

SCHEDULED COMMITTEE MEETINGS to be held in the Multi-Purpose Room #236, second floor of the City Administration Building, 201 Spring Street:

- Monday, May 16<sup>th</sup>, 5:30 p.m. is the next Committee meetings.
  - Committee agendas will be available on Friday, May 13<sup>th</sup>, 2016.

SPRINGDALE CITY COUNCIL  
REGULAR MEETING  
TUESDAY, MAY 10<sup>th</sup>, 2016

5:55 p.m. Pre Meeting Activities

Pledge of Allegiance  
Invocation – MIKE LAWSON

6:00 p.m. OFFICIAL AGENDA

1. Large Print agendas are available at the back of the room, next to the main entrance.
2. Call to Order - Mayor Doug Sprouse
3. Roll Call – Denise Pearce, City Clerk  
  
Recognition of a Quorum.
4. Comments from Citizens  
  
The Council will hear brief comments from citizens 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  
  
a) April 26<sup>th</sup>, 2016 (3-14)
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 numbers....12; 13; 14; 15* (Motion must be approved by two-thirds (2/3) of the council members).
7. Proclamations:  
  
Kids to Park Day by Mayor Doug Sprouse (15)
8. Public Hearing on the 2016 Community Development Block Grant Annual Action Plan
9. Community Development Block Grant Committee Report and Recommendations by Chairman Mike Lawson  
  
A Resolution adopting and approving the 2016 Annual Action Plan for the Community Development Block Grant Program, presented by Ernest Cate, City Attorney. (16)
10. A Resolution setting a hearing date on a petition to vacate Cherryhill Avenue, presented by Ernest B. Cate, City Attorney. (17-18)

11. Street & CIP Committee Report and Recommendations by Chairman Rick Evans:
  - A. **A Resolution** authorizing funds from the Capital Improvement Project Fund for the Springdale Municipal Airport. Committee recommended approval. (19-20)
  - B. **A Resolution** authorizing an administrative settlement for Tract 17 on the Cambridge Street Improvements Project (CP-1511). Item presented by: James Breakfield, Staff Engineer. (21-37)
  - C. **A Resolution** authorizing the City Attorney to settle a condemnation lawsuit wherein Johnny L. Bakker, et al, are defendants. Committee recommended approval. (38-50)
  - D. **A Resolution** authorizing the City Attorney to settle two condemnation lawsuits wherein Ray N. Dotson and Lesa G Dotson, et al, are defendants. Committee recommended approval. (51-56)
12. Planning Commission Report and Recommendations by Patsy Christie, Director of Planning:

**An Ordinance** accepting the re-plat of Lots 37 and 38 of the Enclave to the City of Springdale Arkansas, and declaring an emergency. (57-58)
13. Ordinance Committee Report and Recommendations by Chairman Mike Overton:

**An Ordinance** amending Section 110-86 of the Code of Ordinances of the City of Springdale, Arkansas; declaring an emergency and for other purposes. Committee recommended approval. (59-61)
14. Health, Sanitation & Property Maintenance Committee by Chairman Jim Reed:

**An Ordinance** ordering the razing (demolition) and removal of a certain residential structure within The City of Springdale, Arkansas; to declare an emergency and for other purposes. (property located on East Huntsville Avenue, owned by Robby Z. Riggins) Committee recommended approval. (62-66)
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, Washington County, Arkansas. Item presented by Ernest Cate, City Attorney (67-97)
16. Comments from Department Heads.
17. Comments from Council Members.
18. Comments from City Attorney.
19. Comments from Mayor Doug Sprouse.
20. Adjournment.

SPRINGDALE CITY COUNCIL  
APRIL 26, 2016

The City Council of the City of Springdale met in regular session on April 26, 2016, in the City Council Chambers, City Administration Building. Mayor Doug Sprouse called the meeting to order at 6:00 p.m.

Roll call was answered by:

Doug Sprouse	Mayor
Rick Culver	Ward 3
Jeff Watson	Ward 3
Mike Overton	Ward 2
Eric Ford	Ward 1
Mike Lawson	Ward 4
Rick Evans	Ward 2
Jim Reed	Ward 1
Kathy Jaycox	Ward 4
Ernest Cate	City Attorney
Denise Pearce	City Clerk/Treasurer

Department heads present:

Wyman Morgan	Director of Finance & Admin.
Patsy Christie	Planning & Comm. Dev. Director
Mike Peters	Police Chief
Mike Irwin	Fire Chief
Sam Goade	Public Works Director
Mike Chamlee	Building Inspection Director
Bill Mock	Parks & Recreation Director
Brad Baldwin	Engineering Director
Melissa Reed	Public Relations Director

REPORT ON ECONOMIC DEVELOPMENT

Scott Edmondson, Director of Business Development with the Springdale Chamber of Commerce, gave a first quarter 2016 report on economic development in the City of Springdale. (Report on file in City Clerk's Office)

APPROVAL OF MINUTES

Alderman Reed moved the minutes of the April 12<sup>th</sup> and April 18<sup>th</sup>, 2016 City Council meetings be approved as presented. Alderman Jaycox made the second.

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

ORDINANCES AND RESOLUTIONS READ BY TITLE ONLY

Alderman Evans 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. Alderman Reed made the second.

The vote:

Yes: Watson, Overton, Ford, Lawson, Evans, Reed, Jaycox, Culver

No: None

RESOLUTION NO. 34-16 – MAKING AN APPOINTMENT TO THE SPRINGDALE CIVIL SERVICE COMMISSION (RE-APPOINTMENT OF DAVE CHAPMAN AND ERIC HARRIS)

Wyman Morgan presented a Resolution making an appointment to the Springdale Civil Service Commission.

Committee Chairman Overton said there were three applicants. One was not eligible. The committee proposed to re-appoint Eric Harris and Dave Chapman to the commission.

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION MAKING AN APPOINTMENT TO THE SPRINGDALE CIVIL SERVICE COMMISSION**

**WHEREAS**, Eric Harris and Dave Chapman have been serving on the Springdale Civil Service Commission and their terms have expired.

**WHEREAS**, the City Council for the City of Springdale finds that Eric Harris and Dave Chapman should be re-appointed to the Springdale Civil Service Commission for a six year term from April 1<sup>st</sup>, 2016 to April 1st, 2022;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that Eric Harris and Dave Chapman are hereby re-appointed to the Springdale Civil Service Commission for a six year term running from April 1, 2016, to April 1, 2022.

**PASSED AND APPROVED** this \_\_\_\_ day of April, 2016.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED:

\_\_\_\_\_  
Ernest B. Cate, City Attorney

Alderman Overton moved the Resolution be adopted. Alderman Jaycox made the second.

The vote:

Yes: Overton, Ford, Lawson, Evans, Reed, Jaycox, Culver, Watson

No: None

The Resolution was numbered 34-16.

RESOLUTION NO. 35-16 – AUTHORIZING THE TEMPORARY OPERATION OF A CARNIVAL AT PARSONS STADIUM RODEO ARENA (PRIDE AMUSEMENTS)

Wyman Morgan presented a Resolution authorizing the temporary operation of a carnival event at the Parsons Stadium Rodeo Arena located at 1423 E. Emma Avenue, put on by Betty Burlingame with Pride Amusements, LLC.

RESOLUTION NO. \_\_\_\_

**A RESOLUTION AUTHORIZING THE TEMPORARY  
OPERATION OF A CARNIVAL**

**WHEREAS**, Rick Culver, Executive Director from the Rodeo of the Ozarks has requested permission to conduct a Carnival entertainment event at the Parsons Stadium Rodeo Arena located at 1423 E. Emma Avenue, put on by Betty Burlingame with Pride Amusements, LLC; and

**WHEREAS**, Pride Amusements, LLC carnival dates will be Wednesday, May 25<sup>th</sup>, 2016 thru Sunday, May 29<sup>th</sup>, 2016, and

**WHEREAS**, the carnival's hours of operation will be Wednesday, May 25<sup>th</sup> thru Saturday, May 27<sup>th</sup>, 2016, from 4:00 p.m. – Midnight and Sunday, May 29<sup>th</sup>, 2016 from noon to 8:00 p.m.; and

**WHEREAS**, Sec. 26-43 of the Springdale Code of Ordinances provides that the operation of a carnival, sideshow or other similar amusement facility within the city must be approved by resolution adopted by the city council,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that Rick Culver, Executive Director with the Rodeo of the Ozarks and Ed Burlingame with the Pride Amusements, LLC., is hereby authorized to conduct a carnival entertainment event in Parsons Stadium Rodeo Arena located at 1423 E. Emma Avenue, May 25<sup>th</sup> thru May 29<sup>th</sup>, 2016, with the carnival opening and closing times listed above. In case of a rain out, the Mayor has the authority to reschedule this event.

**PASSED AND APPROVED** this \_\_\_\_ day of April, 2016.

\_\_\_\_\_  
Doug Sprouse, Mayor

**ATTEST:**

\_\_\_\_\_  
Denise Pearce, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Ernest B. Cate, City Attorney

Alderman Ford moved the Resolution be adopted. Alderman Lawson made the second.

The vote:

Yes: Ford, Lawson, Evans, Reed, Jaycox, Watson, Overton

No: None

Abstain: Culver

The Resolution was numbered 35-16.

RESOLUTION NO. 36-16 – AUTHORIZING FUNDS FOR MURPHY PARK  
RENOVATIONS IN THE AMOUNT OF \$222,000 TO BE PAID OUT OF CAPITAL  
IMPROVEMENT FUND

Alderman Lawson presented a Resolution authorizing the expenditure of a maximum of \$222,000 for Murphy Park renovations to be paid out of the Capital Improvement Projects Fund. The Capital Improvement Fund has approximately \$650,000 reserved for park land acquisition

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION AUTHORIZING FUNDS FOR MURPHY PARK  
RENOVATIONS**

**WHEREAS**, the City of Springdale is preparing to close out the 2012 Bond Park Construction Fund, and

**WHEREAS**, the 2012 Bond Park Construction Fund will have sufficient funds for the completion of the C. L. Charlie & Willie George Park in the south east part of Springdale, and

**WHEREAS**, after the close out of the 2012 Bond Park Construction Fund there will be a need of \$222,000 to complete the renovations to Murphy Park, and

**WHEREAS**, the Capital Improvement Fund has approximately \$650,000 reserved for park land acquisition;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that** the expenditure of a maximum of \$222,000 of funds reserved for park land acquisition in the Capital Improvement Projects Fund is hereby approved for completion of renovations to Murphy Park.

**PASSED AND APPROVED** this \_\_\_\_ day of April, 2016.

\_\_\_\_\_  
Doug Sprouse, Mayor

**ATTEST:**

\_\_\_\_\_  
Denise Pearce, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Ernest B. Cate, City Attorney

Alderman Reed moved the Resolution be adopted. Alderman Evans made the second.

The vote:

Yes: Lawson, Evans, Reed, Jaycox, Culver, Watson, Overton, Ford

No: None

The Resolution was numbered 36-16.

RESOLUTION NO. 37-16 – APPROVING A CONDITIONAL USE APPEAL BY BARBARA HERRING FOR A HOME OCCUPATION AT 5338 MONICA MARIE AS SET FORTH IN ORDINANCE NO. 4030

Planning Director Patsy Christie presented a Resolution approving a conditional use appeal by Barbara Herring for a home occupation quilting business to be located at 5338 Monica Marie as set forth in Ordinance No. 4030.

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION APPROVING A CONDITIONAL USE AT 5338 MONICA MARIE 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 Tuesday, April 5, 2016 on a request by Barbara Herring for a Use Unit 28 (Home Occupation) in a Low/Medium Density Single Family Residential District (SF-2).

**WHEREAS**, following the public hearing the Planning Commission by a vote of seven (7) yes and zero (0) no recommends that a conditional use be granted to Barbara Herring for a Use Unit 28 (Home Occupation) in a Low/Medium Density Single Family Residential District (SF-2) 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 Barbara Herring for a Use Unit 28 (Home Occupation) in a Low/Medium Density Single Family Residential District (SF-2) with the following conditions – No conditions set.

**PASSED AND APPROVED THIS \_\_\_\_ DAY OF April, 2016.**

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest Cate, City Attorney

Alderman Reed moved the Resolution be adopted. Alderman Evans made the second.

The vote:

Yes: Evans, Reed, Jaycox, Culver, Watson, Overton, Ford, Lawson

No: None

The Resolution was numbered 37-16.

RESOLUTION NO. 38-16 – APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN CONNECTION WITH 13184 ROBBINS ROAD, A SINGLE FAMILY HOME

Planning Director Patsy Christie presented a Resolution approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in connection with 13184 Robbins Road, a single family dwelling. Rob Tanksley is the owner of the property.

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

The proposed Resolution provides for four options to consider, either Option 1 to grant waiver, Option 2 to deny waiver, Option 3 to approve payment in lieu of improvements or Option 4 to deny waiver and allow Bill of Assurance.

Alderman Reed moved the Resolution be adopted with Option 1. Alderman Evans made the second.

RESOLUTION NO. \_\_\_\_

**A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO ROB TANKSLEY IN CONNECTION WITH 13184 ROBBINS ROAD, A SINGLE FAMILY DWELLING**

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

**WHEREAS**, the Planning Commission reviewed a request for waiver of street improvements to including drainage improvements related thereto, sidewalks in connection with 13184 Robbins Road a single family dwelling for Rob Tanksley 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 Robbins Road including drainage improvements related thereto, sidewalks, in connection with 13184 Robbins Road, a single family dwelling for Rob Tanksley.

**PASSED AND APPROVED THIS \_\_\_\_ DAY OF APRIL, 2016.**

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest Cate, City Attorney

SPRINGDALE CITY COUNCIL  
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The vote:

Yes: Reed, Jaycox, Culver, Watson, Overton, Ford, Lawson, Evans

No: None

The Resolution was numbered 38-16.

ORDINANCE NO. 5034 – REZONING 21.15 ACRES OWNED BY THOMAS J. EMBACK, LOCATED AT 905 MILL STREET, FROM SF-2 TO PUD; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning 21.15 acres owned by Thomas J. Emback, located at 905 Mill Street, from SF-2 to PUD (Planned Unit Development); and declaring an emergency. The Ordinance will contain a final development plan that shall be binding on all subsequent owners of the land until revised or repealed as authorized in Chapter 130 of the Springdale Code of Ordinances.

Planning Commission recommended approval at their April 5, 2016 meeting.

The project will be named "The Mansion at Mill Creek Patio Homes". There are 80 single family dwelling units proposed. Some will be two bedroom and some will be three bedroom. Each unit will have a garage.

There is one access point on Mill Street for the whole complex. Each unit will have to be sprinkled. The streets will be private streets, not public.

Larry Baker, 818 Mill Street, expressed concern with traffic on Mill Street and will they be widening it. Also will there be runoff problems with excessive rain.

Ms. Christie said the runoff issue will be handled through the large scale development process.

Danny Snow, 804 Mill Street, expressed concern with putting an apartment complex in a Historic District. He asked if there was any way this complex could be considered a 55 and older complex.

Ms. Christie said that is not something the city can set the standard on. The developer makes that determination.

After reading the title of the Ordinance, Alderman Overton moved the Ordinance "Do Pass". Alderman Lawson made the second.

The vote:

Yes: Watson, Overton, Ford, Lawson, Evans, Reed, Jaycox, Culver

No: None

Alderman Reed moved the Emergency Clause be adopted. Alderman Evans made the second.

The vote:

Yes: Overton, Ford, Lawson, Evans, Reed, Jaycox, Culver, Watson

No: None

The Ordinance was numbered 5034.

ORDINANCE NO. 5035 – REZONING PROPERTY OWNED BY KC LEASING (KENT DOBBS), LOCATED AT THE SOUTHWEST CORNER OF DON TYSON PARKWAY AND THOMPSON STREET, FROM MHP TO C-5; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning property owned by KC Leasing (Kent Dobbs), located at the southwest corner of Don Tyson Parkway and Thompson Street, from MHP to C-5; and declaring an emergency. Mr. Dobbs has indicated he is willing to donate the right-of-way so that Chester Street that comes off of Highway 71 can come around and connect into Don Tyson Parkway when development occurs on that piece of property.

Planning Commission recommended approval at their April 5, 2016 meeting.

After reading the title of the Ordinance, Alderman Evans moved the Ordinance “Do Pass”. Alderman Lawson made the second.

The vote:

Yes: Ford, Lawson, Evans, Reed, Jaycox, Culver, Watson, Overton

No: None

Alderman Evans moved the Emergency Clause be adopted. Alderman Jaycox made the second.

The vote:

Yes: Lawson, Evans, Reed, Jaycox, Culver, Watson, Overton, Ford

No: None

The Ordinance was numbered 5035.

ORDINANCE NO. 5036 – REZONING 1.58 ACRES OWNED BY THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS, LOCATED AT 3559 N. THOMPSON, FROM SF-2 TO C-2; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning 1.58 acres owned by the Board of Trustees of the University of Arkansas, located at 3559 N. Thompson, from SF-2 to C-2; and declaring an emergency.

Planning Commission recommended approval at their April 5, 2016 meeting.

After reading the title of the Ordinance, Alderman Reed moved the Ordinance “Do Pass”. Alderman Evans made the second.

The vote:

Yes: Evans, Reed, Jaycox, Culver, Watson, Overton, Ford, Lawson

No: None

Alderman Evans moved the Emergency Clause be adopted. Alderman Jaycox made the second.

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The vote:

Yes: Reed, Jaycox, Culver, Watson, Overton, Ford, Lawson, Evans

No: None

The Ordinance was numbered 5036.

ORDINANCE NO. 5037 – REZONING PROPERTY OWNED BY RIVER REAL ESTATE, LLC, LOCATED AT 3531 AND 3505 MCRAV AVENUE, FROM C-2 TO O-1; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning property owned by River Real Estate, LLC, located at 3531 and 3505 McRay Avenue, from C-2 to O-1; and declaring an emergency.

Planning Commission recommended approval at their April 5, 2016 meeting.

After reading the title of the Ordinance, Alderman Reed moved the Ordinance “Do Pass”. Alderman Evans made the second.

The vote:

Yes: Evans, Reed, Jaycox, Culver, Watson, Overton, Ford, Lawson

No: None

Alderman Evans moved the Emergency Clause be adopted. Alderman Jaycox made the second.

The vote:

Yes: Reed, Jaycox, Culver, Watson, Overton, Ford, Lawson, Evans

No: None

The Ordinance was numbered 5037.

ORDINANCE NO. 5038 – REZONING .72 ACRES OWNED BY JEFF JECH LOCATED AT 3802 SILENT GROVE ROAD, FROM A-1 TO SF-2; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning .72 acres owned by Jeff Jech located at 3802 Silent Grove Road, from A-1 to SF-2; and declaring an emergency.

Planning Commission recommended approval at their April 5, 2016 meeting.

After reading the title of the Ordinance, Alderman Evans moved the Ordinance “Do Pass”. Alderman Lawson made the second.

The vote:

Yes: Jaycox, Culver, Watson, Overton, Ford, Lawson, Evans, Reed

No: None

Alderman Evans moved the Emergency Clause be adopted. Alderman Reed made the second.

The vote:

Yes: Culver, Watson, Overton, Ford, Lawson, Evans, Reed, Jaycox

No: None

The Ordinance was numbered 5038.

ORDINANCE NO. 5039 – REZONING PROPERTY OWNED BY FISH BRIDGE INVESTMENTS LLC, LOCATED AT 3198 S. OLD MISSOURI ROAD, FROM C-1 TO C-5; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning property owned by Fish Bridge Investments LLC, located at 3198 S. Old Missouri Road, from C-1 to C-5; and declaring an emergency.

Planning Commission recommended approval at their April 5, 2016 meeting.

After reading the title of the Ordinance, Alderman Reed moved the Ordinance “Do Pass”. Alderman Evans made the second.

The vote:

Yes: Watson, Overton, Ford, Lawson, Evans, Reed, Jaycox, Culver

No: None

Alderman Reed moved the Emergency Clause be adopted. Alderman Evans made the second.

The vote:

Yes: Overton, Ford, Lawson, Evans, Reed, Jaycox, Culver, Watson

No: None

The Ordinance was numbered 5039.

ORDINANCE NO. 5040 – 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, WASHINGTON COUNTY, ARKANSAS (516 CRUTCHER STREET)

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, Washington County, Arkansas (516 Crutcher Street).

After reading the title of the Ordinance, Alderman Reed moved the Ordinance “Do Pass”. Alderman Jaycox made the second.

The vote:

Yes: Ford, Lawson, Evans, Reed, Jaycox, Culver, Watson, Overton

No: None

Alderman Reed moved the Emergency Clause be adopted. Alderman Jaycox made the second.

The vote:

Yes: Lawson, Evans, Reed, Jaycox, Culver, Watson, Overton, Ford

No: None

The Ordinance was numbered 5040.

RESOLUTION NO. 39-10 – AUTHORIZING THE EXECUTION OF A CONTRACT FOR RENOVATION OF THE SHILOH MEETING HALL

Allyn Lord, Museum Director, presented a Resolution authorizing the execution of a contract for renovation of the Shiloh Meeting Hall with D. Cameron, Inc. dba Cameron Construction for an amount not to exceed \$597,260.

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR RENOVATION OF THE SHILOH MEETING HALL**

**WHEREAS**, the City of Springdale acquired the Shiloh Meeting Hall in January of 2005 and agreed to make improvements to the property within 15 years, and

**WHEREAS**, the Shiloh Museum has spent \$195,142 to restore the exterior of the building, and;

**WHEREAS**, the competitive bidding process was used to obtain a contractor, and

**WHEREAS**, the low bidder was unable to furnish a bond, the Museum Director has recommended proceeding with D. Cameron, Inc. dba Cameron Construction with a negotiated contract in the amount of \$597,260.00;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that the Mayor is hereby authorized to execute a contract with D. Cameron, Inc. DBA Cameron Construction for an amount not to exceed \$597,260 for renovation of the Shiloh Meeting Hall.

**PASSED AND APPROVED** this \_\_\_\_ day of April, 2016.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest Cate, City Attorney

Alderman Reed moved the Resolution be adopted. Alderman Jaycox made the second.

The vote:

Yes: Evans, Reed, Jaycox, Culver, Watson, Overton, Ford, Lawson

SPRINGDALE CITY COUNCIL  
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No: None

The Resolution was numbered 39-16.

ADJOURNMENT

Alderman Jaycox made the motion to adjourn. Alderman Reed made the second.

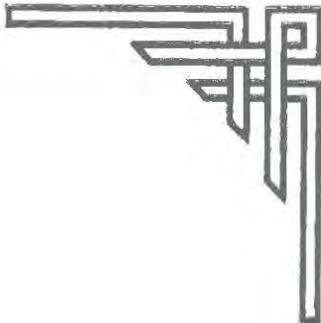
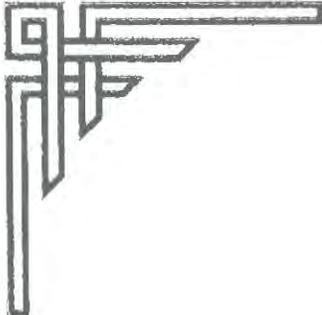
After a voice vote of all ayes and no nays, the meeting adjourned at 6:45 p.m.

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Doug Sprouse, Mayor

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Denise Pearce, City Clerk/Treasurer



# Proclamation

*Office of the Mayor*  
City of Springdale

**WHEREAS:** May 21<sup>st</sup>, 2016, is the sixth Kids to Parks Day organized and launched by the National Park Trust; and

**WHEREAS:** Kids to Parks Day empowers kids and encourages families to get outdoors and visit America's parks; and

**WHEREAS:** it is important to introduce a new generation to our nation's parks because of the decline in Park attendance over the last decades; and

**WHEREAS:** we should encourage children to lead a more active lifestyle to combat the issues of childhood obesity, diabetes mellitus, hypertension and hypercholesterolemia; and

**WHEREAS:** Kids to Parks Day is open to all children and adults across the country to encourage a large and diverse group of participants; and

**WHEREAS:** Kids to Parks Day will broaden children's appreciation for nature and the outdoors; and

**NOW THEREFORE,** I, Doug Sprouse, Mayor of the City of Springdale, Arkansas, do hereby proclaim to participate in

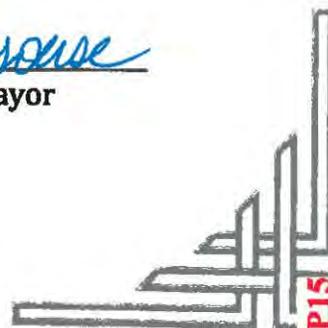
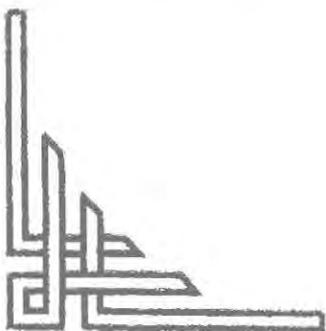
## "Kids to Parks Day"

I urge residents of Springdale to make time May 21<sup>st</sup>, 2016 to take the children in their lives to a neighborhood, state or national park.

**IN TESTIMONY WHEREOF,** I have hereunto set my hand and affixed the great seal of the City of Springdale on this 28<sup>th</sup>, day of April 2016.



Doug Sprouse  
Doug Sprouse, Mayor



**RESOLUTION NO: \_\_\_\_\_**

**A RESOLUTION ADOPTING AND APPROVING THE 2016 ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

**WHEREAS**, in accordance with the guidelines established by the Department of Housing & Urban Development for the Community Development Block Grant Program, an Action Plan for the 2016 Program Year has been developed, a copy of which is attached and made a part of the resolution; and

**WHEREAS**, a final public hearing was held before the City Council on May 10, 2016

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

1. That the 2016 Annual Action Plan for use of Community Development Block Grant Program Funds, a copy of which is attached and made a part as though set out herein word or word, is approved and authorized for submission to the Department of Housing and Urban Development on May 11, 2016.
2. That Mayor Doug Sprouse is hereby designated as the authorized official to execute all documents pertaining to the Community Development Block Grant Program.

**PASSED AND APPROVED this 10<sup>th</sup> day of May, 2016**

\_\_\_\_\_  
Doug Sprouse, Mayor

**ATTEST:**

\_\_\_\_\_  
Denise Pearce, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Ernest B. Cate, City Attorney

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION SETTING A HEARING DATE ON A  
PETITION TO VACATE CHERRYHILL AVENUE.**

**WHEREAS**, Justin Gregory and Natalie Gregory have petitioned for the abandonment of a dedicated public street, more commonly known as Cherryhill Avenue, described as follows:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 11, BLOCK 1 OF PHASE I OF OAK VALLEY SUBDIVISION TO THE CITY OF SPRINGDALE, ARKANSAS, AS SHOWN IN PLAT RECORD "O" AT PAGE 311, THENCE ALONG THE SOUTH LINE OF SAID LOT 11 NORTH 89°58'56" EAST A DISTANCE OF 131.68 FEET TO A POINT ON A CURVE, THENCE 52.36 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 50.00 FEET SUBTENDED BY A CHORD BEARING OF SOUTH 0°01'04" EAST AND A CHORD DISTANCE OF 50.00 FEET TO A POINT ON THE NORTH LINE OF LOT 7, BLOCK 2 OF PHASE I OF OAK VALLEY SUBDIVISION, THENCE ALONG THE NORTH LINE OF SAID LOT 7 SOUTH 89°58'56" WEST A DISTANCE OF 131.72 FEET TO THE NORTHWEST CORNER OF SAID LOT 7, THENCE NORTH 0°01'53" EAST A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.15 ACRES (6,358.5 SQUARE FEET), MORE OR LESS, AS INDICATED ON THE ATTACHED EXHIBIT "A".

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

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that June 14, 2016, at 6:00 p.m. be set as the date and time for the City Council to hear the petition; that the City Clerk shall give notice of the date and time, as required by law.

**PASSED AND APPROVED** this \_\_\_\_\_ day of May, 2016.

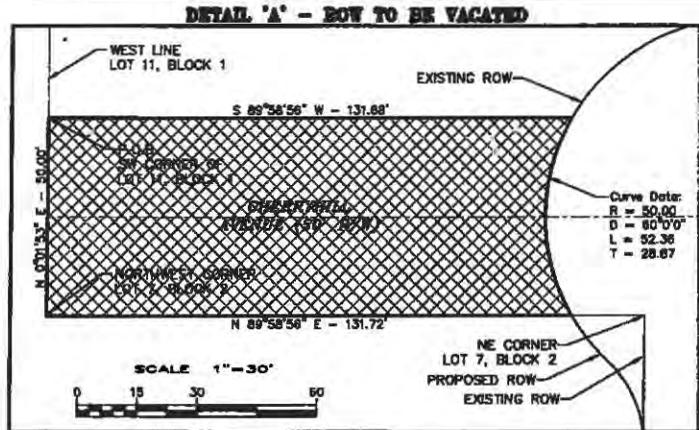
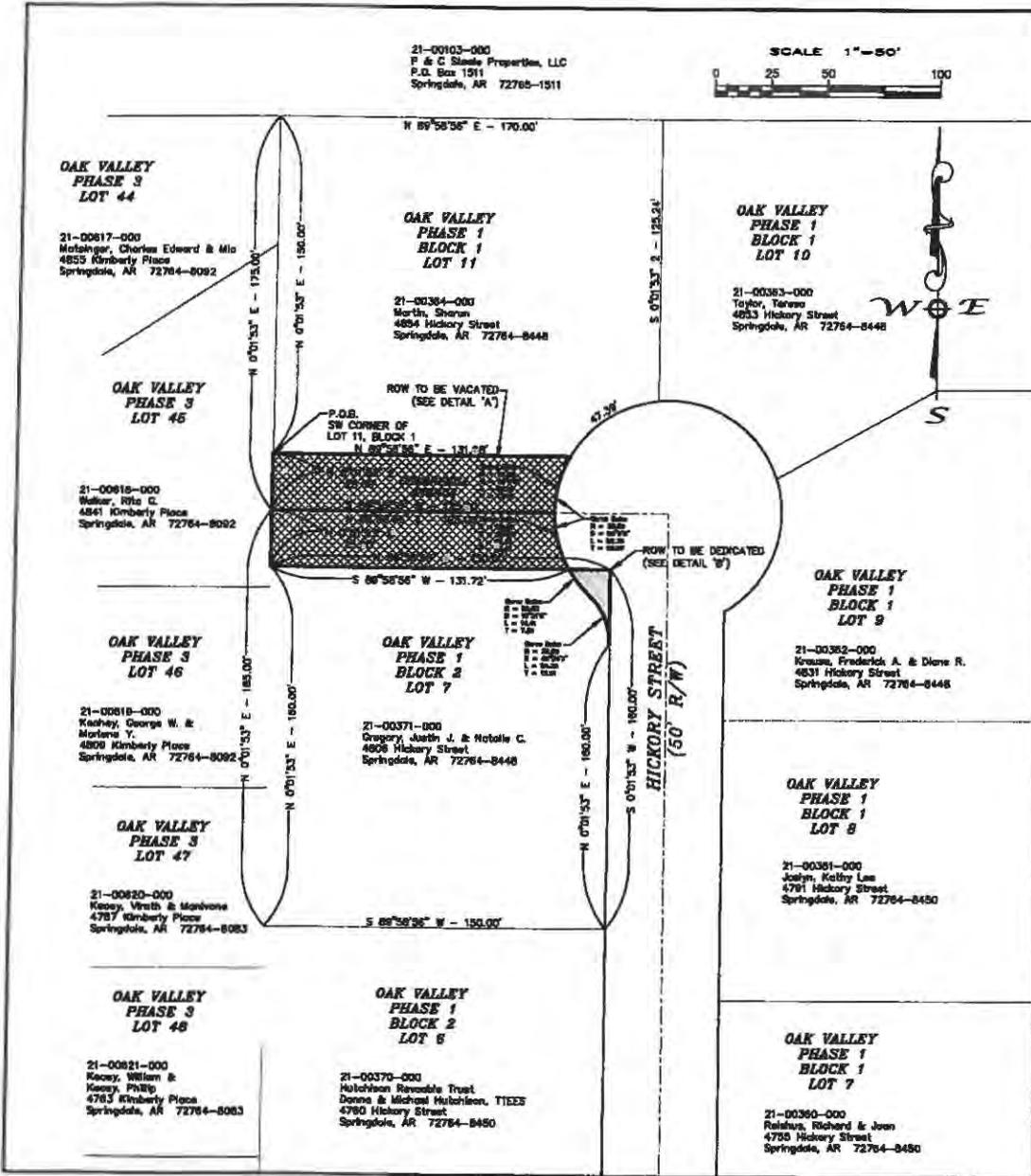
\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

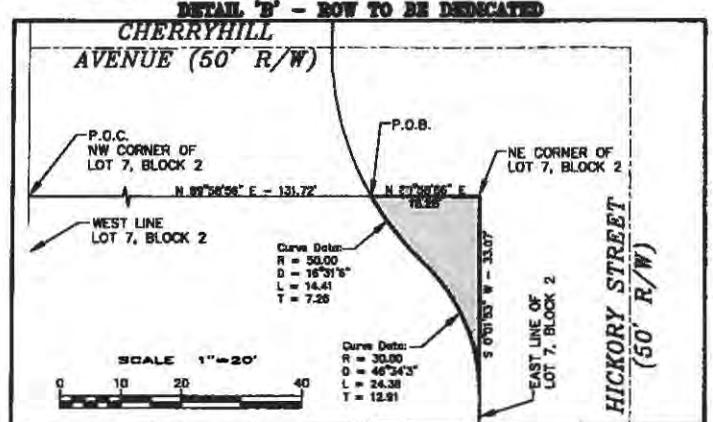
\_\_\_\_\_  
Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, CITY ATTORNEY



**LEGAL DESCRIPTION (ROW TO BE VACATED):**  
BEGINNING AT THE SOUTHWEST CORNER OF LOT 11, BLOCK 1 OF PHASE 1 OF OAK VALLEY SUBDIVISION TO THE CITY OF SPRINGDALE, ARKANSAS, AS SHOWN IN PLAT RECORD "O" AT PAGE 311, THENCE ALONG THE SOUTH LINE OF SAID LOT 11 NORTH 89°58'56" EAST A DISTANCE OF 131.68 FEET TO A POINT ON A CURVE, THENCE 52.36 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 50.00 FEET SUBTENDED BY A CHORD BEARING OF SOUTH 0°01'04" EAST AND A CHORD DISTANCE OF 50.00 FEET TO A POINT ON THE NORTH LINE OF LOT 7, BLOCK 2 OF PHASE 1 OF OAK VALLEY SUBDIVISION, THENCE ALONG THE NORTH LINE OF SAID LOT 7 SOUTH 89°58'56" WEST A DISTANCE OF 131.72 FEET TO THE NORTHWEST CORNER OF SAID LOT 7, THENCE NORTH 0°01'33" EAST A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.15 ACRES (3,358.8 SQUARE FEET), MORE OR LESS.



**LEGAL DESCRIPTION (ROW TO BE DEDICATED):**  
COMMENCING AT THE NORTHWEST CORNER OF LOT 7, BLOCK 2 OF PHASE 1 OF OAK VALLEY SUBDIVISION TO THE CITY OF SPRINGDALE, ARKANSAS, AS SHOWN IN PLAT RECORD "O" AT PAGE 311, THENCE ALONG THE NORTH LINE OF SAID LOT 7 NORTH 89°58'56" EAST A DISTANCE OF 131.72 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 7, SAID POINT BEING THE POINT OF BEGINNING, THENCE CONTINUING ALONG SAID NORTH LINE NORTH 89°58'56" EAST A DISTANCE OF 18.28 FEET TO THE NORTHEAST CORNER OF SAID LOT 7, THENCE ALONG THE EAST LINE OF SAID LOT 7 SOUTH 0°01'33" WEST A DISTANCE OF 33.07 FEET TO A POINT ON A CURVE, THENCE 24.38 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 30.00 FEET AND BEING SUBTENDED BY A CHORD BEARING OF NORTH 23°15'08" WEST AND A CHORD DISTANCE OF 23.72 FEET TO A POINT ON A TANGENT CURVE, THENCE 14.41 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 50.00 FEET AND BEING SUBTENDED BY A CHORD BEARING OF NORTH 38°18'37" WEST AND A CHORD DISTANCE OF 14.37 FEET TO THE POINT OF BEGINNING, CONTAINING 0.01 ACRES (224.1 SQUARE FEET), MORE OR LESS.

**CSI**  
ENGINEERING & SURVEYING, INC.  
12000 N. UNIVERSITY BLVD., SUITE 100  
SPRINGDALE, ARKANSAS 72764

**EXHIBIT B-STREET ROW VACATION/DEDICATION  
PHASE 1 OF OAK VALLEY SUBDIVISION  
SPRINGDALE, BENTON COUNTY, ARKANSAS**

REVISION	DATE	DESCRIPTION

SCALE: AS SHOWN  
DATED: MAY, 2023  
PROJECT NO.: 23-001  
S.A. # 15975

**1**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AUTHORIZING FUNDS FROM THE  
CAPITAL IMPROVEMENT PROJECT FUND FOR THE  
SPRINGDALE MUNICIPAL AIRPORT**

**WHEREAS**, the Springdale Airport Commission has requested funding for interior maintenance of the airport terminal building, and

**WHEREAS**, the metal frame windows of the terminal building have been resealed, and

**WHEREAS**, the exterior of the terminal building has been repainted, and

**WHEREAS**, the Airport Commission estimates the total cost of the repairs to be \$170,000;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that the expenditure of a maximum of \$170,000 of funds from the Capital Improvement Projects Fund is hereby approved for interior maintenance of the Springdale Municipal Airport terminal building.

**PASSED AND APPROVED** this 10<sup>th</sup> day of May, 2016.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, City Attorney

### ASG Terminal / Maintenance Renovation

Estimated Cost for City of Springdale Airport Terminal Renovation and Maintenance of ceiling panels, interior painting, bathrooms, and floor covering of upper / lower floors - elevators - airlocks - stairs.

	<u>Budget Allowance</u>
Replace Ceiling Panels	\$ 25,000
Upper flooring (stairs & elevator inc.) with like existing material	17,000
Lower flooring - hard surface plank faux wood vinyl	26,000
Airlock flooring - Tile material	5,000
Bathrooms (4) - Allowance for fixtures, flooring, countertops, hardware, etc.	60,000
Interior Painting	18,500
Demolition and debris disposal	8,500
Contingency	10,000
Total Estimated Cost	<u>\$ 170,000</u>

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AUTHORIZING AN  
ADMINISTRATIVE SETTLEMENT FOR TRACT  
17 ON THE CAMBRIDGE STREET  
IMPROVEMENTS PROJECT (CP-1511)**

**WHEREAS**, the City of Springdale has a street improvement project on Cambridge Street between Don Tyson Parkway and Chapman Avenue that requires acquisition of easements to accommodate construction, and

**WHEREAS**, the Tract 17 property will incur expenses and hardships due to the proposed improvements, and

**WHEREAS**, a counter offer was proposed and approved at Committee to increase compensation by \$15,200 to address these issues, and

**WHEREAS**, this project is utilizing federal funds which require acquisition of easements to be in compliance with the Uniform Act which requires the execution of an administrative settlement;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that the Mayor is hereby authorized to execute an Administrative Settlement for the increased compensation to the owners of Tract 17 in the amount of \$15,200.00 for a total compensation amount of \$35,300.00.

**PASSED AND APPROVED** this 10<sup>th</sup> day of May, 2016.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, City Attorney

## ADMINISTRATIVE SETTLEMENT

**Project:** Cambridge Street Widening and Drainage Improvements  
Don Tyson Parkway to Chapman Avenue  
City Project CP-1511 (originally ST-1501)  
Federal Award ID# 08-79-05071

**Parcel:** Tract 17 - 815-25841-000

**Property Address:** 1706 Arapaho Avenue, Springdale Arkansas  
Washington County

**Owners:** Robert J. and Tammy F. Franco  
1706 Arapaho Avenue  
Springdale, AR 72764

**Phone:** (818) 521-0404

**Date:** May 10, 2016

The subject property is a 0.03 acre (1,157 sq ft ROW and 1,347 sq ft UE) total taking along the two frontages of a .38 acre property improved with a 2,542 square foot single family dwelling with various site improvements. This dwelling is approximately 45 years old and in average condition. The subject improvements were not determined to be adversely affected by the proposed improvements and therefore were not valued in the appraisal report. The remaining subject site will consist of approximately .35 acre and the appraisal identifies that the acquisitions will adversely affect the usability of the Remainder Site due to an encroachment of setbacks to the structure. The proposed ROW and UE areas are contained within the approximate 150 LF of existing roadway frontage to the west along Cambridge Street and 111 LF to the south along Arapaho Avenue. The easement frontages are at or near road grade and the topography of the subject site is undulating to gently sloping. These acquisition areas will impact several large trees along the property's western frontage.

An appraisal inspection was conducted on December 1, 2015. The appraisal report was confirmed through a review by Tom Rife with Rife & Company Appraisers/Consultants, who concurred with the recommended fair market value of \$20,100.00. The City of Springdale prepared the acquisition packet including the offer letter identifying this value as the just compensation amount. This packet which consisted of the appraisal report, offer letter, and copies of the proposed easement documents including graphical exhibits identifying the areas of acquisition was sent to the property owner on February 26, 2016.

The initial acquisition meeting between the property owner and the City of Springdale was held at the subject property on March 29, 2016. Negotiations continued and on April 27, 2016 the property owner submitted a counter offer requesting an overall increase of \$15,200.00. This offer constitutes a 75.62% increase based upon the initial offer of just compensation for a total compensation amount of \$35,300.00.

We recommend the City accept this counter-offer for the following reasons:

- The property owners recently upgraded their HVAC unit to a high efficiency model with the intention of long term savings on utility bills and improved comfort within the home.
- The proposed improvements will remove large trees that provided shade to the structure from the afternoon sun along with the air intake for the unit.
- The impacts due to the loss of these trees will alter the functionality of the newly installed unit and increase costs to the owners.
- These impacts are not addressed in the appraisal report for the property and therefore were not valued in the City's offer of just compensation.
- To address these concerns, the owners consulted with their HVAC installer and were instructed to look into window replacement which could alleviate the impacts of losing the shade trees. A cost estimate of \$15,200.00 was provided to

replace the windows on the western side of the property which is the basis of this settlement.

- The ultimate purpose in our acquisition policies and construction standards is to provide fair compensation for easements and impacts to property with the agreement to return things to their original conditions upon completion. As this cannot be achieved following removal of these trees, a settlement is warranted to accomplish this objective.
- This settlement was presented before the CIP Committee on May 2<sup>nd</sup> where it was unanimously recommended to go before City Council for approval at the May 10<sup>th</sup> session.

For these reasons, we believe it is in the best interest of the property owner, the City of Springdale, and the public that this settlement be accepted, and we so recommend.

Prepared by:

\_\_\_\_\_  
James Breakfield, Negotiator

Reviewed by:

\_\_\_\_\_  
Brad Baldwin, Director of Engineering

Accepted by:

\_\_\_\_\_  
Doug Sprouse, Mayor

# Memo

**To:** CIP Committee  
**From:** James Breakfield  
**Date:** 4/28/16  
**Re:** Cambridge Street Easement Acquisition – Tract 17

---

I have been working with Tammy and Robert Franco who own the corner lot on the north side of Arapaho Avenue. This property presents a unique challenge due to the amount of window opening facing Cambridge Street. They have been very accommodating during our negotiations but are quite concerned about impacts beyond what is addressed in the appraisal report. Due to the proposed roadway widening, all of the large shade trees present along their western property edge will be removed, essentially eliminating the shade to this side of the property. This drastically increased the glare within their living room and kitchen area directly opposite the large windows at their patio. Normally, we would look into options associated with new tree plantings but the utility easement encompasses a large majority of their yard and restricts tree plantings. Any trees planted close to the house will cause foundation problems over time. They recently replaced the HVAC unit with a specialty unit which relies heavily on the existing shade to operate efficiently.

After discussing their concerns, I recommended that they consult with their HVAC installer to determine the impacts to the new system. Following those discussions, it was recommended that they look into energy efficient windows to offset the increased greenhouse effect. They obtained a quote for the replacement of all windows along the western side of the house which has been included in this packet. Also included are several documents they came across during their research that attempts to quantify the benefits of shade relative to utility costs and energy efficiency.

The ultimate purpose in our acquisition policies and construction standards is to provide fair compensation for easements and impacts to property with the agreement to return things to their original conditions upon completion. As that cannot be achieved following removal of these trees, I feel their request for additional compensation is justified and ask that the committee consider approval of this request.

# Tammy and Robert Franco

---

1706 Arapaho Avenue Springdale AR | 818 521 0404 | ltfranco51245@att.net

**April 27, 2016**

City of Springdale

## **To Whom It May Concern:**

The City of Springdale is making improvements on the streets of Arapaho and Cambridge, and we reside at the northern corner property of those two streets. We do not have any disagreement with the appraised value of the easements, yet we are extremely concerned about the impacts of removing the large trees that shade our house from the afternoon sun.

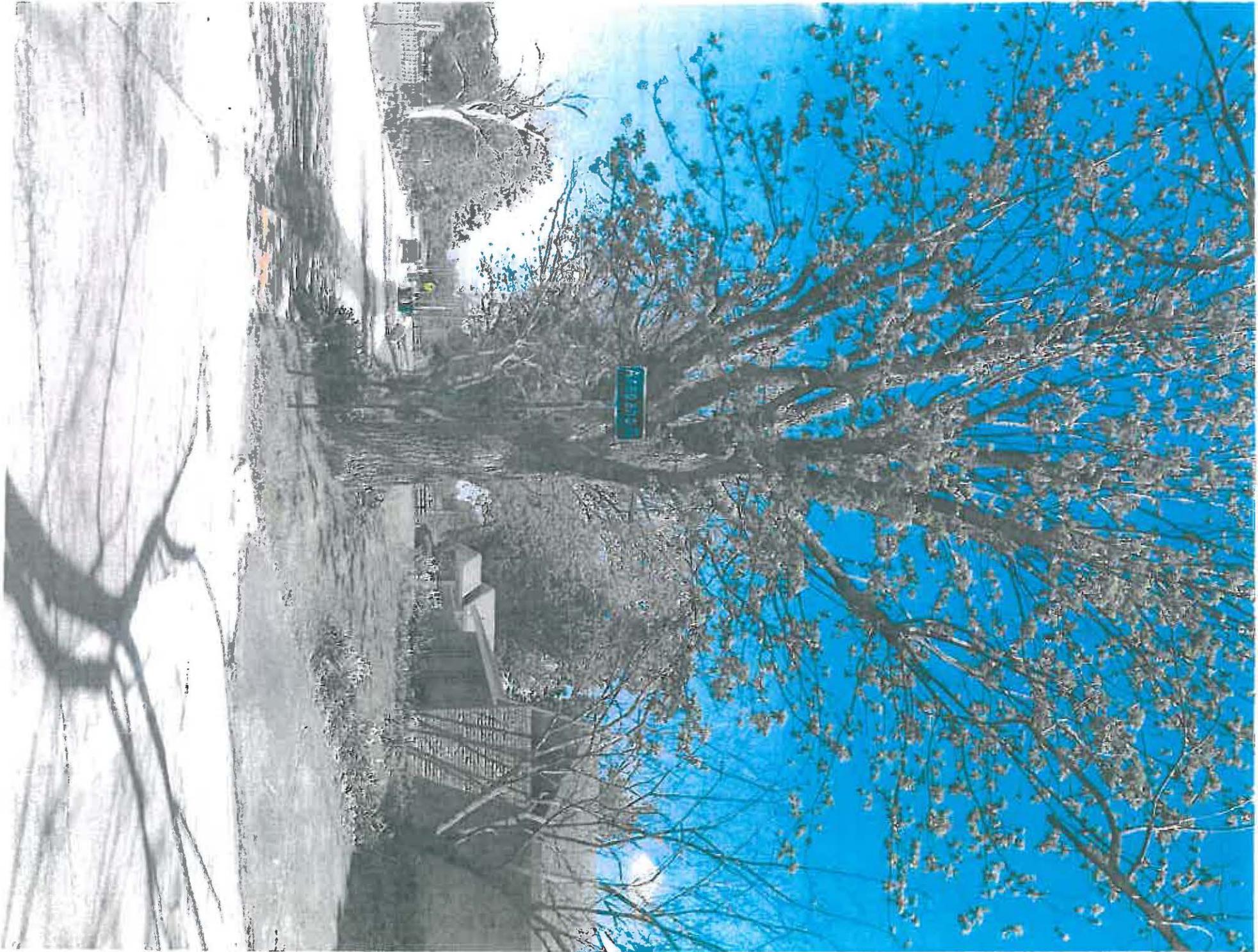
More specifically, our entrance way, side of the house, and windows for our bedrooms are all glass and they face west. The mature trees that will be cut down for the improvements block that side of the house from heat and wind. Furthermore, we installed a new HVAC unit less than a year ago at a cost of \$17,720.24. We decided to spend that much on the unit to make us more comfortable and lower out utility bills. Prior to installing the new unit, it was nearly impossible to reach a comfortable internal temperature in the evening. Our fear is that without the trees to block the heat in the summer, the living conditions will return to being unbearable as there is nothing to block the direct sunlight. Inevitably, this will also result in a drastic increase in our monthly utility cost.

To address these challenges, we met with our HVAC installer who recommended installing energy efficient windows. A quote from Window World is enclosed which estimated \$15,200 to replace all windows along this side of the house. This appears to be our only option as there is not sufficient space to replant trees due to the easement encroachment. The compensation offered by the City is \$20,100. Due to the conditions described above, we respectfully request that the compensation amount be increased by \$15,200 to offset our cost for returning our home to its original condition.

**Sincerely,**

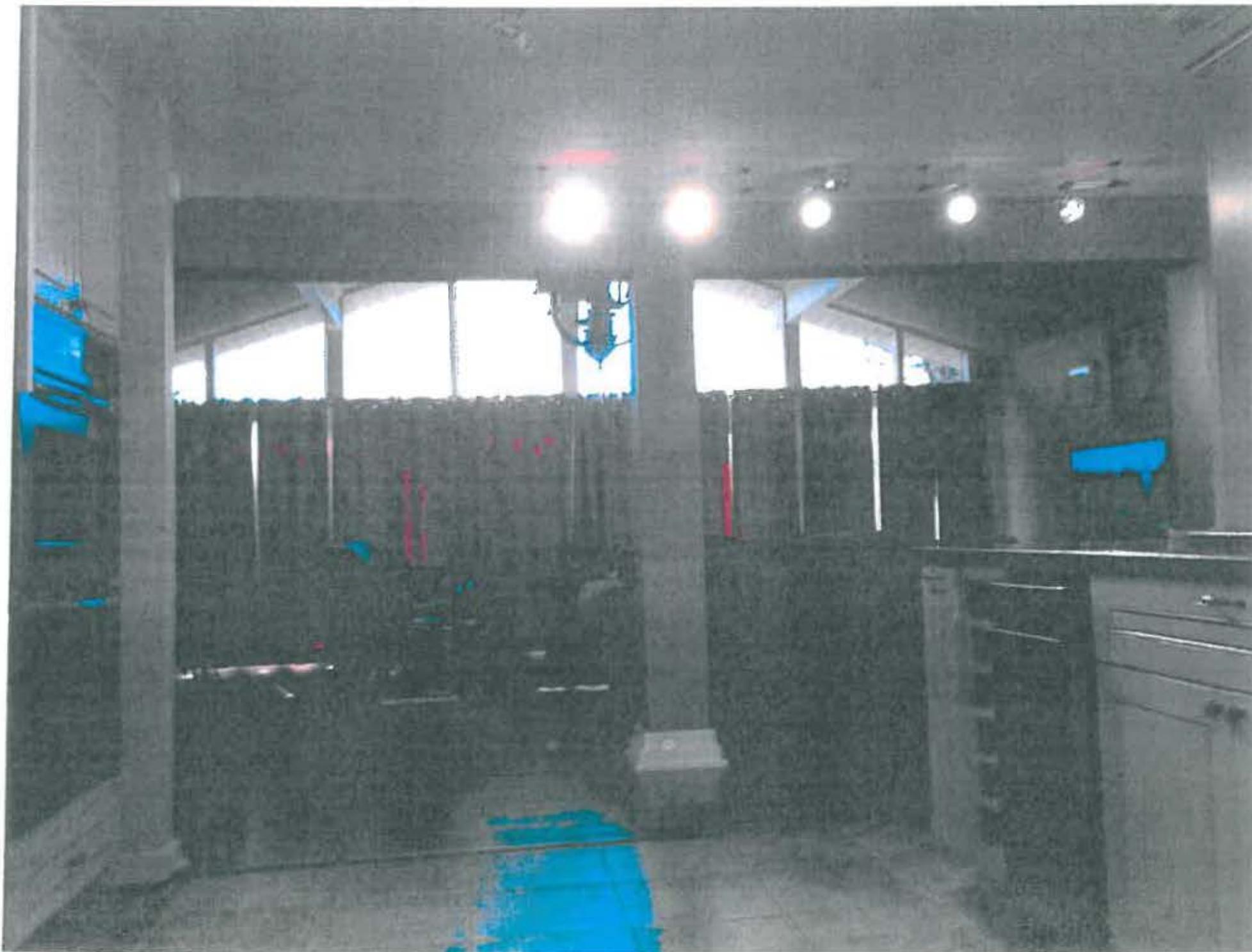


**Tammy and Robert Franco**













### WINDOW WORLD OF THE OZARKS, LLC

1408 Towson Ave.  
 Fort Smith, AR 72901  
 Phone: (479) 424-1330  
 Fax: (479) 424 1331  
 Toll Free 1-866-225-6760  
 Email: wwrv@wwozarks.com

4377 N. Thompson  
 Springdale, AR 72764  
 Phone: (479) 725-2450  
 Fax: (479) 725-2452  
 Toll Free 1-866-800-7020  
 Email: wwma@wwozarks.com

Customer: \_\_\_\_\_ Phone (h): \_\_\_\_\_  
 Install Address: \_\_\_\_\_ Phone (w): \_\_\_\_\_  
 Bill Address: \_\_\_\_\_ Email: \_\_\_\_\_

Residence  Rental  Apartments  Commercial

WINDOW WORLD 4000 SERIES		GLASS OPTIONS	
Series 4000 DH All-Welded (Up to 4' x 6') (White)	\$289	SolarZone and Argon Gas	<b>INCLUDED</b>
Picture Window (White)	\$440	Energy Star rated for North-Central Zone	
2 Lite Slider (White)	\$440	SolarZone Elite and Argon Gas	\$40
3 Lite Slider (White) (1/2, 1/2, 1/2) (1/4, 1/2, 1/4)	\$870	Energy Star rated for South-Central Zone	
Awning / Casement (White)	\$395	WINDOW OPTIONS	
2 Lite Casement (White)	\$790	1/2 Screens	<b>INCLUDED</b>
3 Lite Casement (White) (1/2, 1/2, 1/2) (1/4, 1/2, 1/4)	\$1185	Foam Insulation on Jambes and Head	<b>INCLUDED</b>
Garden Window (White)	\$2090	Double Strength Glass	<b>INCLUDED</b>
1.G. Units	\$210	Double Locks (> 29")	<b>INCLUDED</b>
Specialty Window	\$	Full Screens	\$25
Specialty Window	\$	1/2 Screen Aluminum	\$20
Berge	\$35	Full Screen Aluminum	\$35
Oversize	\$50	Colonial Gnds (Contoured/Flat)	\$40
Wood Grain Interior	\$85	Prairie / Perimeter Grids	\$45
(Light Oak/ Dark Oak/ Cherry/ White / Fox Wood / Soft Maple / Rich Maple)		Diamond Grids / DBL Prairie	\$70
Exterior Color With Full Screen	\$140	Tempered DH Sash (BSO) (TSO)	\$85
(Architectural Bronze/English Red/Hudson Khaki Forest Green /Castle Grey/American Terra / Desert Clay)		Tempered Glass Per Sq. Ft. \$8 X _____	\$ _____
Window Color _____		Obscure Glass (BSO) (TSO)	\$35
Inside _____ Outside _____		Oriel Style (40/60 or 60/40)	\$30
		Bronze and Gray Tinting	\$50
		Lifetime Glass Breakage Warranty	\$15

SLIDING PATIO DOORS			
Size	Color	Style	Total
Vinyl Sliding Patio Door			\$
Vinyl Sliding Patio Door			\$
Grids Patio Door			\$
Grids Patio Door			\$
SolarZone Elite			\$
SolarZone Elite			\$
Wood Grain Interior			\$
Other Options			\$
Other Options			\$
Custom Order 5, 6, 8, 9, 12 ft			\$
Custom Exterior Trim Patio Door			\$125
Storm Door			\$
Storm Door			\$
Door Color _____			
Inside _____ Outside _____			

**PRE 1978 BUILT HOMES (Federal Lead Containment Law)**  
 Lead Install (Trim May be Required) \$35  
 MY HOME WAS BUILT IN THE YEAR 1970 Initial

MISCELLANEOUS	
Custom Exterior Trim / Wrap Flat Facing Color	\$75
Vinyl Frame Expander / J Channel	\$50
Cutbacks / Mortar	\$50
Wood Cutbacks	\$75
Mobile Home Trim	\$125
Remove Aluminum / Vinyl Windows	\$10
Steel Window Extra Labor	\$50
Mull To Form Multi-unit	\$30
Install Interior Stops / Vinyl Trim	\$45
Install Interior Casing	\$95
Repair, Sill or Jamb	\$45
Replace Sill or Jamb	\$125
Removal Only - Window Unit A/C	\$45
R & R Drapes & Blinds	\$25
Window Build Out	\$50
Window Build Out Cedar	\$75
<b>TOTAL LIST PRICE \$</b>	<u>1425.00</u>

You the buyer are responsible for the removal and installation of any existing security system. Initial: \_\_\_\_\_

**NO EXTRA WORK IF NOT IN WRITING!**

**FOR LEAD TEST**

Positive  Negative  Not Applicable

Initial \_\_\_\_\_

**Customer agrees to the terms of payment as follows:**

Building Permit / Travel \$ \_\_\_\_\_

Extra Labor \$ \_\_\_\_\_

Site Set-up \$ **\$90.00**

Total Amount \$ 1515.00

Custom Order Deposit 50% \$ \_\_\_\_\_ Ck# \_\_\_\_\_

Balance Paid to Installer the day of Installation \$ \_\_\_\_\_

(Incomplete work to be pro-rated)

You the buyer may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. Notice of cancellation must be in writing postmarked no later than midnight of the following third business day.

**THIS IS A CUSTOM ORDER NOT FOR RESALE!**

This Window World® Franchise is independently owned and operated by Window World of the Ozarks LLC under license from Window World, Inc.

**SEE REVERSE SIDE FOR TERMS AND CONDITIONS**

\_\_\_\_\_  
 Owner Date

\_\_\_\_\_  
 Salesman Date

Fort Smith Window 4000 Series Contract 10-15 White Copy - Original Yellow Copy - File Pink Copy - Customer

Customer: ROBERT WIGMORE Email: \_\_\_\_\_ Invoice #: \_\_\_\_\_  
 Address: 1110 Knapwood Ave Address (job location): \_\_\_\_\_ Date: \_\_\_\_\_  
 City: Springfield State: Mo Zip: 65714 Install Date: \_\_\_\_\_  
 Home Phone: 513-541-0404 Work Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

NEW SYSTEM							
	Platinum	Gold	Silver	Bronze	Size	Efficiency	
<input checked="" type="checkbox"/> Air Conditioner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>5T</u>	<u>20</u>	
<input type="checkbox"/> Furnace <u>Heat</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>5T</u>	<u>80%</u>	
<input type="checkbox"/> Heat Pump	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/> Air Handler <u>Heat</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
<input checked="" type="checkbox"/> Cooling Coil	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>5T</u>	<u>20</u>	
<input type="checkbox"/> Package Unit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			

SYSTEM ENHANCEMENTS FOR INDOOR AIR QUALITY

<input type="checkbox"/> Duct Cleaning	<input type="checkbox"/> Duct Sanitizing	<input type="checkbox"/> Fresh Air Mixing System	<input type="checkbox"/> Zone Comfort System
<input type="checkbox"/> Steam Humidifier	<input type="checkbox"/> U.V. Light	<input type="checkbox"/> OxyQuantum LED	<input type="checkbox"/> LP Kit
<input type="checkbox"/> High Efficiency Electrostatic Filter	<input type="checkbox"/> DMH800	<input checked="" type="checkbox"/> Digital/Programmable Control <u>Keypad / Keypad</u>	<input type="checkbox"/> Carbon Monoxide Detector
<input type="checkbox"/> High Efficiency Media Filter			

AIR DISTRIBUTION DUCTWORK

Reconnect to Existing Ducts  
 Insulate Ducts for Energy Savings  
 Balance Air Flow for Uniform Temperatures

Changes/Additions: Replow floor on kitchen  
1" A/C (2) 18" A/C (2)

cleaning base cover

INSTALLATION

<input checked="" type="checkbox"/> Condensate Drain	<input type="checkbox"/> Condensate Pump	<input checked="" type="checkbox"/> Ceiling Saver Kit w/Auto Cutoff	<input type="checkbox"/> Opti-sized insulated refrigerant lines <u>10'</u>
<input type="checkbox"/> Gas Piping	<input type="checkbox"/> Flue Piping	<input checked="" type="checkbox"/> Fully licensed and insured <u>Full</u>	<input type="checkbox"/> Weather-proof disconnect <u>None</u>
<input type="checkbox"/> Architectural exterior refrigerant line enclosure	<input type="checkbox"/> Removal of existing equipment from premises	<input type="checkbox"/> All required permits	<input checked="" type="checkbox"/> All work performed in accordance with Codes
<input checked="" type="checkbox"/> Condenser Foundation Pad	<input type="checkbox"/> Reconnect Existing Wiring	<input type="checkbox"/> Vibration Isolation Shock Absorbers	
		<input checked="" type="checkbox"/> Refrigerant recovered & disposed of as required by Clean Air Act	
		<input checked="" type="checkbox"/> Complete Clean-up, incl. vacuuming, drop cloths and floor saver booties	

SPECIAL CONCERNS

Is there possible Asbestos present?  YES  NO Has the customer been informed of their responsibility to remove it?  YES  NO  
 See "Special Concerns Terms" on the reverse side of this page.

CUSTOMER QUALITY ASSURANCE GUARANTEES

Manufacturer Warranties (warranties below are provided if checked)

<input checked="" type="checkbox"/> Warranty on Air Conditioner Compressor <u>5</u> years	<input checked="" type="checkbox"/> 24 hours a day, 365 days per year emergency service included
<input type="checkbox"/> Warranty on Furnace Heat Exchanger <u>99</u> years	<input checked="" type="checkbox"/> No Lemons Guarantee
<input type="checkbox"/> Warranty on Furnace Parts <u>12</u> years	<input checked="" type="checkbox"/> "100%" Satisfaction Guarantee
<input type="checkbox"/> Warranty on Air Conditioner Parts <u>12</u> years	<input checked="" type="checkbox"/> Club Membership <u>1 yr Club</u>
<input type="checkbox"/> Warranty on Labor <u>12</u> years	

INVESTMENT AND TERMS

Check # 21532433 Amount \$ 1200.00 Total Investment \$ 1614.00  
 Card # 34589300265721 Exp. Date: \_\_\_\_\_ Auth. #: \_\_\_\_\_ Other \$ \_\_\_\_\_  
 Name on Credit Card: \_\_\_\_\_ Amount Charged \$ 1200.00 Less Initial Investment \$ \_\_\_\_\_  
 Cash: \_\_\_\_\_ Credit Card: \_\_\_\_\_ Financing: \_\_\_\_\_ Balance Due on Completion \$ 1570.00  
 TERMS: Net due upon completion, subject to terms on reverse side.

Signature \_\_\_\_\_ Date 8/1/15  
 Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

# Planting Trees For Energy Conservation: The Right Tree In The Right Place

## Planting Trees For Energy Conservation: The Right Tree In the Right Place

by Michael Kuhns, Extension Forestry Specialist

View a [pdf version](#) of this document with graphics.

Homeowners go to great lengths to conserve energy in this era of tight budgets and environmental awareness. However, many do not realize that the simple act of planting a tree can result in energy savings. Planting the right tree in the right place is the key to saving energy with trees. The right tree in the right place provides wind protection, shade, and cool air, while adding beauty, privacy, and wildlife habitat to the landscape.

The right tree in the right place also means tree selection and placement to minimize conflicts with power lines and other obstructions. Many residential power outages are caused by trees interfering with power lines.

### The Right Tree

Deciduous trees (trees that lose all of their leaves each fall) save energy in summer by shading houses, paved areas, and air conditioners. Small deciduous trees and shrubs, and especially those with low, dense branches, also can serve as effective wind barriers.

Large and small evergreen trees and shrubs save energy by slowing cold winds in the winter. They also provide shade, but since they often have branches near the ground, their shade is most effective when the sun is not directly overhead.

Both deciduous and evergreen trees save energy in summer by directly cooling the air. This cooling happens as water evaporates from the leaf surfaces, much as our skin is cooled when we perspire.

### The Right Place....

#### ...for Shade

Shade from trees reduces air conditioning needs and makes non-air conditioned homes more comfortable. Plant deciduous trees so they will shade east-facing walls and windows from 7 to 11 a.m. and west-facing surfaces from 3 to 7 p.m. during June, July, and August. Trees with mature heights of at least 25 feet should be planted 10 to 20 feet east and west of the house. Plant smaller deciduous or evergreen trees with lower limbs northwest and northeast of the building to provide late afternoon and early morning shade.

Trees planted to the southeast, south, or southwest will only shade a building in the summer if they extend out over the roof. In the winter, when maximum sun is desired, such trees will provide too much shade. Even deciduous trees that have dropped their leaves cast quite a bit of shade in the winter.

To avoid winter shading, locate trees no closer than 2-1/2 times their mature height to the south of a building. Trees planted to the southeast or southwest should be about four times their mature height from the building.

Trees should also be planted to shade paved areas. Light energy striking dark pavement like asphalt is absorbed, causing the air above to be heated. Light colored pavement absorbs less energy, but can reflect it toward a building. Tree leaves reduce heat and reflection as they absorb light energy and use it to evaporate water.

Air conditioners should also be shaded from mid-morning through evening. Prune branches to allow at least several feet clearance around the air conditioning equipment to encourage air flow. Shrubs should not be planted near the air conditioner or they will reduce air flow and cooling efficiency.

### The Right Place....

#### ...for Wind Protection

Trees can reduce energy use for heating by blocking cold winter winds. These winds enter homes through small openings and also carry heat away from the building's outer surfaces.

Effective windbreak trees have crowns that extend to the ground and branches that keep their foliage in winter (evergreens). Junipers, spruces, firs, Douglas-fir, and evergreen shrubs are good choices for wind protection.

Trees for winter wind protection should be planted upwind of the area to be protected. This will often mean planting on the west, northwest, and north sides of a building. However, local conditions like mountain ranges may cause prevailing winter winds to be from other directions.

Windbreak trees can be planted in straight or curved rows or in linear groupings. They should be close enough together so their crown edges meet within a few years without overcrowding. Small or narrow-crowned trees can be as close as six to eight feet while larger trees can be as far as fifteen feet apart. Shrubs can be planted as close as two to four feet apart. Windbreaks can consist of one or two dense rows or several less-dense rows. Wind protection extends downwind ten to twenty times the windbreak height, so the trees need not be planted close to dwellings to be effective. Keep in mind that snow drifting will be the worst at two to three times the windbreak height downwind.

### Planting Precautions

Avoid creating future problems when planting trees. Remember that a four foot tall, two foot wide tree might end up being 60 feet tall and 30 feet across. Learn the mature size and crown characteristics of any tree you buy and plant accordingly.

Plant trees far enough away from sidewalks, driveways, and buildings so the crown has room to develop. Full-crowned trees that naturally keep their branches all the way to the ground should be planted at least one-half of their mature crown width from any obstruction. Trees that can readily be pruned as they grow, like most deciduous trees, can be planted closer and allowed to overhang low obstructions.

Consider power line location when planting a tree. Trees that grow into power lines cause electrical outages and increased line maintenance costs. They also can end up in poor health because of the severe pruning that is sometimes necessary.

Wildfire hazard should also be considered when planning your landscape. In areas where grass, brush, or forest fires are likely, planting trees and shrubs near your home may not be appropriate. Contact your local fire department for more information on landscaping in fire-prone areas.

**For Assistance....**

For additional information on tree selection, planting, and care contact your County Extension office or local nursery. For more information about trees and power lines contact Utah Power or your local power provider.

If you are planning to plant trees in an area with buried power lines or other buried utilities, call Blue Stakes at 1-800-662-4111 (532-5000 in the Salt Lake City dialing area) to have these utilities located and marked.

## Tree Planting for Lower Power Bills

articles.extension.org



Whether it is winter or summer, trees can help you save energy at home.

### ***Shade for Savings***

Did you know that only 17% shade over your house during the day translates to a savings of 10 dollars a month on your power bill? Additionally, increasing that same shade to 50% will decrease your power bill by an additional \$20 per month. For those without trees, it takes time to plant a tree and generate this shade. However one study estimates that within 5 years of planting you can realize a 3% energy savings and by 15 years that savings can increase to 12%. So whether you have shade or are looking to generate some tree shade, read-on to learn the key to success: Put the right tree in the right place.

### ***The Cooling Effect of Trees:***

Trees naturally cool the environment. Through the process of transpiration, similar to that of evaporation, trees lose water vapor from their leaves. This allows not only for minerals and water to move throughout the tree, but also has a cooling effect on trees and their surrounding environment. It is similar to our process of perspiring and how it cools our skin.

One study estimated that the net cooling effect of a young healthy tree would be equivalent to 10 room-size air conditioners running for 20 hours a day. By contrast concrete, asphalt and other impervious surfaces in the urban environment absorb heat, causing for this heat to build up and dissipate even well after dark. As a result cities tend to be several degrees warmer than the surrounding countryside. This is referred to as the Heat Island Effect. However, there is hope for the urban environment by introducing trees and putting them to work. Urban trees can not only mitigate higher urban temperatures but reduce cooling and even winter heating bills.

### ***Planting Trees for Summer Shade:***

Radiant energy from the sun heats home surfaces such as walls, roofs and windows forcing air conditioners to work harder. This drives energy consumption and power bills up. While good insulation will help mitigate this problem, shade from surrounding trees can further conserve energy, especially for older homes with outdated or limited insulation.

Selecting deciduous trees, or trees that lose their leaves during winter, is ideal for energy conservation. These trees will provide shade during hot summers and only minimal shade during cold winter months when the sun's heat is desirable. The key to maximizing energy conservation is carefully placing trees to provide shade to the home from morning and afternoon sun.

To protect from morning and afternoon sun plant trees to shade east and west facing walls and windows. For both east and west plantings select a combination of small and large trees. Small trees will providing shade during early morning and late afternoon when the sun's angler is low on the horizon. By contrast the larger trees with a mature height of 25 feet or more will provide coverage in both late morning and early afternoon when the sun is higher in the sky.

Trees should also be located on the south and southwest sides of the house to provide summertime roof shading. These trees should have high spreading crowns capable of shading the roof. Avoid smaller trees or trees with excessive lower branches in this location as it will cause excessive shade during winter months, even if deciduous.

Planting trees to shade the air conditioner unit can also conserve energy. Trees and their branches should be at least several feet away from the units to allow for easy airflow. Restricting this flow will reduce the efficiency of the unit.

To avoid conflicts and damage to your home plant larger trees at least half of their mature width from the base of your home. For example, if a tree's estimated mature width is 40 feet, plant it at least 20 feet away from your home. Closer to the home smaller trees and shrubs that will cause less conflicts can be planted to shade the home until larger trees mature and begin providing shade.

#### *Planting for Winter Energy Conservation:*

Blocking cold winds is the biggest contribution trees can make towards energy conservation in winter. Winter winds can force cold air into holes or cracks in walls or frequently opened doors. It is estimated that 11% of America's energy use goes into heating and cooling homes and 53% of that goes directly to heating.

A well-designed windbreak can reduce heating costs by 10% to 25%. Windbreaks work by reducing wind speed and divert air up and over homes. Breaks should be planted perpendicular to the prevailing winter winds, this likely means planting on the west, northwest and north sides of the home. However local conditions and weather patterns should be reviewed to select the best planting locations.

The greatest wind reduction occurs between 2 to 5 times the height of the windbreak downwind. This means if you expect your trees in the windbreak to achieve a height of 30 feet, it should be planted between 60 to 150 feet from the home they are sheltering. In smaller yards this may not be possible, however, the breaks will still be effective, just to a lesser degree.

For effective windbreaks, select trees that have crowns that extend to the ground and are evergreen (meaning they keep their leaves all winter). These trees should be planted relatively close together to ensure their crowns meet. This distance can range from 6 feet for smaller or narrow crowned trees to 15 feet for larger trees. Planting design can be in a straight line, curved or in groupings. If you live in areas with sever winds like hurricanes, groupings are advisable.

#### *Selecting the Right Trees for Success:*

Selecting trees that are disease and pest resistant is important to growing a long-term urban forest. This is especially important when planting windbreaks that might be composed of a single species.

Additionally, homeowners should strongly consider selecting wind tolerant species as these trees will be close to the home and their failure during storms could cause significant damage.

Avoid the temptation to plant fast growing trees as they are generally short lived, have weaker wood fiber making them more susceptible to wind, snow or ice damage. Trees should be planted in groupings when possible, as they are more wind tolerant than in individual plantings.

Remember to look up and avoid planting trees under or next to power lines. Utility conflicts will lead to power outages or trees being trimmed in unsightly ways by utility companies. Avoid planting trees too close to sidewalks or driveways. Over time roots may damage these structures leading to potential root conflicts. For most medium to large trees plant them at least 10 to 15 feet from these structures.

By: [Beau Brodbeck](#), Auburn University and [Sharon Jean-Philippe](#), University of Tennessee.

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RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY  
TO SETTLE A CONDEMNATION LAWSUIT WHEREIN  
JOHNNY L. BAKKER, ET AL, ARE DEFENDANTS.**

WHEREAS, the City of Springdale filed a lawsuit against Johnny L. Bakker, Individually and as Trustee of the Johnny L. Bakker Revocable Trust and Susan G. Chase, Individually and as Trustee of the Susan G. Chase Revocable Trust to condemn a tract of land for the Don Tyson Parkway Widening South 40<sup>th</sup> Street to Carley Road Project, Project No. 12BPS3, Tract 10;

WHEREAS, the City of Springdale deposited the sum of \$16,100.00 into the Registry of the Court as estimated just compensation for the property;

WHEREAS, the property owners have extended an offer to settle the condemnation lawsuit for the total sum of \$30,000.00;

WHEREAS, it is the recommendation of the City Attorney that the City Council approve the additional sum of \$13,900.00 to settle this lawsuit, as this amount is reasonable, is justified, and will avoid the cost, expense, and risk of a trial;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City Attorney is hereby authorized to settle the Bakker condemnation lawsuit for the total sum of \$30,000.00.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, CITY ATTORNEY



**LISLE | RUTLEDGE**  
ATTORNEYS

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Springdale, AR 72766-7977  
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James K. Hatcher  
Gino Franco  
Mona J. Teague  
Jason Boyeskie  
Meghan M. Gallo

March 31, 2016

via email

Ernest Cate  
Sarah Sparkman

Re: *Springdale v. Johnny L. Bakker, et al.*  
Washington County Circuit 72CV2014-2116-4

Dear Ernest and Sarah:

Please accept this letter as our good-faith attempt to settle this case as required by the Court's mediation order. The following information is provided for settlement purposes.

The City has offered **\$16,100.00** in just compensation in this case. The landowners obtained an appraisal from Mark Risk of The Real Estate Consultants indicating that they are entitled to **\$39,265.00** in total compensation.

The appraisals have similar values for the land acquired. The City's appraisal supported \$1.02 per s/f and the landowners' appraisal was \$1.77 per s/f. The City's did not allocate any compensation for part of the ROW acquired, assuming it was already owned by prescription. There is no documentation in the land records to support this assumption. The City's report also failed to allocate any compensation for the driveway and fence that were destroyed and it did not provide any compensation for the temporary construction easement for the occupation of my clients' land for the nearly two years that this land was disturbed by construction. The attached pictures show the extent of the occupation of my clients' land that was not part of the formal acquisition of the property needed by the City.

The construction company's use of my clients' land beyond the construction limits was extensive. Their adjoining property was used for vehicle and material storage, waste collection, and it was graded to hold water off of the project. This occupation is still not completely finished. The damages caused by the contractor are the subject of a separate lawsuit. The City is responsible for the damages claimed in that case to the extent that the land use was needed to complete this project. The contractor is liable for the damages to the extent that the use of the

*Ernest Cate and Sarah Sparkman*  
*Re: City of Springdale v. Bakker, et al.*  
*March 31, 2016*  
*Page 2 of 2*

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adjoining land was not necessary for the completion of this project. Because the cases are intertwined, the Court has indicated that the two actions will be consolidated into one trial.

In the interest of settlement, my clients have authorized me to accept **\$30,000**. This would require an additional payment by the City in the amount of **\$13,900**. In exchange for the additional compensation, my clients will release the City of any further liability for damages related to this project, including the ongoing case against the contractor, and their claim for prejudgment interest.

We look forward to your response.

Sincerely,  
LISLE RUTLEDGE, P.A.



Steve Lisle  
Attorney at Law

encs.

cc: Clients

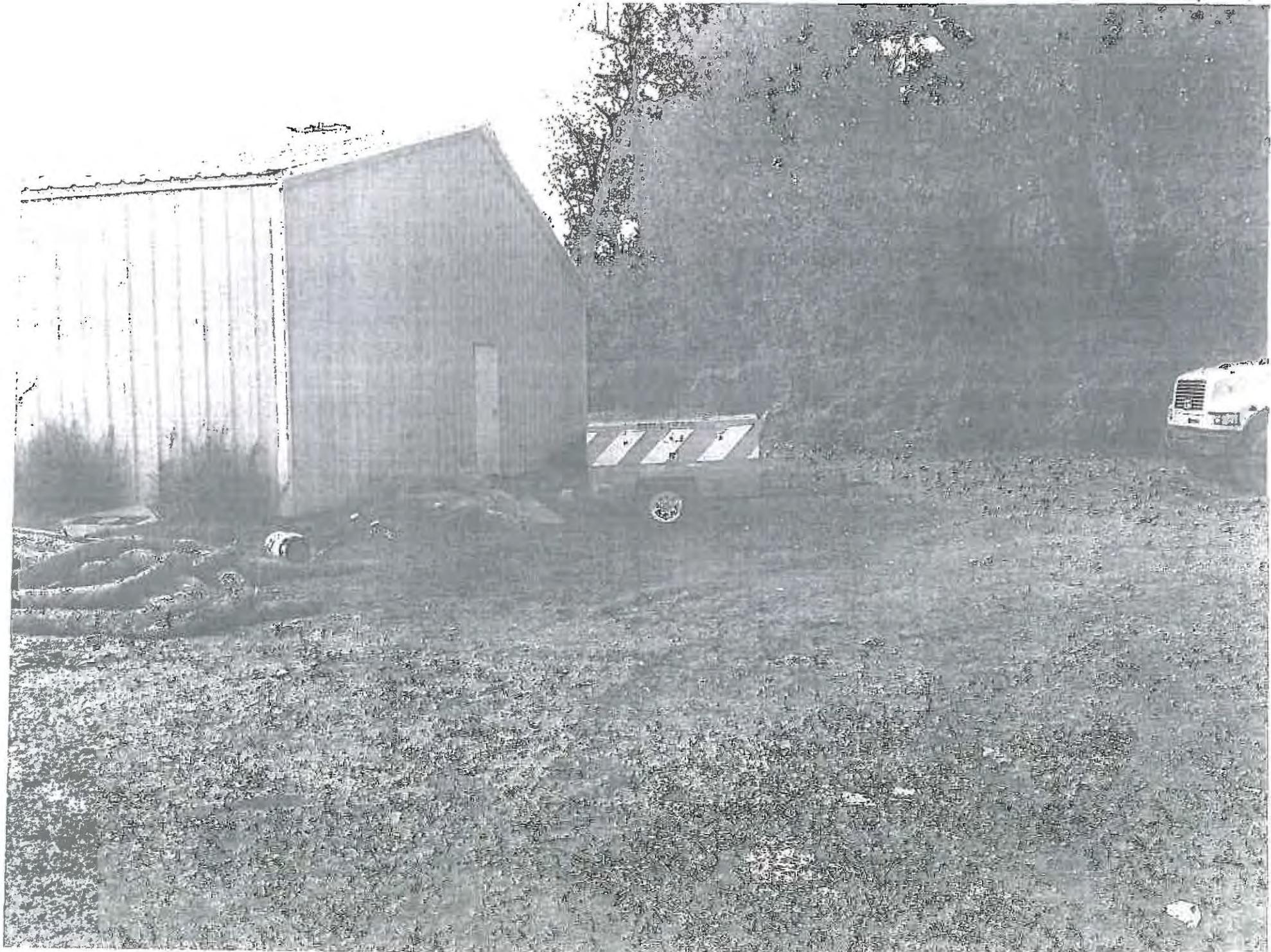


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EXHIBIT  
1









# TRULOVE

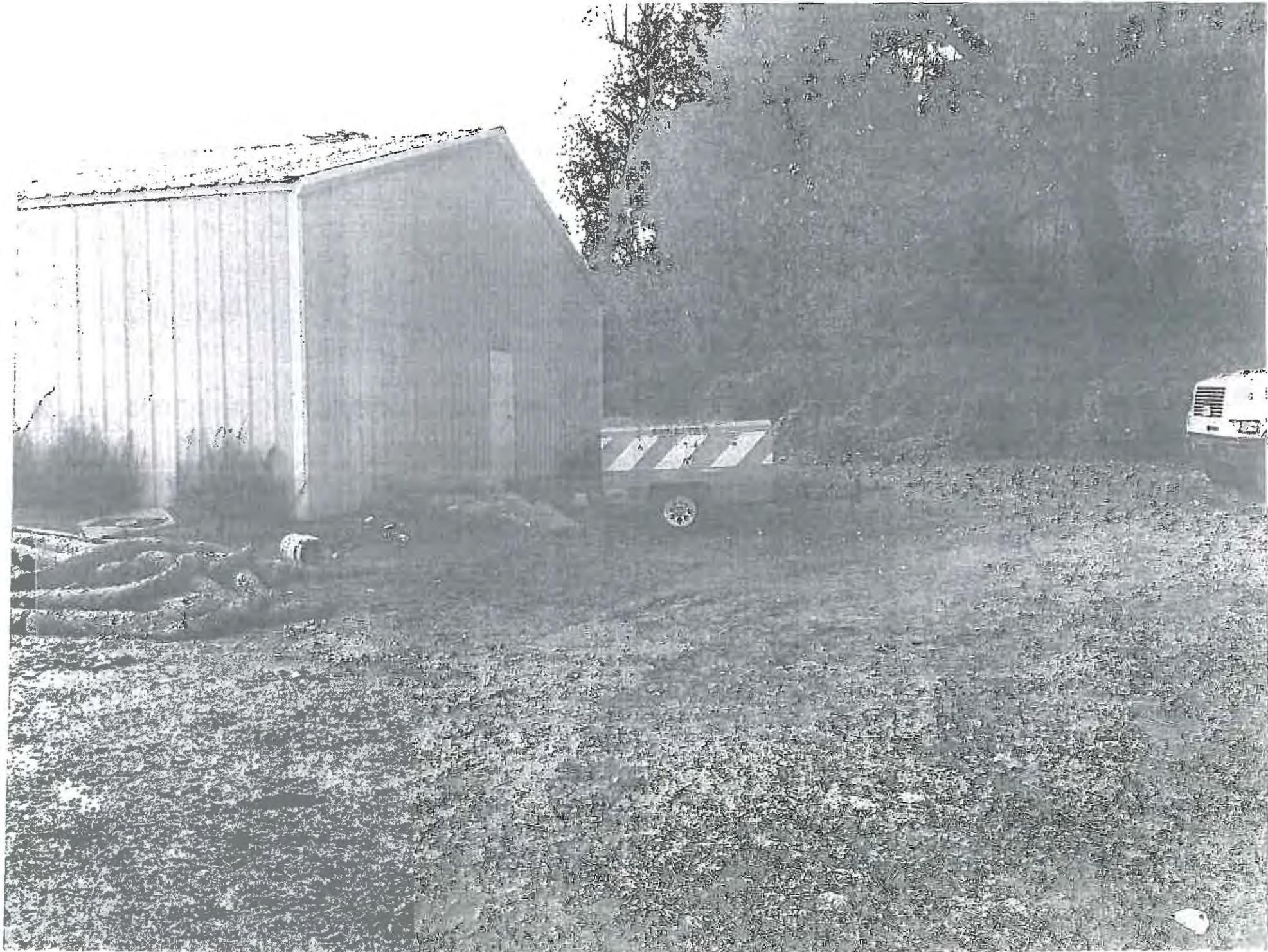


## CONSTRUCTION

870-423-4709











RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY  
TO SETTLE TWO CONDEMNATION LAWSUITS  
WHEREIN RAY N. DOTSON AND LESA G. DOTSON,  
ET AL, ARE DEFENDANTS.**

WHEREAS, the City of Springdale filed two lawsuits against Ray N. Dotson and Lesa G. Dotson, *et al*, to condemn two tracts of land for the Don Tyson Parkway Widening South 40<sup>th</sup> Street to Carley Road Project, Project No. 12BPS3, Tract 18 and Tract 19;

WHEREAS, the City of Springdale deposited the total sum of \$136,100.00 into the Registry of the Court as estimated just compensation for the property;

WHEREAS, the property owners have extended an offer to settle the condemnation lawsuits for the total sum of \$165,000.00;

WHEREAS, it is the recommendation of the City Attorney that the City Council approve the additional sum of \$28,900.00 to settle these lawsuits, as this amount is reasonable, is justified, and will avoid the cost, expense, and risk of a trial;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City Attorney is hereby authorized to settle the Dotson condemnation lawsuits for the total sum of \$165,000.00.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, CITY ATTORNEY



**APPRAISAL REPORT (CONDEMNATION)**

Tract 18 & 19  
Carley Road Project #12BPS3  
3495 & 3576 Raymond Lane  
Springdale, AR

In the Circuit Court of Washington County, Arkansas  
City of Springdale, Arkansas, a Municipal Corporation  
Plaintiff

VS

Ray N. Dotson and Lesa G. Dotson  
Defendant

No. CV 2014-1676-7  
And  
CV2014-1718-2

BY

The Real Estate Consultants  
118 N. East Ave.  
Fayetteville, AR 72701

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**THE  
REAL ESTATE  
CONSULTANTS**

• REALTORS • APPRAISERS • CONSULTANTS •



118 N. East Ave.  
P.O. Box 747  
Fayetteville, AR 72702

Phone (479) 442-0762

November 10, 2015

Ray N. Dotson & Lesa G. Dotson  
419 E. Emma Ave  
Springdale, AR 72764

RE: Appraisal Services - Tract 18  
3576 Raymond Lane  
Improvements, R.O.W Taking, Temporary Construction  
Easement and Utility Easement

Tract 19  
3495 Raymond Lane  
R.O.W, Temporary Construction Easement and Utility  
Easement

Springdale, AR

Gentlemen;

In compliance with your request and to determine the retrospective market value (before and after value) of the Fee Simple interest of the above captioned property, I hereby certify I have personally inspected the property and made a survey of matters pertinent to the developing an opinion of its value. I further certify I have no interest present or contemplated in the property under appraisal, and my fee was not contingent upon the value estimate reported. The appraiser inspected the subject property on October 27, 2015. The effective date of this report is the date of the court ordered taking, September 16, 2014.

The clients for this report and also the defendants in the aforementioned case are Ray N. Dotson Lesa G. Dotson, Husband and Wife. The purpose of this report is to determine the losses and damages to the fee simple value (retrospective) of the parent tracts (parcel # 815-29126-130 and 815-29126-140) due to the taking of Improvements, R.O.W, utility and temporary easements, as the results of a condemnation under eminent domain. The condemning authority and the plaintiff in the aforementioned case is The City of Springdale, Arkansas, A Municipal Corporation. The intended users of this report are the client, Mr. & Mrs. Dotson, and their attorney of record, Dale Evans. Any other party who relies upon any information in this report, without the preparer's written permission does so at their own risk.

As of January 1, 2014 the Summary Appraisal Report, Self Contained Appraisal Report and Restrictive Use Report have been retired by USPAP reference USPAP 2014-2015. The correct designation is now "Appraisal Report" or "Restrictive Appraisal Report". The key to determining the appropriate report is based on the intender users and the familiarity of the user in relationship to



the subject property. That is a Restrictive Appraisal Report indicates the client is the only intended user and the client has a familiarity with the subject property. Conversely, the Appraisal Report may have more intended users than the client and the familiarity of the intended users is not as comprehensive as is required in the Restrictive Appraisal Report. In addition, in the Restricted Appraisal Report it must be reported that the rationale for how the appraiser arrived at the opinions and conclusions set forth in the report may not be understood properly without additional information in the appraiser's work file.

USPAP indicates under Standards 2 the appraiser must communicate each analysis, opinion, and conclusion in a manner that is not misleading. Standards Rule 2 addresses the content and level of information required in a report that communicates the results of a real property appraisal. This does not dictate the form, format or style of the report. These are functions of the needs of intended users. In this particular report the appraiser has elected to communicate the report as an Appraisal Report.

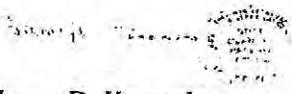
This appraisal is based upon information gathered by the appraiser from the subject owner, public records, and other reliable sources, and upon an inspection of the subject property and neighborhood. In developing the appraisal approaches used, data was also collected from the Real Estate Consultants' office files and a personal inspection.

The report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice as promulgated by the Appraisal Foundation. In addition, there have been extraordinary assumptions made in this report and they may be found in the section "Assumptions and Limiting Conditions". Furthermore, it is appropriate under USPAP guidelines to notify the client of a previous assignment concerning the subject property completed by the appraiser. In accordance with these guidelines the appraiser affirms he has not performed services as an appraiser regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.

Based upon my inspection of the subject property and the investigation and analysis carried out in this report, it is my considered opinion that the total compensation to the subject owners as the result of the taking of a portion of the subject property and associated easements as of *September 16, 2014* and subject to the assumptions and limiting conditions set forth in the body of this report, is as follows:

**ONE HUNDRED AND SIXTY-TWO THOUSAND DOLLARS  
(\$162,000)**

Respectfully submitted,



Larry D. Kennedy  
Certified General  
CG 1806



**APPRAISAL REPORT**  
Ray N. & Lesa G. Dotson, Husband & Wife

**TRACT** 18 & 19  
**PROJECT** # 12BPS3  
**COUNTY** Washington  
**PARCEL** 815-29126-140 & 815-29126-130  
**LOCATION** Intersection of W. Don Tyson & Raymond Lane  
**FEE OWNER** Ray N. & Lesa G. Dotson, Husband & Wife  
**ADDRESS** 3495 & 3576 Raymond Lane, Springdale, AR

**ESTATE APPRAISED** Fee Simple

<u>TRACT 18</u>			
<b>AREA OF WHOLE</b>	14,000 SF		<b>PERMANENT UTILITY, EASEMENT:</b>
<b>LESS PRESCRIPTIVE ROW</b>	(4,024) SF*		
<b>NET LAND SIZE</b>	9,976 SF		2,213 SF
			<b>PERMANENT R.O.W.</b> 3,662 SF
<b>AREA OF ROW ACQUISITION</b>	3,662 SF		
<b>UTILITY EASEMENT</b>	2,213 SF		
<b>NET ROW &amp; UTILITY EASMT</b>	5,875 SF		<b>DRAINAGE EASEMENT</b> 0 SF
			<b>TOTAL EASEMENTS</b> 5,875 SF
<b>AREA OR REMAINDER</b>	4,101 SF		<b>TEMPORARY EASEMENT</b> 4,108 SF
<b>AREA OF ACQUISITION</b>	5,875 SF		
*Existing ROW			

<u>TRACT 19</u>			
<b>AREA OF WHOLE</b>	73,616 SF		<b>PERMANENT UTILITY, EASEMENT:</b>
<b>LESS PRESCRIPTIVE ROW</b>	(15,353) SF*		
<b>NET LAND SIZE</b>	58,263 SF		2,114 SF
			<b>PERMANENT R.O.W.</b> 1,828 SF
<b>AREA OF ROW ACQUISITION</b>	1,828 SF		
<b>UTILITY EASEMENT</b>	2,114 SF		
<b>NET ROW &amp; UTILITY EASMT</b>	3,942 SF		<b>DRAINAGE EASEMENT</b> 0 SF
			<b>TOTAL EASEMENTS</b> 3,942 SF
<b>AREA OR REMAINDER</b>	54,321 SF		<b>TEMPORARY EASEMENT</b> 5,178 SF



**ESTIMATED MARKET VALUE OF THE PROPERTY:**

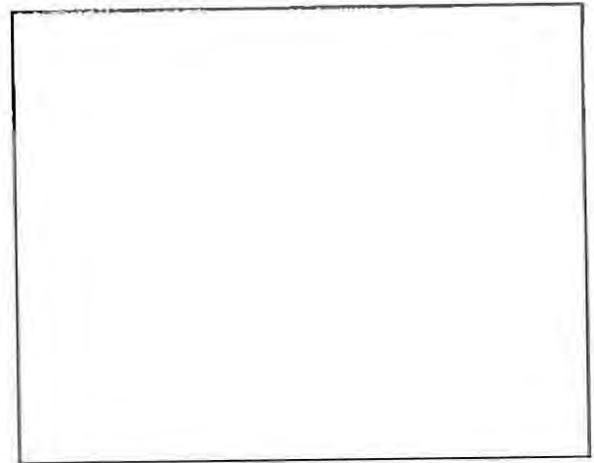
<b>TRACT 18</b>		<b>3576 RAYMOND LANE</b>				
				<b>BEFORE</b>		
LAND	9,976	SF@	\$2.75	\$27,500 *		
IMPROVEMENTS	1,979	SF@	\$61.90	\$122,500		
<b>SUB-TOTAL</b>				\$150,000	\$150,000	
<b>TRACT 18</b>						
				<b>AFTER</b>		
LAND	9,976	SF@	\$2.75	\$27,478 *		
LAND (REMAINDER)	4,101	SF@	(\$2.75)	(\$11,296) *		
ROW	3,662	SF@	(\$2.75)	(\$10,087)		
UTILITY EASEMENT	2,213	SF@	(\$2.75)	(\$6,096)		
TCE	4,108	8%/1yR	(\$2.75)	\$ (905)		
IMPROVEMENTS				\$0		
<b>SUB-TOTAL</b>				-\$905	-\$905	
<b>COMPENSATION</b>					\$150,905	\$150,905
<b>TRACT 19</b>		<b>3495 RAYMOND LANE</b>				
				<b>BEFORE</b>		
LAND	58,263	SF@	\$2.50	\$145,658 *		
IMPROVEMENTS	1,617	SF@	\$59.47	\$96,158		
<b>SUB-TOTAL</b>				\$241,815	\$241,815	
		<b>TRACT 19</b>				
				<b>AFTER</b>		
LAND	58,263	SF@	\$2.50	\$ 145,658		
ROW	1,828	SF@	(\$2.50)	\$ (4,570)		
UTILITY EASEMENT	2,114	SF@	(\$2.50)	\$ (5,285)		
TCE	5,178	8%/1yR	(\$2.50)	\$ (1,036)		
IMPROVEMENTS				\$96,158		
<b>SUB-TOTAL</b>				\$230,925	\$230,925	
<b>COMPENSATION</b>					\$10,890	\$10,890
<b>TOTAL COMPENSATION</b>						\$161,795
*All acquisitions of property (R.O.W, easements, improvements) are Fee Simple						
*In the opinion of the appraiser the remaining land value for Tract 18 had no contributory value. This is discussed elsewhere in this report						

SAY

Total Compensation: 09/16/14

\$ 162,000

5



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ACCEPTING THE RE-PLAT OF LOTS 37 AND 38 OF THE ENCLAVE 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:

Lots 37 and 38 of The Enclave, Springdale, Washington County, Arkansas, being more particularly described as follows:

Beginning at an existing rebar marking the Southeast Corner of Lot 37. Thence along the South line of said Lot 37, North 87 degrees 15 minutes 19 seconds West, 160.00 feet to an existing rebar marking the Southwest Corner of Lot 37, said point being on the East Right of Way line of St. Alban's Street. Thence along the West line of Lot 37 and Lot 38, and along said Easterly Right of Way line the following bearings and distances: North 02 degrees 44 minutes 41 seconds East, 46.75 feet. Around a curve to the right having a radius of 120.00 feet and subtended by a chord bearing and distance of North 09 degrees 08 minutes 38 seconds East, 26.02 feet. North 15 degrees 11 minutes 03 seconds East, 43.48 feet. Around a curve to the left having a radius of 120.00 feet and subtended by a chord bearing and distance of North 08 degrees 00 minutes 29 seconds East, 25.95 feet. North 02 degrees 57 minutes 39 seconds East, 94.41 feet. Around a curve to the right having a radius of 40.00 feet and subtended by a chord bearing and distance of North 47 degrees 41 minutes 51 seconds East, 56.57 feet to the North line of Lot 38 and the South Right of Way line of Ivey Lane. Thence along said North line and along said South Right of Way line, South 87 degrees 18 minutes 09 seconds East, 105.03 feet to the Northeast Corner of Lot 38. Thence leaving said South Right of Way line and long the East line of Lot 37 and Lot 38, South 02 degrees 44 minutes 41 seconds West, 275.44 feet to the Point of Beginning containing 41,010.38 square feet or 0.94 of an acre and subject to any Easements of Record

**AND WHEREAS**, said Planning Commission after conducting a public hearing, has approved the re-plat as presented by petitioner, and has approved the dedication of

streets, rights-of-way and utility easements as shown upon said re-plat and join with the said petitioner in petitioning the City Council to accept the said REPLAT OF LOTS 37 AND 38 OF THE ENCLAVE to the City of Springdale, Arkansas.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS,** that the RE-PLAT OF LOTS 37 AND 38 OF THE ENCLAVE, to the City of Springdale, Arkansas, as shown on the re-plat approved by the City Planning Commission, a copy of which is attached to this Ordinance and made a part hereof as though set out herein word for word, be and the same is hereby accepted by the City of Springdale, Washington 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 \_\_\_\_\_, 2016.

\_\_\_\_\_  
Doug Sprouse, Mayor

**ATTEST:**

\_\_\_\_\_  
Denise Pearce, CITY CLERK

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Ernest Cate, CITY ATTORNEY

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING SECTION 110-86 OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

**WHEREAS**, Chapter 110, Article IV of the Code of Ordinances of the City of Springdale, Arkansas, contains the provisions and regulations pertaining to excavations in the City of Springdale, Arkansas;

**WHEREAS**, Section 110-86 of the Code of Ordinances of the City of Springdale, Arkansas, provides the fees/requirements for an excavation permit;

**WHEREAS**, Section 110-86 of the Code of Ordinances of the City of Springdale, Arkansas, should be amended to revise the bonding and fee requirements associated with the issuance of an excavation permit;

**WHEREAS**, it is in the best interest of the citizens of the City of Springdale, Arkansas, to amend Section 110-86 of the Code of Ordinances of the City of Springdale, Arkansas;

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

**Section 1:** Section 110-86 of the Code of Ordinances of the City of Springdale, Arkansas, is hereby amended to read as follows:

**Sec. 110-86. – Permit requirements.**

Before any person shall dig, excavate in, bore under or remove any portion of any street, alley, curb or sidewalk in the city, he shall obtain a permit issued by the city street superintendent. At the time of making application for the permit, an inspection fee of \$10.00 shall be paid. An applicant for such permit shall deposit ~~cash~~ or a sufficient corporate surety bond at the office of the city street superintendent before a permit shall be issued. The amount of the ~~cash and/or~~ bond shall be determined by the street superintendent based upon the estimated cost of the permanent repair as described under subsection (2)d below, plus an amount sufficient to pay for any and all damages to public property that may result in the course of the permitted work, but shall not be less than \$5000.00. The ~~cash and/or~~ bond shall be forfeited, all or in part thereof, for failure to comply with the rules of public safety, failure to close the opening as quickly as possible, failure to complete the backfill and repair in accordance with specifications, failure to complete the necessary cleanup, damage to public property including but not limited to the street sub grade, asphalt surface, concrete surface, curb and gutter, sidewalk, and or all infrastructure located within the street right-of-way or causing unnecessary inconvenience or damage to vehicular or other traffic.

- (1) *Jacking or boring.* The depth of bury on installations which are jacked or bored under any street shall have a minimum depth of bury of 2½ feet below the low points of the street cross section to the top of the pipe or casing, or 3½ feet below the bottom of the pavement structure (top of subgrade) to the top of the pipe or casing, whichever gives the greatest depth. If the pavement structure is damaged by the jacking or boring installation, it shall be repaired in accordance with subsection (2) below.
- (2) *Street cuts.* All street cuts shall be made and repaired in accordance with methods approved by the ~~planning and community development director~~ Director of Engineering, or his/her representative, depending on the type of street surfacing.
  - a. The person making the street cut shall saw-cut the pavement in a smooth straight line before any excavation commences. Flares, barricades, warning signs and other warning devices as required in the current edition of the MUTCD shall be used to protect the public from harm. The city street superintendent or his authorized representative shall inspect the street opening before any class 7 backfill is placed in the opening and during the backfill operation. The backfill shall be watered and compacted by machine tampers to a density of 95 percent of AASHTO T 180. A temporary patch of two inches of cold-mix asphalt shall be used over the top of the backfill matching the existing grade of the street surface. The city street department shall make the permanent repair in accordance with City of Springdale, Arkansas Standard Details for Street and Drainage Construction.
  - b. If it is necessary to make a street cut during off-duty hours, the person making the cut shall notify the city police department. Normal duty hours are from 7:30 a.m. until 4:00 p.m. Monday through Friday with the exception of holidays. The city street superintendent or his authorized representative shall inspect all street cuts made during off-duty hours. An extra charge in the amount of ~~\$15.00~~ \$30.00 per hour shall be billed to the person making the cut during off-duty hours to compensate the city street superintendent or his authorized representative.
  - c. The person who makes the street cut shall be responsible for making any needed repairs due to settling of the cut or loss of cold mix asphalt for a period of 90 days from the time the temporary patch is completed, or until the permanent repair is completed by the city street department, whichever comes first.
  - d. After the temporary patch is complete, the city street superintendent or his authorized representative shall make a final inspection and measure the width and length of the street cut. The cost of the permanent repair

shall be billed at the rate of \$6.00 per square foot with a minimum charge of \$50.00 per street cut. The ~~cash~~ ~~and/or~~ bond deposited with the city shall be returned to the applicant after the applicant has paid for the cost of the permanent repair, and the final cleanup of the trench cut is complete. A contractor in the business of performing utility construction and/or maintenance that requires excavation in the street right-of-way or is engaged in a contract to perform work that includes excavation in the street right-of-ways may be required to provide a standing surety bond sufficient to cover the scope of the expected number of permits applicable to each and every site upon which to work is scheduled to take place and where a permit will be required. The standing surety bond will remain in place until the completion of all permitted work and all permitted work is fully inspected by the street superintendent and deemed to be satisfactory.

- (3) *Curb cuts for driveways.* Curb modifications for driveways shall be in accordance with this section. The street superintendent or his authorized representative shall inspect the curb cut after the excavation for the driveway is complete and before any base material, asphalt or concrete is placed for the construction of the driveway. A final inspection shall be performed after the driveway construction and cleanup is complete. The cash and/or bond deposited with the city shall be returned to the applicant when the curb modification is completed in accordance with this section.

**Section 2:** All other provisions of Chapter 110 of the Code of Ordinances of the City of Springdale, Arkansas, not specifically amended by this ordinance shall remain in full force and effect.

**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 \_\_\_\_\_, 2016.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, City Attorney

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ORDERING THE RAZING (DEMOLITION) AND REMOVAL OF A CERTAIN RESIDENTIAL STRUCTURE WITHIN THE CITY OF SPRINGDALE, ARKANSAS; TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES.**

**WHEREAS**, Robby Z. Riggins, is the owner of certain real property situated in Springdale, Washington County, Arkansas, more particularly described as follows:

Lot 24 County Court Plat 36-18-30 Lot 24 NE1/4 SE 168/96 further described from 1129-71 as: Part of the Northeast Quarter of the Southeast Quarter (Section 36 in Township 18 North or Range 30 West, described as beginning 495 feet East of the Northwest corner of said 40 acre tract, and running thence South 200 feet for a beginning corner, and running thence South 96 feet, thence West 168 feet, thence North 96 feet, thence East 168 feet to the place of beginning.

Section: 36 Township: 18S Range: 30W: 0.37 Lot Block: City: Addition: County Court Plat SD: 501

Tax Parcel No. 815-28420-000

**WHEREAS**, the structure on the property is unfit for human habitation, constitutes a fire hazard, otherwise is dangerous to human life, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, and further is unsightly, and is considered an unsafe and unsightly structure in violation of Springdale City Ordinances (§22-32 and §91-37, *et seq.*);

**WHEREAS**, the owner has been notified by the City of Springdale prior to the consideration of this ordinance, that 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;

**WHEREAS**, pursuant to Chapter 22-32 of the Ordinances of the City of Springdale, the owner was given thirty (30) days to purchase a building permit and to commence repairs on the property, or to demolish and remove the building from the property;

**WHEREAS**, the owner has failed, neglected, or refused to comply with the notice to repair, rehabilitate or to demolish and remove the building, and as such, the matter of removing the building may be referred to the City Council pursuant to Chapter 22 and Chapter 91 of the Ordinances of the City of Springdale;

**WHEREAS**, under Ark. Code Ann. § 14-56-203 and pursuant to Chapter 22 and Chapter 91 of the Springdale Code of Ordinances, if repair or removal is not done within the required time, the structure is to be razed (demolished) and/or removed;

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

**Section 1.** That the structure located at East Huntsville Ave., Springdale, Arkansas, is dilapidated, unsightly, and unsafe; and it is in the best interests of the City of Springdale to proceed with the removal of this dilapidated, unsightly, and unsafe structure.

**Section 2.** That the owner is hereby ordered to raze (demolish) and remove the dilapidated, unsightly and unsafe structure located on the aforesaid property; and, is further ordered to abate the unsightly conditions on the property. Said work shall be commenced within ten (10) days and shall be completed within thirty (30) days from the passage of this ordinance. The manner of razing (demolishing) and removing said

structure shall be to dismantle by hand or bulldoze and then dispose of all debris, completely cleaning up the property to alleviate any unsightly conditions, in a manner consistent with the Property Maintenance Code, and all other state laws and regulations pertaining to the demolition or removal of residential structures.

**Section 3.** If the aforesaid work is not commenced within ten (10) days or completed within thirty (30) days, the Mayor, or the Mayor's authorized representative, is hereby directed to cause the aforesaid structure to be razed (demolished) and removed and the unsafe, unsanitary and unsightly conditions abated; and, the City of Springdale shall have a lien upon the aforesaid described real property for the cost of razing (demolishing) and removing said structure and abating said aforementioned conditions, said costs to be determined at a hearing before the City Council.

**Section 4. EMERGENCY CLAUSE:** The City Council hereby determines that the aforesaid unsafe structure constitutes a continuing detriment to the public safety and welfare and is therefore a nuisance, and determines that unless the provisions of this ordinance are put into effect immediately, the public health, safety and welfare of the citizens of Springdale will be adversely affected. Therefore, an emergency is hereby declared to exist and this ordinance begin necessary for the public health, safety and welfare shall be in full force and effect from and after its passage and approval.

**PASSED AND APPROVED** this 10<sup>th</sup> day of May, 2016.

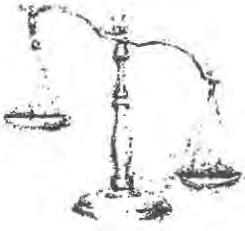
\_\_\_\_\_  
Doug Sprouse, MAYOR

ATTEST:

\_\_\_\_\_  
Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, CITY ATTORNEY



Office Of The City Attorney

201 Spring Street
Springdale, Arkansas 72764
Phone (479) 756-5900
Fax (479) 750-4732
www.springdalear.gov
Writer's Email:

ssparkman@springdalear.gov

Ernest B. Cate
City Attorney

Taylor Samples
Senior Deputy
City Attorney

Sarah Sparkman
Deputy City Attorney

David D. Phillips
Deputy City Attorney

Lynda Belvedresi
Case Coordinator/
Victim Advocate

Steve Helms
Investigator

Cindy Horlick
Administrative Legal
Assistant/Paralegal

March 28, 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robby Riggins
325 Berry St.
Springdale, AR 72764

RE: Property located in Springdale, Washington County, Arkansas,
Tax Parcel No. 815-28420-000

Dear Mr. Riggins:

The Chief Building Inspector for the City of Springdale, Arkansas, has posted notice on property located on behind 701 E. Huntsville Ave., Springdale, Arkansas, and has mailed notice in writing to you, via certified mail, that a structure located on said property owned by you was unsafe and could not be occupied until the property had been repaired. Furthermore, the owner was instructed to obtain a demolition or repair permit within thirty (30) days and to begin work within ten (10) days of obtaining the permit.

As of this date, you have taken no efforts to demolish or repair the structure on this property. As such, please be advised that the City Council for the City of Springdale will be reviewing the enclosed ordinance at a Committee Meeting that will take place at 5:30 p.m. on Monday, May 2, 2016, in the multi-purpose room located on the second floor of the City Administration Building at 201 N. Spring Street, Springdale, Arkansas. Also, the enclosed ordinance will be placed on the Council Agenda to be considered on Tuesday, May 10, 2016. This meeting will take place in the Council chambers on the first floor of the City Administration Building. I strongly encourage you to attend these meeting.

Should the City adopt the enclosed ordinance, you will be given a final opportