variance for Paving Requirement

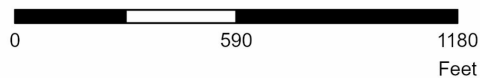


PUBLIC HEARING SIGN POSTED BY PLANNING STAFF PRIOR/ON: 07/27/24

S PUBLIC HEARING SIGN LOCATION



City Council Meeting
September 10, 2024



PROJECT: B24-63
APPLICANT: MT NWA Ventures LLC
LOCATION: 2185, 2247, 2303 Worth Ln
REQUEST: Variance for Paving Requirement



RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A LEASE AGREEMENT WITH IMPACT MINISTRIES NWA ON PROPERTY OWNED BY THE CITY OF SPRINGDALE

WHEREAS, the City owns property located in Benton County, Arkansas, more commonly known as 530 Sunrise Drive, Arkansas, Tax Parcel No. 21-00107-024 and Tax Parcel No. 21-03119-000 ("the Property");

WHEREAS, Impact Ministries NWA has requested to lease the Property for the operation of a church (Use Unit 42 of the City's Zoning Ordinance);

WHEREAS, the City of Springdale wishes to enter into a lease agreement with Impact Ministries NWA to memorialize the terms of their use of the Property;

WHEREAS, Impact Ministries NWA wishes to enter into the Lease Agreement attached hereto as Exhibit "A" and incorporated herein by reference;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor and City Clerk are authorized to execute the Lease Agreement, attached as Exhibit "A" hereto, with Impact Ministries NWA for the purposes contained therein.

PASSED AND APPROVED this ____ day of _____, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY



LEASE AGREEMENT

THIS LEASE AGREEMENT is made and entered into by and between the City of Springdale, Arkansas, hereinafter referred to as “Lessor,” and Impact Ministries NWA, an Arkansas Nonprofit Corporation, hereinafter referred to as “Lessee.”

WITNESSETH:

1. **Lease of Premises.** The Lessor, in consideration of the public advantages described herein, other good and valuable consideration, and the covenants and agreement to be performed by Lessee, does hereby let, lease and demise unto Lessee the following described premises, and improvements thereon, situate in Springdale, Benton County, Arkansas, to-wit:

The property commonly known as 530 Sunrise Drive, Springdale, Arkansas, as well as all areas adjacent thereto and associated therewith, and as delineated on the attached Map which is attached hereto and incorporated herein by reference. Also known as Benton County Tax Parcel No. 21-00107-024 and Tax Parcel No. 21-03119-000 ("the Premises").

2. **Term/Use.** To have and to hold the Premises unto Lessee beginning the 1st day of October, 2024, and ending the 30th day of September, 2027. Thereafter, upon mutual agreement of the parties, this Lease may continue (under the same terms provided herein) as a month to month tenancy until terminated by either party. The Lessee shall use the Premises for a church, as set forth as Use Unit 42 in the Zoning Ordinance of the City of Springdale, Arkansas.

3. **Rental Amount.** The Parties agree that Lessee will pay to Lessor the sum of Two Thousand Dollars (\$2,000.00) per month in rent during the Term of this Lease; and, Lessee also agrees to pay other expenses, including liability insurance, utilities, repairs, and maintenance, as more specifically set forth and provided herein. Each Rental Amount payment shall be due in advance of the first (1st) day of each calendar month during the Lease Term or any extensions thereof, to Lessor and delivered to Lessor as directed in the Notice provision herein. No Rental Amount shall be deemed late until the tenth (10th) day of each calendar month.

4. **Security Deposit.** Lessee shall not be required to pay a security deposit to Landlord.

5. **Lessee Improvements, Maintenance, and Utilities.** Lessee agrees to:

- (a) maintain the grounds of the Premises (mowing, etc.), as well as the playground area, and any exterior restrooms;
- (b) repair the interior or exterior of the building, electrical systems, plumbing, HVAC, roof structure, and any component, including outbuildings;
- (c) be responsible for all costs associated with routine maintenance of the Premises, including but not limited to replacing air filters on a timely

basis, replacing light bulbs and ballasts, replacing door knobs and closers, replacing toilet tank floats and handles, lubricating and cleaning;

- (d) be responsible for payment of all utility costs on the Premises during the term of this Agreement;
- (e) make alterations to the Premises, at Lessee's cost, to include all alterations needed in order to bring the Premises into compliance with all Building Codes and Fire Prevention Codes associated with Lessee's use of the Premises as a Church (Use Unit 42 of the City's Zoning Ordinance);
- (f) Any and all improvements installed or made by Lessee during the term of this Agreement shall become Lessor's property upon the termination of this Agreement.

6. **Insurance.** Lessor shall provide the requisite insurance on the structure on the Premises, but Lessee shall be responsible for any insurance on any of Lessee's personal property kept at the Premises. Lessee shall at all times herein maintain a public liability insurance policy with coverage limits of \$1,000,000.

7. **Damage or Destruction of Improvements.** It is mutually agreed that in the event that any of the improvements located on the Premises should be damaged by fire, windstorm, tornado, or other casualty to the extent that such Premises cannot be repaired, and put in condition for their intended use within 90 days from the happening of any of the casualties described above, then the Lessor or Lessee shall have the option to declare this Agreement terminated and at an end, and in that event neither of the parties hereto shall have any further liability under such Agreement.

8. **Covenant Against Liens.** Lessee shall not, by its acts, permit to exist any lien upon the Premises, unless such lien or claim of lien is contested by Lessee, and in such event such contest shall be prosecuted to a final conclusion as speedily as possible, and Lessee shall save and hold harmless Lessor against any and all losses and costs which may necessarily be incurred by Lessor by reason of such lien, and after final determination of such contest, Lessee shall fully pay and discharge any judgment resulting from such contest. Nothing in this Agreement shall be construed as constituting the consent or request of Lessor, expressed or implied, to any contractor, subcontractor, or other person or firm for the performance of any labor, services or materials for use on the Premises or any part thereof, and notice is hereby given that Lessor shall not be liable for any such labor, services or materials furnished to Lessee, nor shall any such liens affect the interest of Lessor in and to the Premises.

9. **Assignment and Subletting.** Lessee shall not assign this Agreement nor shall Lessee have the right to sublet the premises without the express written consent of Lessor.

10. **Termination of Lease.** Either party may terminate this lease by giving 30 days written notice to the other party. Notice shall be deemed sufficient if made by sending such

notice by regular mail to the party at the address specified in paragraph 14, by personal delivery, or by electronic mail.

11. **Default.** The happening of any one or more of the following events shall constitute default by Lessee:

- (a) Failure to comply with the terms and provisions herein as same relate to Lessee;
- (b) Failure to use the Premises consistent with the purposes described in Paragraph 2 herein, or if Lessor determines that the use of the Premises is no longer in the public interest as described in Paragraph 2 herein.

In the event Lessor shall elect to take possession of the Premises as permitted under this paragraph, Lessor shall be entitled to such possession without being guilty in any manner of trespass, and Lessee agrees to deliver possession immediately upon demand to Lessor.

12. **Hold Harmless and Indemnity.** Lessee agrees to hold Lessor harmless for any damages caused by, or arising from, Lessee's use and possession of the Premises, and further agrees to indemnify Lessor in the event any claim for damages is brought against Lessor as a result of, or arising from, Lessee's use and possession of the Premises. This Agreement is in no way intended to waive the sovereign immunity of Lessor provided in Ark. Code Ann. §21-9-301.

13. **Waiver.** Failure of Lessor or Lessee to complain of any act or omission on the part of the other party, no matter how long the same may continue, shall not be deemed to be a waiver by said party of any of its rights hereunder or a waiver by Lessor or Lessee at any time, expressed or implied, of any breach of any provisions of this lease or a consent to any subsequent breach of the same or any other provision.

14. **Notices.** All notices to be given by the parties hereunder shall be addressed to the party to receive such notice, with postage prepaid, mailed via U.S. Certified Mail, Return Receipt Requested, to the following:

LESSOR: City of Springdale
Attention: Mayor's Office
201 N. Spring Street
Springdale, AR 72764
dsprouse@springdalear.gov

LESSEE: Larry Marler

The parties hereto may change the above address by notification to the other in writing, as above required.

15. **Binding Agreement.** This agreement shall inure to the benefit and be binding upon the respective parties, their heirs, successors and assigns.

16. **Number and Gender.** Whenever necessary in this agreement and where the context admits, the singular term and the related pronoun shall include the plural and the appropriate gender.

17. **Full Agreement.** The parties acknowledge this Agreement to be their complete and full agreement in regard to the Premises, and neither is relying upon any oral representations not made in this document.

IN WITNESS WHEREOF, the party identified as Lessee has set its hand and seal the day and year written opposite his respective signature, and Lessor has caused this Agreement to be signed by the person who represents that he has the authority to bind Lessor to this Agreement on the day and year written opposite their respective signatures.

LESSEE:

Impact Ministries NWA

By: _____
Larry Marler, _____

Date

LESSOR:

City of Springdale, Arkansas

BY: _____
Doug Sprouse, Mayor

Date

BY: _____
Denise Pearce, City Clerk

Date

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)SS
COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this day came before the undersigned, a Notary Public, duly commissioned and acting within and for the County and State aforesaid, Larry Marler, the duly authorized representative of Impact Ministries NWA, Lessee herein, personally known to me to be the person subscribing to the foregoing document, and who stated to me that he had executed the same for the purposes and considerations therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this ____ day of _____, 2024.

My Commission Expires:

Notary Public

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)SS
COUNTY OF WASHINGTON)

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

IN WITNESS WHEREOF, I have hereunto set my hand and seal this ____ day of _____, 2024.

My Commission Expires:

Notary Public

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE EXECUTION
OF A CONTRACT FOR THE CITY OF
SPRINGDALE 2024 STREET OVERLAY PROJECT**

WHEREAS, The Public Works Department has budgeted for the 2024 Street Overlay Project, and;

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

WHEREAS, the lowest responsible bidder was APAC-Central, Inc. in the amount of \$2,940,200.00,

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

Section 1. The Mayor and City Clerk are hereby authorized to execute a contract with APAC-Central, Inc. for the 2024 Street Overlay Project in amount not to exceed \$2,000,000.00, to be paid from the 2024 Public Works Budget, and \$940,200.00 to be paid for out of the 2018 Street Bond Fund.

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

PASSED AND APPROVED this _____ day of September, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED:

Ernest B. Cate, CITY ATTORNEY

Bid Schedule
2024 Springdale Street
Overlay

Note: Discrepancies between the multiplication of units of work and unit prices will be resolved in favor of the unit prices. Discrepancies between the indicated sum of any column of figures and the correct sum thereof will be resolved in favor of the correct sum. Discrepancies between words and figures will be resolved in favor of the words

Item No.	Spec Sect.	Est. Qty	Unit	Item Description	Unit Price	Total Amount
1	403	3,800	TON	(1.5" Thick) Type III ACHM Surface Course including Tack Coat furnished and installed for FOUR HUNDRED EIGHTEEN THOUSAND DOLLARS _____ dollars and ZERO _____ cents per lump sum.	\$110.00	\$418,000.00
2	403	17,000	TON	(2" Thick) Type II ACHM Surface Course including Tack Coat furnished and installed for ONE MILLION EIGHT HUNDRED TWO THOUSAND DOLLARS _____ dollars and ZERO _____ cents per lump sum.	\$106.00	\$1,802,000.00
3	516	55,000	SY	Cold Milling Asphalt Pavement furnished and installed for TWO HUNDRED ELEVEN THOUSAND SEVEN HUNDRED FIFTY DOLLARS _____ dollars and ZERO _____ cents per lump sum.	\$3.85	\$211,750.00
4	403	200	TON	Asphalt Leveling Course furnished and installed for TWENTY-TWO THOUSAND TWO HUNDRED DOLLARS _____ dollars and ZERO _____ cents per lump sum.	\$111.00	\$22,200.00
5	SP	1,250	TON	3/4" Ultrathin Bonded Wearing Course including tack coat furnished and installed for ONE HUNDRED SEVENTY-ONE THOUSAND TWO HUNDRED FIFTY DOLLARS _____ dollars and ZERO _____ cents per lump sum.	\$137.00	\$171,250.00
6	507	25000	LF	6" White Thermoplastic furnished and installed for THIRTY THOUSAND DOLLARS _____ dollars and ZERO _____ cents per lump sum.	\$1.20	\$30,000.00

Item No.	Spec Sect.	Est. Qty	Unit	Item Description	Unit Price	Total Amount
7	507	105,000	LF	6" Yellow Thermoplastic furnished and installed for ONE HUNDRED TWENTY-SIX THOUSAND DOLLARS _____ dollars and ZERO _____ cents per lump sum.	\$1.20	\$126,000.00
8	507	30	EA	Thermoplastic Words furnished and installed for ELEVEN THOUSAND TWO HUNDRED FIFTY DOLLARS _____ dollars and ZERO _____ cents per lump sum.	\$375.00	\$11,250.00
9	507	125	EA	Thermoplastic Symbols furnished and installed for THIRTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS _____ dollars and ZERO _____ cents per lump sum.	\$300.00	\$37,500.00
10	507	5000	LF	12" Crosswalk Lines furnished and installed for TWENTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS _____ dollars and ZERO _____ cents per lump sum.	\$5.50	\$27,500.00
11	507	1,250	LF	24" Stop Bars furnished and installed for THIRTEEN THOUSAND SEVEN HUNDRED FIFTY DOLLARS _____ dollars and ZERO _____ cents per lump sum.	\$11.00	\$13,750.00
12	510	1	LS	Traffic Control furnished and installed for THIRTY-FOUR THOUSAND DOLLARS _____ dollars and ZERO _____ cents per lump sum.	\$34,000.00	\$34,000.00
13	511	1	LS	Mobilization furnished and installed for THIRTY-FIVE THOUSAND DOLLARS _____ dollars and ZERO _____ cents per lump sum.	\$35,000.00	\$35,000.00

BIDDER'S NAME APAC-Central, Inc.

TOTAL AMOUNT \$ 2,940,200.00

	STREET	FROM	TO	width	Lengths	(A Area SY)	tons	Thickness
1	George Anderson Rd	Don Tyson	bridge	20	2650	5,889	491	1.5
2	Butterfield Coach Rd	Don Tyson	E Zion Rd	22	6162	15,063	1674	2
3	Cardinal Dr	Dick Smith	Thrush St	26	2436	7,037	586	1.5
4	Ford Ave	Bain St	bridge/1690'	28	1690	5,258	438	1.5
5	Commons Ave	Butterfield Coach Rd	Cascade Cir	21	1913	4,464	372	1.5
6	Lenox Ct	Amhurst Loop	to end	23	403	1,030	86	1.5
7	Mccollough Dr	Emma Ave	to end	20	600	1,333	111	1.5
8	Upton Ln	Emma Ave	to end	17	700	1,322	110	1.5
9	Kawneer Dr	Huntsville Ave	E. Mountain Rd	26	1290	3,727	311	1.5
10	101 Butterfield Coach Rd	E . Emma Ave	Huntsville Ave	22	1224	2,992	249	1.5
11	Quail Ln	Butterfield Coach Rd	to end	21	466	1,087	91	1.5
12	E. Scott Hollow Rd	N. Mountain Rd	pass Under Hill	18	480	960	80	1.5
13	Cedar St	Huntsville Ave	to end	29	1032	3,325	277	1.5
14	Curtis St	Huntsville Ave	to end	29	1033	3,329	277	1.5
15	Dodd AVE	Old Wire Rd	to y /1970'	26	1970	5,691	474	1.5
16	N. Jefferson St	265	to end curb	25	1275	3,542	295	1.5
17	John Davis Ln	Josie Kate Ln	Morgan Haley Ln	26	376	1,086	91	1.5
18	N. Oak St	County Line Rd	new section 264	22	5160	12,613	1401	2

19	Reed ave	primrose ln	n. mountain rd	20	2645	5,878	490	1.5
20	Primrose rd	264	pass hatcher rd	21	1307	3,050	254	1.5
21	Hatcher rd	primrose rd	to end curb west	21	2815	6,568	547	1.5
22	Covey Way	bob white ave	Quail meadows	20	595	1,322	110	1.5
23	bob white ave	265	Covey Way	20	1152	2,560	213	1.5
24	Quail meadows	265	Covey Way	20	1100	2,444	204	1.5
25	Baggett st	emma ave	E. meadow ave	21	291	679	57	1.5
			TOTALS		street sq yds	60,854	9290	

	STREET	FROM	TO	width	Lengths	(A Area SY)	tons	Thickness
1	Butterfield Coach Rd	412	Ford Ave	56	5647	35,137	3904	2
2	E. Huntsville Ave	Ford Ave	71 Hwy	56	14,187	88,275	9808	2

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FUNDING THROUGH THE RECONNECTING COMMUNITIES PILOT PLANNING PROGRAM – COMMUNITY PLANNING GRANT AND FOR OTHER PURPOSES.

WHEREAS, funding has continued through the Reconnecting Communities Pilot Program – Community Planning Grant that makes funding available through an 80/20 Federal/Local match, with the maximum award amount set at \$2 million to support neighborhood equity, safety and affordable transportation access with emphasis on assisting economically disadvantaged or underserved communities, and

WHEREAS, the City of Springdale desires to submit an application through this pilot program to engage the community on both sides of Thompson Street and study certain aspects of the corridor to lay the groundwork for the determination of the type and location of improvements needed to reconnect the community within this area and mitigate the current connectivity challenges for all bicycle and pedestrian users within the heart of the city, and

WHEREAS, building on the public and private investments that have been undertaken on both sides of the corridor, the grant will allow the city to undertake technical studies to evaluate safety, transit, development opportunity, quality of life, and economic development opportunities along the corridor and within surrounding neighborhoods.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, THAT: the Council supports and authorizes the submission of an application under the Reconnecting Communities Pilot Program – Community Planning Grant for the Thompson Street (71B) corridor with a total budget of \$2,400,000 – \$1,920,000 RCP Grant funds (80% of total activity budget) and \$480,000 local non-federal match (20% of total activity budget) with local funding to be provided through the general fund upon grant award.

PASSED AND APPROVED THIS ____ DAY OF _____, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest Cate, City Attorney

RESOLUTION NO. _____

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

WHEREAS, the City of Springdale, Arkansas, owns property located at 3377 West Huntsville Avenue, known as Tax Parcel No. 815-29875-030, Washington County, Arkansas ("the Property");

WHEREAS, the City of Springdale has undertaken the construction of Fire Station #4 on the Property;

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

WHEREAS, the water and sewer easement is necessary for the construction and improvement of water/sewer facilities at Fire Station #4;

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

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

PASSED AND APPROVED this 10th day of September, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

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

PROPERTY DESCRIPTION (Parcel No. 815-29875-030):

A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 30 WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS S 89°50'18" W 396.00 FEET FROM THE NORTHEAST CORNER OF SAID 40 ACRE TRACT, AND RUNNING THENCE S 00°10'43" W 449.11 FEET, THENCE S 89°50'18" W 429.16 FEET, THENCE N00°09'42" W 199.11 FEET, THENCE N 00°31'19" W 250.00 FEET, THENCE N 89°50'18" E 433.40 FEET TO THE POINT OF BEGINNING AND CONTAINING 4.43 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION IN STREET RIGHT-OF-WAY ON THE NORTH SIDE OF HERIN DSCRIBED TRACT, AND SUBJECT TO A 25-FOOT-WIDE ACCESS EASEMENT ON THE EAST AND WEST SIDE OF HEREIN DESCRIBED TRACT, AND SUBJECT TO THAT PORTION IN UTILITY EASEMENTS OF RECORD. BEING THE SAME LANDS DESIGNATED AS TRACT A-1 ON LOT SPLIT FILED FOR RECORD AS FILE 2000-00085370, RECORDS OF WASHINGTON COUNTY, ARKANSAS.

**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.**

As described in **WARRANTY DEED File# 2021-00027512** of the records of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

PERMANENT UTILITY EASEMENT DESCRIPTION: (See EXHIBIT "A" MAP)

A variable width utility easement, said easement being a part of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section 34, Township 18 North, Range 30 West, Washington County, Arkansas, and said easement being more particularly described as follows: being more particularly described as follows: Commencing at the Northeast corner of the NE 1/4 of said SW 1/4; thence North 87 degrees 13 minutes 47 seconds West a distance of 396.00 feet; thence South 02 degrees 48 minutes 05 seconds West a distance of 43.16 feet to the POINT OF BEGINNING OF THE UTILITY EASEMENT (P.O.B. U.E.); thence South 02 degrees 48 minutes 05 seconds

West a distance of 16.40 feet; thence North 87 degrees 31 minutes 11 seconds West a distance of 48.67 feet; thence North 41 degrees 54 minutes 28 seconds West a distance of 22.52 feet; thence North 87 degrees 24 minutes 38 seconds West a distance of 366.62 feet to the grantor's west property line; thence along said property line North 02 degrees 39 minutes 44 seconds East a distance of 0.26 feet to the south line of utility easement document #'s 97-38119 and 2000-85370; thence along said south line South 87 degrees 25 minutes 56 seconds East a distance of 431.13 feet to the POINT OF BEGINNING OF THE UTILITY EASEMENT (P.O.B. U.E.), with said easement containing **1,056** square feet or **0.02** acres.

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

Grantee shall have and is hereby granted the right of constructing, reconstructing, locating, relocating, inspecting, patrolling, expanding existing facilities or such additional facilities, pipelines, and appurtenances as may be required in the future, and maintaining, and removing said pipelines and appurtenances. Grantee shall have and is hereby granted the further right at all time to remove from said lands all crops, vegetation, undergrowth, trees, and parts thereof, or other obstructions, which in the opinion of Grantee, restricts access, constitutes a hazard, or endangers the safety and/or the reliability of said pipelines, or their appurtenances and/or the public, and/or for the purpose of installing additional facilities.

The Grantors or their successors shall not cause to be constructed any buildings, structures or other improvements (other than fences, driveways, and paved parking areas) within the above described easement, and no trees shall be planted by Grantors or their successors on said easement. Grantors or their successors shall not be entitled to any compensation for fences, growing crops, structures which may be removed or disturbed within this permanent easement by virtue of Grantee's exercise of the rights under this agreement.

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

It is further understood that Grantee's easement shall be **EXCLUSIVE** and that Grantors or their successors shall convey no parallel rights to any person, utility or corporation on, across or under said right-of-way without the express written permission of Grantee. The cash consideration hereinabove mentioned is paid by Grantee and accepted by Grantor as full and total payment for the easement and right-of-way, all trees, undergrowth, trimmed or removed from said lands during the construction and maintenance of Grantee's facilities, and for all other rights and privileges hereinabove set forth.

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

And Grantor agrees to forever warrant and defend the above-described easements and rights unto said Grantee against all legal claims.

IN WITNESS WHEREOF, the hands and seals of Grantor are hereunto set, this the _____ day of _____, 20_____.

**City of Springdale, Arkansas
a municipal corporation**

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk/Treasurer

ACKNOWLEDGMENT

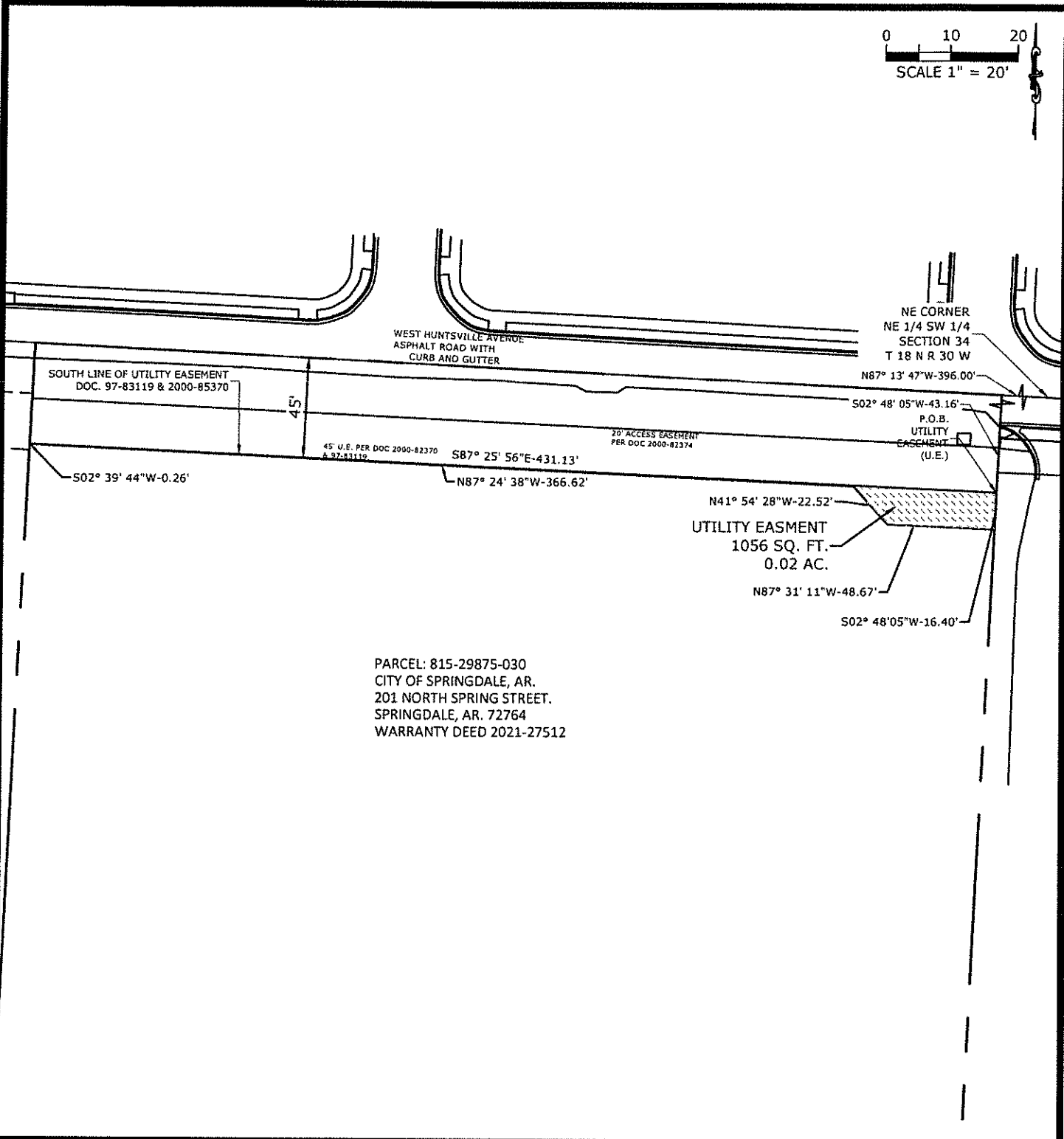
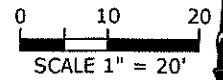
STATE OF ARKANSAS }
 }SS
COUNTY OF WASHINGTON }

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

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

Notary Public

My Commission Expires: _____



PARCEL: 815-29875-030
 CITY OF SPRINGDALE, AR.
 201 NORTH SPRING STREET.
 SPRINGDALE, AR. 72764
 WARRANTY DEED 2021-27512

LEGEND

- 815-29875-030 ——— TAX PARCEL NUMBER
- 2021-27512 ——— DEED RECORD
- — — — — EXISTING PROPERTY LINE
- PROPOSED RIGHT-OF-WAY
- PROPOSED UTILITY EASEMENT
- PROPOSED TEMP. CONST. EASEMENT

BASIS OF BEARINGS: ARKANSAS STATE PLANE COORDINATE SYSTEM, NAD 83, NORTH ZONE. (NOT A PLAT OF SURVEY)

PROJ. MANAGER: PW	DRAWN BY: PW
DATE: 9/23	REVISION:
SCALE: AS NOTED	PROJ. NUMBER: 222724

EXHIBIT "A"
MAP

BRUSH CREEK FORCE MAIN IMPROVEMENTS
 SPRINGDALE, AR.
 PROJECT TRACT # 4
 CITY OF SPRINGDALE, AR.

MCE McCLELLAND
 CONSULTING
 ENGINEERS, INC.
 1580 E. STEARNS ST.
 FAYETTEVILLE, AR 72703
 (479) 443-2377
 HTTP://WWW.MCE.US.COM

EX-1

W:\2022\0-SURVEY\JOBS\22-2724 - SPRINGDALE, AR. SPRINGDALE WATER UTILITIES SURVEYING SERVICES\BOUNDARY\DRAWING\222724 BRUSH CREEK SWJ ADDITIONAL EASEMENTS EXHIBITS 7-19-23.DWG

RESOLUTION NO. _____

A RESOLUTION ENTERING INTO A LEASE AGREEMENT WITH STRYKER SALES, LLC, FOR SAFETY EQUIPMENT FOR THE SPRINGDALE FIRE DEPARTMENT, AND TO WAIVE COMPETITIVE BIDDING

WHEREAS, the Springdale Fire Department is needing to upgrade much of their safety equipment to the newest models, and

WHEREAS, most of the equipment they are currently using are high-use, high liability items, with many that have exceeded their service life, and

WHEREAS, this equipment includes all cardiac monitors, stretchers, power load systems, response apparatus AEDs, LUCAS CPR devices and stair chairs, and other safety equipment, all manufactured and sold by Stryker Sales, LLC, and

WHEREAS, the Springdale Fire Department would like to enter into a 5-year lease agreement with Stryker Sales, LLC, with an option to renew once at the same cost, to be budgeted and paid for out of the Fire Department’s 2025 Budget of the City of Springdale, in an annual amount of \$413,231.39, plus sales tax at the rate in effect on the date of payment, beginning in 2025.

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

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

Section 1. Competitive bidding is not deemed feasible or practical because of the exceptional situation previously set out herein and therefore competitive bidding is hereby waived under Ark. Code Ann. §14-58-104.

Section 2. The Mayor and City Clerk are hereby authorized to enter into a 5-year lease agreement with Stryker Sales, LLC, with an option to renew once at the same cost, for new safety equipment to be used by the Springdale Fire Department, to be budgeted and paid for out of the Springdale Fire Department’s 2025 Budget of the City of Springdale, in an annual amount of \$413,231.39, plus sales tax at the rate in effect on the date of payment, beginning in 2025.

PASSED AND APPROVED this _____ day of _____, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE PURCHASE OF VEHICLES
FOR THE SPRINGDALE POLICE DEPARTMENT AND TO WAIVE
COMPETITIVE BIDDING**

WHEREAS, the Springdale Police Department desire to purchase 12 new vehicles which are essential to their day-to-day operations, and

WHEREAS, the procurement of vehicles has proven to be an impediment to fulfilling our obligation to adequately return services to our residents, and

WHEREAS, the vehicles are available to be purchased at this time, and

WHEREAS, delaying the purchase until 2025 will prove to be more costly, and

WHEREAS, A.C.A § 14-58-104 (17) (A) states that the governing body of a city of the first class, city of the second class, or an incorporated town may purchase the following commodities without soliciting bids: New motor vehicles purchased from a licensed automobile dealership located in Arkansas for an amount not to exceed the fleet price awarded by the Office of State Procurement and in effect at the time the municipality submits the purchase order for the same make and model motor vehicle.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Council authorizes the Springdale Police Department to purchase 12 new vehicles in an amount not to exceed \$534,216.00 out of the Unrestricted General Fund and the Mayor is hereby authorized to execute any contracts related to the purchase.

PASSED AND APPROVED this 10th day of September, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM

Ernest B. Cate, City Attorney



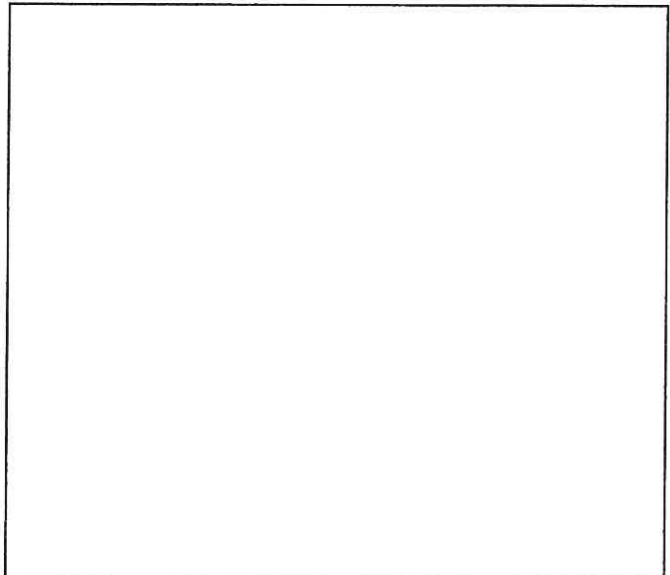
Vehicle 2024 FORD INTERCEPTORS

UNIT	Description	VINS	SALES PRICE
1	2024 BLACK K8A FORD INTERCEPTOR V6 3.3L	1FM5K8AB4RGA25675	\$44,518.00
2	2024 BLACK K8A FORD INTERCEPTOR V6 3.3L	1FM5K8AB9RGA25526	\$44,518.00
3	2024 BLACK K8A FORD INTERCEPTOR V6 3.3L	1FM5K8AB4RGA25787	\$44,518.00
4	2024 BLACK K8A FORD INTERCEPTOR V6 3.3L	1FM5K8AB2RGA26274	\$44,518.00
5	2024 BLACK K8A FORD INTERCEPTOR V6 3.3L	1FM5K8AB2RGA25528	\$44,518.00
6	2024 BLACK K8A FORD INTERCEPTOR V6 3.3L	1FM5K8AB2RGA25805	\$44,518.00
7	2024 BLACK K8A FORD INTERCEPTOR V6 3.3L	1FM5K8AB8RGA25596	\$44,518.00
8	2024 BLACK K8A FORD INTERCEPTOR V6 3.3L	1FM5K8AB7RGA25623	\$44,518.00
9	2024 BLACK K8A FORD INTERCEPTOR V6 3.3L	1FM5K8AB5RGA25782	\$44,518.00
10	2024 BLACK K8A FORD INTERCEPTOR V6 3.3L	1FM5K8AB8RGA25999	\$44,518.00
11	2024 BLACK K8A FORD INTERCEPTOR V6 3.3L	1FM5K8AB8RGA26604	\$44,518.00
12	2024 BLACK K8A FORD INTERCEPTOR V6 3.3L	1FM5K8AB5RGA25538	\$44,518.00

SUB-TOTAL \$534,216.00
DELIVERY COST \$0.00
TOTAL \$534,216.00

Jeff Lee
 Fleet Sales Manager
 Superior Automotive Group
 490 Hwy 412 East
 Siloam Springs, AR
 Cell: 479-393-8282

ORDINANCE NO. _____



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

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

PROPERTY OWNER: Oak Landing Partners LLC

LEGAL DESCRIPTION: Part of the Northeast Quarter of the Northeast Quarter of Section 35, Township 18 North, Range 30 West, Washington County, Arkansas, Described as commencing at a Point 10 rods North of the Southwest Corner of said 40 acre tract, running thence North 88 feet; thence East 315 feet to the true point of beginning; running thence South 170.5 feet; thence East 213 feet; thence North 170.5 feet; thence West 213 feet to the place of beginning, less & except: a part of the E 1/2 of the NE 1/4 of Section 35, Township 18 North, Range 30 West of the Fifth Principal Meridian, City of Springdale, Washington County, Arkansas, and being more particularly described as follows: commencing at the SW Corner of the E1/2 of the NE 1/4 of said Section 35; Thence N02°30'57"E a distance of 990.00 feet to a point in Christian Avenue; thence along said Christian Avenue, S87°29'02"E a distance of 317.91 feet to a set "MAG" nail with washer "PLS 1156" in said Christian Avenue; thence leaving said Christian Avenue, N01°05'50"E a distance of 464.11 feet to a set iron pin with CAP "PLS 1156" and the point of beginning; thence continuing N01°50'50"E a distance of 112.65 feet to a set iron pin with CAP "PLS 1156" on the southerly right of way of Davis Avenue; thence along said Southerly right of way line, S86°32'52"E a distance of 88.03 feet to a set iron pin with CAP "PLS 1156"; thence leaving said Southerly right of way line, S01°50'50"W a distance of 110.18 feet to a set iron pin with CAP "PLS 1156"; thence N88°09'10"W a distance of 88.00 feet to the point of beginning, containing 0.23 acres (9,804 square feet), more or less, and subject to all rights of way, easements and restrictive covenants of record and fact.

LAYMAN'S DESCRIPTION: Davis Parcel

PARCEL NO.: 815-27978-000

PROPERTY OWNER: Tiffany Schmidt

LEGAL DESCRIPTION: Lot 4 and the North Half of Lot 3, Block 4, College Heights Addition, Springdale, Washington County, Arkansas as shown on plat record 4 at page 65. Subject to right of way/easements and restrictions of record, if any. No warranty or representation is made herein as to any mineral interest on the aforementioned property.

LAYMAN'S DESCRIPTION: 610 N. Kansas

PARCEL NO.: 815-21001-000

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:

\$238.32 clean-up costs and \$22.53 administrative costs – Davis Parcel (815-27978-000)
\$611.32 clean-up costs and \$22.53 administrative costs – 610 North Kansas (815-21001-000)

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:

\$260.85 plus 10% for collection – Davis Parcel (815-27978-000)
\$633.85 plus 10% for collection – 610 North Kansas (815-21001-000)

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 10th day of September, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

City Abatement

City of Springdale
Neighborhood Service
201 Spring Street
Springdale, AR 72764
479-756-7712
Case Number: 2402463



Date: 07/01/2024
Status: Abated
Property: DAVIS AVE
City, State, Zip: ,

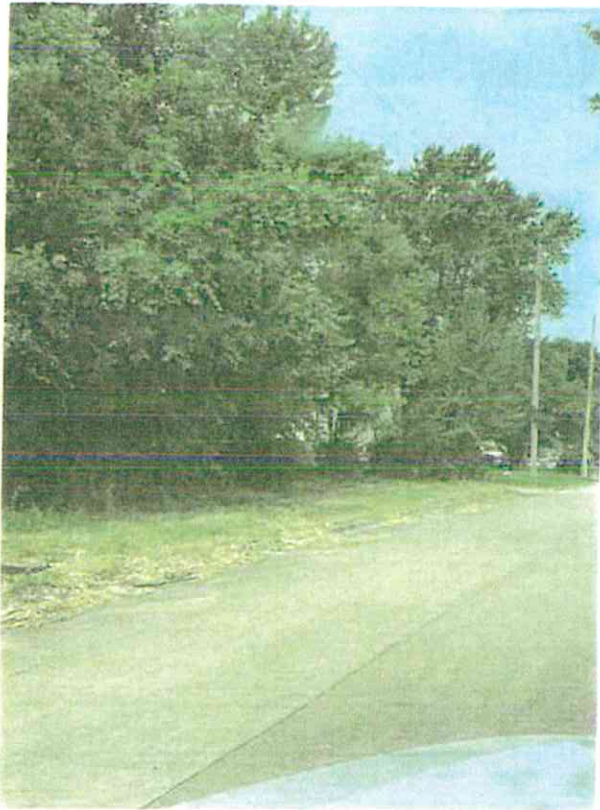
Officer on Site: Logan West
Abatement Type: Lien
Abatement Date: 06/21/2024
Abatement Start Time: 0900
Abatement End Time: 0930

Fee	Amount
Disposal Cost Recovery	\$118.32
Employee Rate	\$30.00
Equipment Rate	\$90.00
Total Fee: \$238.32	

Method of Compliance: Public Works cut the tall grass along Davis St to bring property in compliance. 1 City employee and brush hog used.

Logan West
Code Enforcement Officer

06/21/2024
Date





Ernest B. Cate
City Attorney
ecate@springdalear.gov

Taylor Samples
Senior Deputy City Attorney
tsamples@springdalear.gov

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

Cameron Baker
Deputy City Attorney
cbaker@springdalear.gov



SPRINGDALETM
WE'RE MAKING IT HAPPEN

OFFICE OF CITY ATTORNEY

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

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

Steve Helms
Investigator
shelms@springdalear.gov

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

Christy Pinalto
File/Discovery Clerk
cpinalto@springdalear.gov

July 22, 2024

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

Oak Landing Partners LLC
505 Cornhusker Rd. #314 Ste 105
Bellevue, NE 68005-7911

RE: Notice of clean-up lien on property located at Davis Parcel, Springdale, Washington County, Arkansas, Tax Parcel No. 815-27978-000

Dear Property Owner/Lienholder:

On May 22, and June 20, 2024 notice was posted on property located at Davis Parcel 815-27978-000, Washington County, Springdale, Arkansas, that the property was in violation of Springdale City Ordinance 42-77 and 42-78, and needed to be remedied within seven (7) days. Notice was originally mailed to the owner of record on May 22, 2024, that the City intended to seek a clean-up lien on this property pursuant to Ark. Code Ann. §14-54-903 if the violations were not remedied. The notice also applied to any violations that may be found on the property within the next 12 months.

Subsequent to the above-referenced violation notice being issued, a city code violation was found to have existed on the property. As a result, the City of Springdale took action to remedy the violations on the property, as is allowed by Ark. Code Ann. §14-54-903, on or about July 1, 2024. As of this date, the total costs incurred by the City of Springdale to clean this property are \$238.32. I have enclosed an invoice evidencing the abatement costs incurred and paid by the City of Springdale to clean this property. Also, in accordance with Ark. Code Ann. §14-54-903(c)(4), administrative fees may be added to the total costs incurred by the City of Springdale, which will include certified mailing fee in the amount of \$7.53 per letter and a filing fee in the amount of \$15.00 to the Washington County Circuit Court.

This is to notify you that in the event this amount is not paid to the City of Springdale on or before September 4, 2024, a hearing confirming the amount of the lien will be held before the Springdale City Council pursuant to Ark. Code Ann. §14-54-903 to determine the amount of the

clean-up lien to which the City is entitled for cleaning up the property. The hearing confirming the amount of the lien will be held Tuesday, September 10, 2024, at 6:00 p.m. in the City Council Chambers at the City Administration Building, 201 Spring Street, Springdale, Arkansas. If this amount is paid prior to the hearing, no lien will be pursued.

Please remit the total sum of 245.85, which includes \$238.32 for cleaning up the property and \$7.53 for certified mailings to the City of Springdale by the date listed above. Payment must be made payable to the City of Springdale and presented to the attention of Dixie Putt, Springdale City Attorney's Office, 201 Spring Street, Springdale, AR 72764. If you fail to pay this amount before the hearing, then an additional \$15.00 will be added for the costs of filing the ordinance with the Circuit Clerk's Office.

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

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

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

Sincerely,



Ernest Cate
City Attorney

Enclosures
EBC:dp

SENDER: COMPLETE THIS SECTION | **COMPLETE THIS SECTION ON DELIVERY**

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

Article Addressed to:
 ak Landing Partners LLC
 15 Cornhuskers Rd., #314 Ste 105
 Bellevue, NE 68005-7911



9590 9402 8146 3030 4445 73

Article Number (Transfer from service label)

89 0710 5270 0141 4252 95

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

A. Signature
 Calhoun Brown Agent
 Addressee

B. Received by (Printed Name) *Brown* | C. Date of Delivery *7-25*


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

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Insured Mail
 - Insured Mail Restricted Delivery (over \$500)
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

Domestic Return Receipt

Davis Fance 815-27978-000

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



United States Postal Service

9590 9402 8146 3030 4445 73

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



USPS TRACKING #

City Abatement

City of Springdale
Neighborhood Service
201 Spring Street
Springdale, AR 72764
479-756-7712
Case Number: 2402249



Date: 07/03/2024
Status: Abated
Property: 610 N KANSAS ST
City, State, Zip: Springdale, Arkansas 72764

Officer on Site: Logan West
Abatement Type: Lien
Abatement Date: 07/03/2024
Abatement Start Time: 0845
Abatement End Time: 0945

Fee	Amount
Disposal Cost Recovery	\$118.32
Employee Rate	\$165.00
Equipment Rate	\$321.00
Tires Removed	\$7.00
Total Fee: \$611.32	

Method of Compliance: Junk and trash was removed from the property and all of yard mowed.

- 4 full time employees
- 3 temps.
- 2 truck & trailers
- 1 Bulk truck
- 1 Grasshopper mower

Logan West
Code Enforcement Officer

07/03/2024
Date







Ernest B. Cate
City Attorney
ecate@springdalear.gov

Taylor Samples
Senior Deputy City Attorney
tsamples@springdalear.gov

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

Cameron Baker
Deputy City Attorney
cbaker@springdalear.gov



SPRINGDALE™
WE'RE MAKING IT HAPPEN

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

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

Steve Helms
Investigator
shelms@springdalear.gov

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

Christy Pianalto
File/Discovery Clerk
cpianalto@springdalear.gov

August 5, 2024

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

Tiffany Schmidt
610 N. Kansas Street
Springdale, AR 72764

RE: Notice of clean-up lien on property located at 610 N. Kansas, Springdale, Washington County, Arkansas, Tax Parcel No. 815-21001-000

Dear Property Owner/Lienholder:

On May 10 and July 3, 2024, a notice was posted on property located at 610 N. Kansas Street, Springdale, Arkansas, that the property was in violation of Springdale City Ordinance 42-77 and 42-78, and needed to be remedied within seven (7) days. Notice was mailed to the owner of record on May 10, 2024 that the City intended to seek a clean-up lien on this property pursuant to Ark. Code Ann. §14-54-903 if the violations were not remedied. The notice also applied to any violations that may be found on the property within the next 12 months.

Subsequent to the above-referenced violation notice being issued, a city code violation was found to have existed on the property. As a result, the City of Springdale took action to remedy the violations on the property, as is allowed by Ark. Code Ann. §14-54-903, on or about July 3, 2024. As of this date, the total costs incurred by the City of Springdale to clean this property are \$611.32. I have enclosed an invoice evidencing the abatement costs incurred and paid by the City of Springdale to clean this property. Also, in accordance with Ark. Code Ann. §14-54-903(c)(4), administrative fees may be added to the total costs incurred by the City of Springdale, which will include certified mailing fee in the amount of \$7.53 per letter and a filing fee in the amount of \$15.00 to the Washington County Circuit Court.

This is to notify you that in the event this amount is not paid to the City of Springdale on or before September 4, 2024 a hearing confirming the amount of the lien will be held before the Springdale City Council pursuant to Ark. Code Ann. §14-54-903 to determine the amount of the clean-up lien to which the City is entitled for cleaning up the property. The hearing confirming the amount of the lien will be held Tuesday, September 10, 2024, at 6:00 p.m. in the City Council Chambers at the City Administration Building, 201 Spring Street, Springdale, Arkansas. If this amount is paid prior to the hearing, no lien will be pursued.

Please remit the total sum of \$618.85, which includes \$611.32 for cleaning up the property and \$7.53 for certified mailing to the City of Springdale by the date listed above. Payment must be made payable to the City of Springdale and presented to the attention of Dixie Putt, Springdale City Attorney's Office, 201 Spring Street, Springdale, AR 72764. If you fail to pay this amount before the hearing, then an additional \$15.00 will be added for the costs of filing the ordinance with the Circuit Clerk's Office.

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

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

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

Sincerely,



Ernest B. Cate
City Attorney

Enclosures
EBC:dp

Tracking Number:

[Remove X](#)

9589071052700141425325

[Copy](#)

[Add to Informed Delivery \(https://informedelivery.usps.com/\)](https://informedelivery.usps.com/)

Feedback

Latest Update

Your item departed our USPS facility in LITTLE ROCK AR DISTRIBUTION CENTER on September 4, 2024 at 9:34 am. The item is currently in transit to the destination.

Get More Out of USPS Tracking:

[USPS Tracking Plus®](#)

Moving Through Network

Departed USPS Regional Facility

LITTLE ROCK AR DISTRIBUTION CENTER
September 4, 2024, 9:34 am

Arrived at USPS Regional Facility

LITTLE ROCK AR DISTRIBUTION CENTER
September 4, 2024, 1:08 am

[See All Tracking History](#)

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

[Text & Email Updates](#)



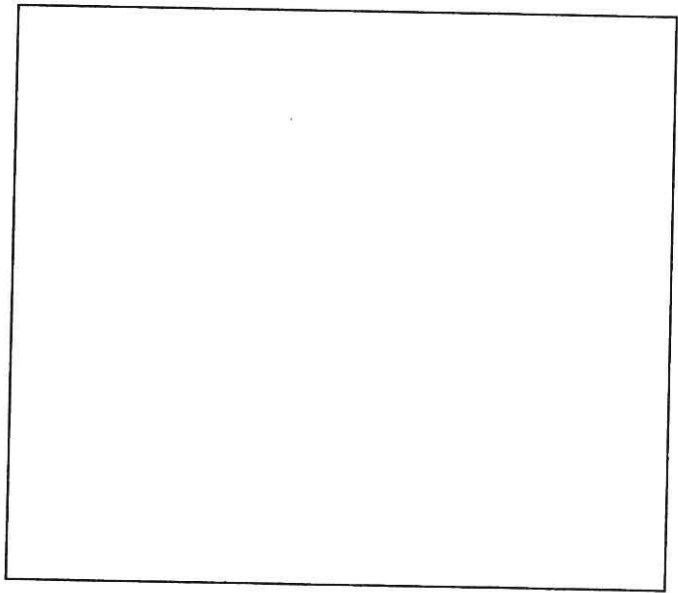
[USPS Tracking Plus®](#)



[Product Information](#)



ORDINANCE NO. _____



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

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

PROPERTY OWNER: Dream Structures Investment Properties LLC
LEGAL DESCRIPTION: Lot 60, Thornbury Subdivision, Phase IV, to the City of Springdale, Benton County, Arkansas, as shown in Final Plat Record "2002" at pages 206 and 207
LAYMAN'S DESCRIPTION: Lankinshire Parcel 21-01159-000
PARCEL NO.: 21-01159-000

PROPERTY OWNER: Steve and Teresa Fisher
LEGAL DESCRIPTION: Lot 59, Thornbury Subdivision, Phase IV, Springdale, Benton County, Arkansas, as shown in Plat Record 23A at Page 25, Plat Records of Benton County, Arkansas.
LAYMAN'S DESCRIPTION: Lankinshire Parcel 21-01158-000
PARCEL NO.: 21-01158-000

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:

- \$358.32 clean-up costs and \$22.53 administrative costs – Lankinshire Parcel (21-01159-000)
- \$358.32 clean-up costs and \$22.53 administrative costs – Lankinshire Parcel (21-01158-000)

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

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

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

\$380.85, plus 10% for collection – Lankinshire Parcel (21-01159-000)

\$380.85, plus 10% for collection – Lankinshire Parcel (21-01158-000)

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 10th day of September, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

City Abatement

City of Springdale
Neighborhood Service
201 Spring Street
Springdale, AR 72764
479-756-7712
Case Number: 2403172



Date: 07/01/2024
Status: Abated
Property: LANKINSHIRE PL
City, State, Zip: ,

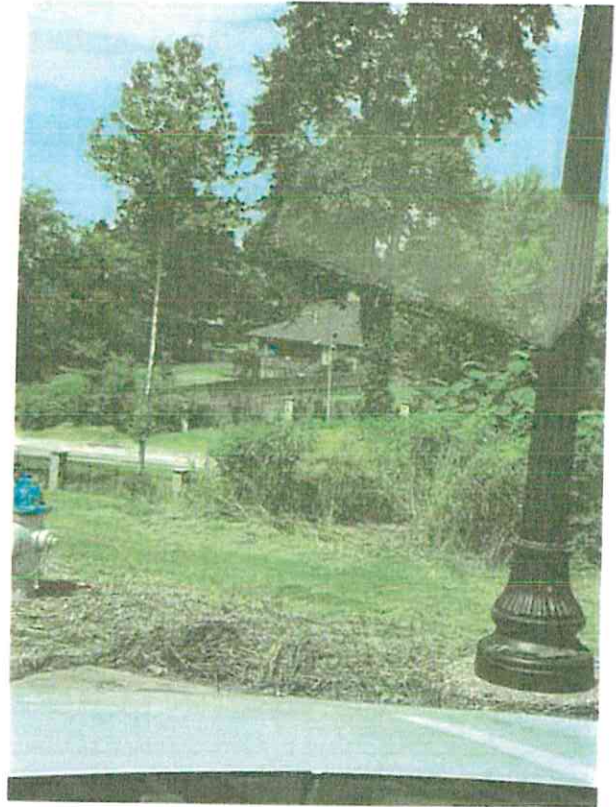
Officer on Site: Logan West
Abatement Type: Lien
Abatement Date: 06/28/2024
Abatement Start Time: 0800
Abatement End Time: 0900

Fee	Amount
Disposal Cost Recovery	\$118.32
Employee Rate	\$60.00
Equipment Rate	\$180.00
Total Fee: \$358.32	

Method of Compliance: Property was brush hog by 2 full time and 3 part time City Employees.

Logan West
Code Enforcement Officer

06/28/2024
Date



Ernest B. Cate
City Attorney
ecate@springdalear.gov

Taylor Samples
Senior Deputy City Attorney
tsamples@springdalear.gov

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

Cameron Baker
Deputy City Attorney
cbaker@springdalear.gov



SPRINGDALETM
WE'RE MAKING IT HAPPEN

OFFICE OF CITY ATTORNEY

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

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

Steve Helms
Investigator
shelms@springdalear.gov

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

Christy Pianalto
File/Discovery Clerk
cpianalto@springdalear.gov

July 29, 2024

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

Dream Structures, LLC
P.O. Box 39
Lowell, AR 72745

RE: Notice of clean-up lien on property located at Lankinshire Parcel, Springdale, Benton County, Arkansas, Tax Parcel No. 21-01159-000

Dear Property Owner/Lienholder:

On June 24, 2024 notice was posted on property located at Parcel No. 21-01159-000, Springdale, Arkansas, that the property was in violation of Springdale City Ordinance 42-77 and 42-78, and needed to be remedied within seven (7) days. Notice was originally mailed to the owner of record on April 9, 2024, that the City intended to seek a clean-up lien on this property pursuant to Ark. Code Ann. §14-54-903 if the violations were not remedied. The notice also applied to any violations that may be found on the property within the next 12 months.

Subsequent to the above-referenced violation notice being issued, a city code violation was found to have existed on the property. As a result, the City of Springdale took action to remedy the violations on the property, as is allowed by Ark. Code Ann. §14-54-903, on or about July 1, 2024. As of this date, the total costs incurred by the City of Springdale to clean this property are \$358.32. I have enclosed an invoice evidencing the abatement costs incurred and paid by the City of Springdale to clean this property. Also, in accordance with Ark. Code Ann. §14-54-903(c)(4), administrative fees may be added to the total costs incurred by the City of Springdale, which will include certified mailing fee in the amount of \$7.53 per letter and a filing fee in the amount of \$15.00 to the Benton County Circuit Court.

This is to notify you that in the event this amount is not paid to the City of Springdale on or before September 4, 2024, a hearing confirming the amount of the lien will be held before the Springdale City Council pursuant to Ark. Code Ann. §14-54-903 to determine the amount of the clean-up lien to which the City is entitled for cleaning up the property. The hearing confirming

the amount of the lien will be held Tuesday, September 10, 2024, at 6:00 p.m. in the City Council Chambers at the City Administration Building, 201 Spring Street, Springdale, Arkansas. If this amount is paid prior to the hearing, no lien will be pursued.

Please remit the total sum of \$365.85, which includes \$358.32 for cleaning up the property and \$7.53 for certified mailings to the City of Springdale by the date listed above. Payment must be made payable to the City of Springdale and presented to the attention of Dixie Putt, Springdale City Attorney's Office, 201 Spring Street, Springdale, AR 72764. If you fail to pay this amount before the hearing, then an additional \$15.00 will be added for the costs of filing the ordinance with the Circuit Clerk's Office.

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

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

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

Sincerely,



Ernest Cate
City Attorney

Enclosures
EBC:dp

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Dream Structures
P.O. Box 39
Lowell, AR 72745



9590 9402 8146 3030 4445 59

2. Article Number (Transfer from service label)

1589 0710 5270 0141 4253 18

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Handwritten Signature]

- Agent
- Addressee

B. Received by (Printed Name)

Steve Fisher

C. Date of Delivery

8-5-22

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

PO Box 39


3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Insured Mail
 - Insured Mail Restricted Delivery (over \$500)
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

Domestic Return Receipt



Bank of America

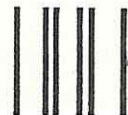
OFFICE OF THE
CITY ATTORNEY
201 NORTH SPRING STREET
SPRINGDALE, ARKANSAS 72764



United States Postal Service

9590 9402 8146 3030 4445 59

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



AR 727



USPS TRACKING #

City Abatement

City of Springdale
Neighborhood Service
201 Spring Street
Springdale, AR 72764
479-756-7712
Case Number: 2403171



Date: 07/01/2024
Status: Abated
Property: LANKINSHIRE PL
City, State, Zip: Springdale, Arkansas

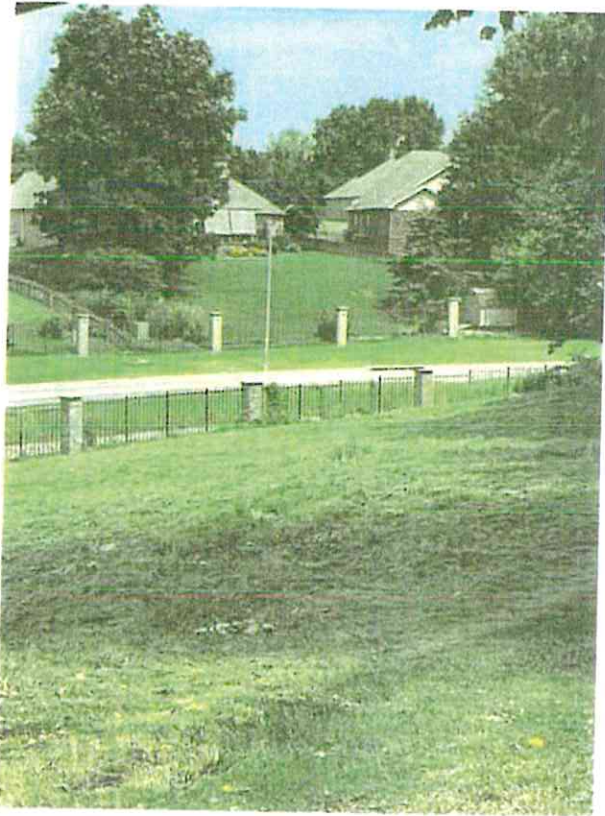
Officer on Site: Ricardo Calderon
Abatement Type: Lien
Abatement Date: 06/28/2024
Abatement Start Time: 0900
Abatement End Time: 1000

Fee	Amount
Disposal Cost Recovery	\$118.32
Employee Rate	\$60.00
Equipment Rate	\$180.00
Total Fee: \$358.32	

Method of Compliance: Property was mowed by 2 full time employees and 3 temps. and 2 brush hogs.

Ricardo Calderon
Code Enforcement Officer

06/28/2024
Date





Ernest B. Cate
City Attorney
ecate@springdalear.gov

Taylor Samples
Senior Deputy City Attorney
tsamples@springdalear.gov

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

Cameron Baker
Deputy City Attorney
cbaker@springdalear.gov



SPRINGDALE[™]
WE'RE MAKING IT HAPPEN

OFFICE OF CITY ATTORNEY

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

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

Steve Helms
Investigator
shelms@springdalear.gov

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

Christy Pianalto
File/Discovery Clerk
cpianalto@springdalear.gov

July 29, 2024

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

Steve and Teresa Fisher
P.O. Box 39
Lowell, AR 72745

RE: Notice of clean-up lien on property located at Lankinshire Parcel, Springdale, Benton County, Arkansas, Tax Parcel No. 21-01158-000

Dear Property Owner/Lienholder:

On June 24, 2024 notice was posted on property located at Parcel No. 21-01158-000, Springdale, Arkansas, that the property was in violation of Springdale City Ordinance 42-77 and 42-78, and needed to be remedied within seven (7) days. Notice was originally mailed to the owner of record on April 9, 2024, that the City intended to seek a clean-up lien on this property pursuant to Ark. Code Ann. §14-54-903 if the violations were not remedied. The notice also applied to any violations that may be found on the property within the next 12 months.

Subsequent to the above-referenced violation notice being issued, a city code violation was found to have existed on the property. As a result, the City of Springdale took action to remedy the violations on the property, as is allowed by Ark. Code Ann. §14-54-903, on or about July 1, 2024. As of this date, the total costs incurred by the City of Springdale to clean this property are \$358.32. I have enclosed an invoice evidencing the abatement costs incurred and paid by the City of Springdale to clean this property. Also, in accordance with Ark. Code Ann. §14-54-903(c)(4), administrative fees may be added to the total costs incurred by the City of Springdale, which will include certified mailing fee in the amount of \$7.53 per letter and a filing fee in the amount of \$15.00 to the Benton County Circuit Court.

This is to notify you that in the event this amount is not paid to the City of Springdale on or before September 4, 2024, a hearing confirming the amount of the lien will be held before the Springdale City Council pursuant to Ark. Code Ann. §14-54-903 to determine the amount of the clean-up lien to which the City is entitled for cleaning up the property. The hearing confirming

the amount of the lien will be held Tuesday, September 10, 2024, at 6:00 p.m. in the City Council Chambers at the City Administration Building, 201 Spring Street, Springdale, Arkansas. If this amount is paid prior to the hearing, no lien will be pursued.

Please remit the total sum of \$365.85, which includes \$358.32 for cleaning up the property and \$7.53 for certified mailings to the City of Springdale by the date listed above. Payment must be made payable to the City of Springdale and presented to the attention of Dixie Putt, Springdale City Attorney's Office, 201 Spring Street, Springdale, AR 72764. If you fail to pay this amount before the hearing, then an additional \$15.00 will be added for the costs of filing the ordinance with the Circuit Clerk's Office.

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

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

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

Sincerely,



Ernest Cate
City Attorney

Enclosures
EBC:dp

9590 9402 8146 3030 4445 66
 0158 000
 Jankins

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



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

United States Postal Service

9590 9402 8146 3030 4445 66

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



AR 727
 AR 727
 AR 727

USPS TRACKING#

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Steve and Teresa Fisher
 P.O. Box 39
 Lowell, AR 72745



9590 9402 8146 3030 4445 66

2. Article Number (Transfer from service label)

9589 0710 5270 0141 4253 01

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Steve Fisher Addressee

B. Received by (Printed Name) C. Date of Delivery
Steve Fisher *8-25-25*

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No
PO Box 39

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Insured Mail
 - Insured Mail Restricted Delivery (over \$500)
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Signature Confirmation®
 - Signature Confirmation Restricted Delivery

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

Domestic Return Receipt

SPRINGDALE CITY COUNCIL
AUGUST 27, 2024

The City Council of the City of Springdale met in regular session on Tuesday, August 27, 2024 in the Council Chambers, City Administration Building. Mayor Doug Sprouse called the meeting to order at 6:00 p.m.

Roll call was answered by:

Doug Sprouse	Mayor
Brian Powell	Ward 3
Amelia Taldo	Ward 4
Jeff Watson	Ward 3
Mike Overton	Ward 2
Mike Lawson	Ward 1
Rex Bailey	Ward 2
Randall Harriman	Ward 1
Mark Fougerousse	Ward 4
Ernest Cate	City Attorney
Denise Pearce	City Clerk/Treasurer

Department heads present:

Frank Gamble	Police Chief
Blake Holte	Fire Chief
Patsy Christie	Planning Director
Ben Peters	Engineering Director
Mike Chamlee	Buildings Director
Ron Findley	Neighborhood Services Director
James Smith	Public Works Director
Chad Wolfe	Parks & Rec. Director
Anne Gresham	Library Director
Angie Albright	Shiloh Museum Director

APPROVAL OF MINUTES

Council Member Taldo moved the minutes of the August 13, 2024 City Council meeting be approved as presented. Council Member Overton made the second.

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

ORDINANCES AND RESOLUTIONS READ BY TITLE ONLY

Council Member Taldo 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 Harriman made the second.

After the vote was taken, motion carried unanimously by 8-0.

ORDINANCE NO. 5993 – (R24-37) REZONING TWO PARCELS OWNED BY J. MILLER HOLDINGS, LLC, LOCATED AT 3510 AND 3476 MCRAY AVENUE, FROM A-1 TO C-2; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning (R24-37) two parcels owned by J. Miller Holdings, LLC, located at 3510 and 3476 McRay Avenue, from A-1 to C-2; and declaring an emergency.

Planning Commission recommended approval at their meeting.

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

After the vote was taken, motion carried unanimously by 8-0.

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

After the vote was taken, motion carried unanimously by 8-0.

The Ordinance was numbered 5993.

ORDINANCE NO. 5994 – (R24-38) REZONING 1.88 ACRES OWNED BY MARIA DEL CARMEN MARTINEZ, LOCATED AT 413 W. AR HWY. 264, FROM A-1 AND SF-1 TO C-5; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning (R24-38) 1.88 acres owned by Maria del Carmen Martinez, located at 413 W. AR Hwy. 264, from A-1 and SF-1 to C-5; and declaring an emergency.

Planning Commission recommended approval at their meeting.

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

After the vote was taken, motion carried unanimously by 8-0.

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

After the vote was taken, motion carried unanimously by 8-0.

The Ordinance was numbered 5994.

RESOLUTION NO. 106-24 – APPROVING A CONDITIONAL USE APPEAL (C24-11) REQUEST BY EVOLUTION REAL ESTATE, LLC (PICKLE JUNCTION SUBDIVISION) FOR A TANDEM LOT SPLIT IN A C-1 ZONE AT W. EMMA AVENUE, SOUTH OF 3377 W. HUNTSVILLE AVENUE AS SET FORTH IN ORDINANCE NO. 4030

Planning Director Patsy Christie presented a Resolution approving a conditional use appeal (C24-11) request by Evolution Real Estate, LLC, (Pickle Junction Subdivision) for a tandem lot split in a C-1 Zone at E. Emma Avenue, south of 3377 W. Huntsville Avenue as set forth in Ordinance No. 4030.

Planning Commission recommended approval at their meeting.

RESOLUTION NO. ____

A RESOLUTION APPROVING A CONDITIONAL USE (C24-11) AT W. EMMA AVENUE, SOUTH OF 3377 W. HUNTSVILLE AVENUE AS SET FORTH IN ORDINANCE NO. 4030

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

WHEREAS, the Planning Commission held a public hearing on August 6, 2024, on a request by Evolution Real Estate, LLC (Pickle Junction Subdivision) for a conditional use for a Tandem Lot Split in a C-1 (Neighborhood Commercial District) at W. Emma Avenue, S. of 3377 W. Huntsville Avenue; and,

WHEREAS, following the public hearing the Planning Commission by a vote of eight (8) yes and zero (0) no, recommends that a conditional use be granted to Evolution Real Estate, LLC (Pickle Junction Subdivision) for a conditional use for a Tandem Lot Split in a Neighborhood Commercial District (C-1) at W. Emma Avenue, south of 3377 W. Huntsville Avenue with the following conditions – No conditions set.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to Evolution Real Estate, LLC (Pickle Junction Subdivision) for a conditional use for a Tandem Lot Split in a Neighborhood Commercial District (C-1) at W. Emma Avenue, south of 3377 W. Huntsville Avenue with the following conditions – No conditions set.

PASSED AND APPROVED THIS ____ DAY OF AUGUST, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

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

After the vote was taken, motion carried unanimously by 8-0.

The Resolution was numbered 106-24.

RESOLUTION NO. 107-24 - APPROVING A WAIVER (W24-14) OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS, SIDEWALKS, AND STREET LIGHTS AS SET FORTH IN ORDINANCE NO. 3725 TO CLAYTON STREET BUSINESS PARK, IN CONNECTION WITH PP24-12, A PRELIMINARY PLAT

Planning Director Patsy Christie presented a Resolution approving a waiver (W24-14) of street improvements, drainage, curbs, gutters, sidewalks, and street lights as set forth in Ordinance No. 3725 to Clayton Street Business Park, in connection with PP24-12, a preliminary plat.

Planning Commission recommended approval at their meeting.

Council Member Taldo moved the Resolution be adopted with Option 1. Council Member Harriman made the second.

RESOLUTION NO. ____

A RESOLUTION APPROVING A WAIVER (W24-14) OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS, SIDEWALKS, AND STREET LIGHTS AS SET FORTH IN ORDINANCE NO. 3725 TO CLAYTON STREET BUSINESS PARK, IN CONNECTION WITH PP24-12, A PRELIMINARY PLAT

WHEREAS, Ordinance #3047 provides for the waiver (W24-14) of street improvements, drainage relating thereto, curbs, gutters, sidewalks, and street lights to be first heard by the Planning Commission and a recommendation made to the City Council, with any waivers to be granted by the City Council only; and,

WHEREAS, the Planning Commission reviewed a request for waiver (W24-14) of street improvements to NE of Clayton Street including drainage improvements related thereto, curbs, gutters, sidewalks, and street lights in connection with PP24-12, a Preliminary Plat for Clayton Street Business Park, and the Planning Commission recommends approval of the waiver request.

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

Option 1: Grants a waiver of street improvements to Clayton Street including drainage improvements related thereto, curbs, gutters, sidewalks, and street lights in connection with PP24-12, a Preliminary Plat for Clayton Street Business Park.

PASSED AND APPROVED THIS ____ DAY OF AUGUST, 2024.

Doug Sprouse, Mayor

ATTEST

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

After the vote was taken, motion carried unanimously by 8-0.

The Resolution was numbered 107-24.

RESOLUTION NO. 108-24 - APPROVING A WAIVER (W24-15) OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS, SIDEWALKS, AND STREET LIGHTS AS SET FORTH IN ORDINANCE NO. 3725 TO CREEKFRONT 49, IN CONNECTION WITH PP24-09, A PRELIMINARY PLAT

Planning Director Patsy Christie presented a Resolution approving a waiver (W24-15) of street improvements, drainage, curbs, gutters, sidewalks, and street lights as set forth in Ordinance No. 3725 to Creekfront 49, in connection with PP24-09, a preliminary plat.

Engineer Ben Peters explained the stub to the east will be constructed. The waiver is for the stub to the south. Once upon a time the Master Street Plan had a road that went from Wagon Wheel Road all the way down to Elm Springs Road. That is not going to work because of the creek and the bridge expense it would take so we want to bring a road from 45th Street east to 40th Street. The stub to the east will be built and in the next year or so engineering will probably be in front of council requesting a connection across the King property if we pursue the road.

Council Member Overton moved the Resolution be adopted with Option 1. Council Member Taldo made the second.

RESOLUTION NO. ____

A RESOLUTION APPROVING A WAIVER (W24-15) OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS, SIDEWALKS, AND STREET LIGHTS AS SET FORTH IN ORDINANCE NO. 3725 TO CREEKFRONT 49, IN CONNECTION WITH PP24-09, A PRELIMINARY PLAT.

WHEREAS, Ordinance #3047 provides for the waiver (W24-15) of street improvements, drainage relating thereto, curbs, gutters, sidewalks, and street lights to be first heard by the Planning Commission and a recommendation made to the City Council, with any waivers to be granted by the City Council only; and

WHEREAS, the Planning Commission reviewed a request for waiver (W24-15) of street improvements to N. 45th Street as indicated on the Master Street Plan including drainage improvements related thereto, curbs, gutters, sidewalks, and street lights in connection with Creekfront 49, PP24-09, a Preliminary Plat, and the Planning Commission recommends denial of the waiver request to deviate from the Master Street Plan requirement to provide a street stub out to the east.

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

Option 1: Grants a waiver of street improvements for the required stub out to the east for the future connection of N. 45th Street as indicated on the Master Street Plan including drainage improvements related thereto, curbs, gutters, sidewalks, and street lights in connection with PP24-09, a Preliminary Plat.

PASSED AND APPROVED THIS ____ DAY OF AUGUST, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

After the vote was taken, motion carried unanimously by 8-0.

The Resolution was numbered 108-24.

RESOLUTION NO. 109-24 - APPROVING A WAIVER (W24-16) OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS, SIDEWALKS, AND STREET LIGHTS AS SET FORTH IN ORDINANCE NO. 3725 TO SPRINGDALE INDUSTRIAL PARK, PH. II & PH. III., IN CONNECTION WITH L21-38, A LARGE-SCALE DEVELOPMENT

Planning Director Patsy Christie presented a Resolution approving a waiver (W24-16) of street improvements, drainage, curbs, gutters, sidewalks, and street lights as set forth in Ordinance No. 3725 to Springdale Industrial Park, Phase II and Phase III, in connection with L21-38, a Large Scale Development.

Planning Commission recommended denial of the waiver for street lights.

Rick Barrows said there are no street lights at Ford and Turnbow so it seems like the precedent has already been set for that area. They wanted to get rid of the power poles and to light this would require 4-5 power poles to come in from the back end of the property according to Swepeco.

Council Member Bailey moved the Resolution be adopted with Option 1. Council Member Overton made the second.

RESOLUTION NO. ____

A RESOLUTION APPROVING A WAIVER (W24-16) OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS, SIDEWALKS, AND STREET LIGHTS AS SET FORTH IN ORDINANCE NO. 3725 TO SPRINGDALE INDUSTRIAL PARK, PH. II & PH. III., IN CONNECTION WITH L21-38, A LARGE-SCALE DEVELOPMENT.

WHEREAS, Ordinance #3047 provides for the waiver (W24-16) of street improvements, drainage relating thereto, curbs, gutters, sidewalks, and street lights to be first heard by the Planning Commission and a recommendation made to the City Council, with any waivers to be granted by the City Council only; and

WHEREAS, the Planning Commission reviewed a request for waiver (W24-16) of street improvements to Turnbow Avenue including improvements related thereto street lights in connection with 1923 Turnbow Avenue L21-38, a Large-Scale Development, and the Planning Commission recommends denial of the waiver request.

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

Option 1: Grants a waiver of street improvements to Turnbow Avenue including improvements related thereto street lights in connection with L21-38, a Large-Scale Development.

PASSED AND APPROVED THIS ____ DAY OF AUGUST, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

After the vote was taken, motion carried by 7-1 vote (Fougerousse voting no).

The Resolution was numbered 109-24.

RESOLUTION NO. 110-24 – AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL DESIGN CONTRACT FOR DEAN’S TRAIL PROJECT

Engineering Director Ben Peters presented a Resolution authorizing an amendment to the professional design contract with Garver LLC for Dean’s Trail Phases 3A and 3B, in the amount of \$452,820. Payment will be made out of the Street Fund.

Additional professional services were required to value engineer trail crossing designs in order to reduce construction costs, to redesign the Phase 3B Highway 265 crossing from a tunnel to a bridge, and to provide Construction Phase Services for Phase 3B and these additional services are outside the scope of the original design.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL DESIGN CONTRACT FOR DEAN’S TRAIL PROJECT

WHEREAS, The City of Springdale contracted with Garver, LLC for the design of Dean’s Trail Phases 3A and 3B on October 15, 2018; and

WHEREAS, additional professional services were required to value engineer trail crossing designs in order to reduce construction costs, to redesign the Phase 3B Highway 265 crossing from a tunnel to a bridge, and to provide Construction Phase Services for Phase 3B

WHEREAS, these additional services are outside the scope of the original design contract;

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

Section 1. The Mayor and City Clerk are authorized to execute a contract amendment with Garver LLC for the amount of \$452,820 for Dean’s Trail Phases 3A and 3B. Payment will be made out of the Street Fund.

Section 2. The Mayor is authorized to approve change orders up to 10% of the revised agreement price.

PASSED AND APPROVED this ____ day of August, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

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

After the vote was taken, motion carried by 7-0-1 vote (Powell Abstained).

The Resolution was numbered 110-24.

RESOLUTION NO. 111-24 – AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT FOR LAKE SPRINGDALE TRAIL REPAIRS

Engineering Director Ben Peters presented a Resolution authorizing the execution of a construction contract with Stewart’s Asphalt Paving Service for Lake Springdale trail repairs in the amount of \$134,267.19. This will be paid out of the Street Fund.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT FOR LAKE SPRINGDALE TRAIL REPAIRS

WHEREAS, sealed bids were received on August 13th at 2:00 p.m. for the construction of Lake Springdale Trail Repairs; and

WHEREAS, two bids were received with Stewart’s Asphalt Paving Service being the low bidder for this project at \$134,267.19;

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 Stewart’s Asphalt Paving Service for construction of the Lake Springdale Trail Repairs for \$134,267.19 to be paid for out of the Street Fund.

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 ____ day of August, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

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

After the vote was taken, motion carried by 8-0 vote.

The Resolution was numbered 111-24.

RESOLUTION NO. 112-24 – AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT FOR CONSULTING SERVICES WITH MERCHANT MCINTYRE ASSOCIATES

Anna McKinney, Mayor’s Assistant, presented a Resolution authorizing the execution of a professional services agreement with Merchant McIntyre Associates for consulting and procurement of federal grants and earmark funding, in the amount not to exceed \$32,000.00. This will be paid out of the Administrative Professional Services portion of the 2024 Budget.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT FOR CONSULTING SERVICES

WHEREAS, the City of Springdale is increasing its pursuit of federal grants and earmark funding, and

WHEREAS, federal grants and earmarks are funded by taxpayer dollars, and

WHEREAS, it is in the best interest of our residents to recoup as many of our taxpayer dollars to offset the cost of capital projects and budgeted items, and

WHEREAS, the agreement will be funded by the Professional Services line item in the 2024 budget.

WHEREAS, the price not to exceed amount for consulting and the procurement of grant and earmark funding shall be \$32,000.

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 enter into a professional services agreement with Merchant McIntyre Associates for consulting and procurement of grants and earmark funding, in an amount not to exceed \$32,000.00, which shall be paid from the Administrative Professional Services portion of the 2024 budget.

PASSED AND APPROVED this ____ day of August, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

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

After the vote was taken, motion carried by 8-0 vote.

The Resolution was numbered 112-24.

RESOLUTION NO. 113-24 – AUTHORIZING AN AMENDMENT TO THE DESIGN CONTRACT FOR MURPHY PARK DOWNSTREAM DRAINAGE UPGRADE

Engineering Director Ben Peters presented a Resolution authorizing an amendment to the design contract with Halff Engineering for Murphy Park downstream drainage upgrade, in the amount of \$39,200. This will be paid out of the Unrestricted General Fund.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE DESIGN CONTRACT FOR MURPHY PARK DOWNSTREAM DRAINAGE UPGRADE

WHEREAS, the collapsed drainage structure under 913 Wilkinson Ave has been mitigated;

WHEREAS, the existing storm sewer from Wilkinson Ave upstream to Murphy Park is both inadequate and failing;

WHEREAS, an economical stormwater route in accordance with the City’s drainage manual is not available:

WHEREAS, 2D modeling of the existing system with some alternatives analysis is required to develop an economic solution;

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

- 1) The Mayor and City Clerk are hereby authorized to execute a design amendment with Halff engineering for a drainage system from Murphy Park to Wilkinson Ave in the amount of \$39,200 to be paid for out of the Unrestricted General Fund.
- 2) The Mayor is authorized to approve change orders up to 10% of the amended contract amount.

PASSED AND APPROVED THIS _____ DAY OF AUGUST, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

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

After the vote was taken, motion carried by 8-0 vote.

The Resolution was numbered 113-24.

RESOLUTION NO. 114-24 – AUTHORIZING THE CITY OF SPRINGDALE TO APPLY FOR GRANT FUNDING FROM THE ARKANSAS DEPARTMENT OF PARKS, HERITAGE AND TOURISM TRAILS FOR LIFE PROGRAM

Engineering Director Ben Peters presented a Resolution authorizing the City of Springdale to apply for grant funding from the Arkansas Department of Parks, Heritage and Tourism Trails for Life Program.

The City wishes to apply for Great Strides/Trails for Life grant funds through the Arkansas Department of Parks, Heritage and Tourism to develop a smoke- free public trail at the following location: Mount Fitzgerald Mountain Bike Park. If approved, the City of Springdale will sign a contract agreeing to provide the necessary resources to maintain this park and facilities for a period of 25 years.

RESOLUTION NO. ____

**A RESOLUTION AUTHORIZING THE CITY OF
SPRINGDALE TO APPLY FOR GRANT FUNDING FROM
THE ARKANSAS DEPARTMENT OF PARKS, HERITAGE
AND TOURISM TRAILS FOR LIFE PROGRAM**

WHEREAS, the City of Springdale, Arkansas recognizes the need to provide public recreation facilities for its local citizens and visitors, and

WHEREAS, the City wishes to apply for Great Strides/Trails for Life grant funds through the Arkansas Department of Parks, Heritage and Tourism to develop a smoke- free public trail at the following location: Mount Fitzgerald Mountain Bike Park; and

WHEREAS, the Mayor and the City Council understand that if granted funds for park development, they must provide land, by lease or ownership, on which to develop park facilities; and

WHEREAS, the City of Springdale, Arkansas will sign a contract agreeing to provide the necessary resources to maintain this park and facilities for a period of 25 years;

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

Section 1 - The Mayor is hereby authorized to submit an application for grant funding to the Arkansas Department of Parks, Heritage and Tourism to develop a public trail.

PASSED AND APPROVED this ____ day of August, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

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

After the vote was taken, motion carried by 8-0 vote.

The Resolution was numbered 114-24.

ORDINANCE NO. 5995 - ORDERING THE RAZING (DEMOLITION) AND REMOVAL OF A CERTAIN RESIDENTIAL STRUCTURE WITHIN THE CITY OF SPRINGDALE, ARKANSAS, LOCATED AT 305 W. MAPLE AVENUE; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Council Member Jeff Watson presented an Ordinance ordering the razing (demolition) and removal of a certain residential structure with the City of Springdale, located at 305 W. Maple Avenue; to declare an emergency and for other purposes.

Mapleworks, LLC, is the owner of the property and has been properly notified. The structure on the property is in violation of various ordinances of the City of Springdale, as well as the Property Maintenance Code of the City of Springdale

Hall Frost, Attorney representing the owner, read a statement from the Hollis Family expressing opposition to this ordinance. They asked for another 30 days.

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

After the vote was taken, motion carried 7-0-1 (Bailey Abstaining).

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

After the vote was taken, motion carried unanimously by 8-0.

The Ordinance was numbered 5995.

ORDINANCE NO. 5996 – CONFIRMING A THIRD AMENDMENT TO AN INTERMUNICIPAL SEWER AGREEMENT BETWEEN THE CITY OF SPRINGDALE, ARKANSAS, AND THE CITY OF LOWELL, ARKANSAS; AND DECLARING AN EMERGENCY

City Attorney Ernest Cate presented an Ordinance confirming a third amendment to an inter-municipal sewer agreement between the City of Springdale and the City of Lowell; and declaring an emergency.

On October 11, 2005, the City Council for the City of Springdale passed Ordinance No. 3769, authorizing and confirming an inter-municipal sewer agreement with the City of Lowell, Arkansas, to provide sanitary sewer service within the City of Lowell.

On August 27, 2013, the City Council for the City of Springdale passed Ordinance No. 4730, which confirmed an amendment to the inter-municipal sewer agreement with the City of Lowell.

On September 13, 2022, the City Council for the City of Springdale passed Ordinance No. 5759, which confirmed a second amendment to the inter-municipal sewer agreement with the City of Lowell.

The parties desire to amend the terms and conditions of the inter-municipal sewer agreement with the City of Lowell, Arkansas.

The agreement that the City of Springdale has with Lowell is the lines are paid for by the City of Lowell but maintained by the City of Springdale. So, every time additional lines are placed in the City of Lowell, this agreement has to be amended so the City of Springdale will maintain those lines in the ground.

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

After the vote was taken, motion carried unanimously 8-0.

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

After the vote was taken, motion carried unanimously by 8-0.

The Ordinance was numbered 5996.

RESOLUTION NO. 115-24 - AUTHORIZING THE EXPENDITURE OF TOWER RENT FUNDS FOR THE REPLACEMENT OF FALL PROTECTION SURFACE FOR THE KIWANIS PLAYGROUND AT LUTHER GEORGE PARK

Engineering Director Ben Peters presented a Resolution authorizing the expenditure of tower rent funds for the replacement of fall protection surface for the Kiwanis Playground at Luther George Park. City Council adopted Resolution 48-24 authorizing the replacement of the playground surface as part of the playground construction to be funded by ARPA funds. This Resolution authorizes the use of tower rent funds to pay for this which is restricted to Luther George Park maintenance. This will free the ARPA funds to be used for something else.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE EXPENDITURE OF TOWER RENT FUNDS FOR THE REPLACEMENT OF FALL PROTECTION SURFACE FOR THE KIWANIS PLAYGROUND AT LUTHER GEORGE PARK

WHEREAS, the City of Springdale has a tower rent fund generated from the cell tower rental at Luther George Park; and

WHEREAS, the tower rent fund is restricted to maintenance items at Luther George Park; and

WHEREAS, Resolution 48-24 authorized the replacement of the playground surface as part of the playground construction funded by ARPA funds;

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 utilize Tower Rent Funds to replace the fall protection surface of the Kiwanis playground at Luther George Park.

PASSED AND APPROVED this ____ day of August, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

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

After the vote was taken, motion carried by 8-0 vote.

The Resolution was numbered 115-24.

ORDINANCE NO. 5997 – 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; AND DECLARING AN EMERGENCY

City Attorney Ernest Cate presented an Ordinance authorizing the City Clerk to file a clean-up lien for the removal of overgrown brush and debris on property located within the City of Springdale; and declaring an emergency. There are two properties:

Dream Structures Investment Properties 2, LLC – 2234 Carefree Lane
Kenneth L. Collins – 3601 Falcon Road

Planning Commission recommended approval at their meeting.

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

After the vote was taken, motion carried unanimously by 8-0.

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

After the vote was taken, motion carried unanimously by 8-0.

The Ordinance was numbered 5997.

SEPTEMBER CITY COUNCIL COMMITTEE MEETING

The City Council Committee meeting will be held on Wednesday, September 4, 2024, at 5:30 p.m. instead of September 2nd, due to the Labor Day Holiday.

ADJOURNMENT

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

After a voice vote of all ayes and no nays, the meeting adjourned at 6:43 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer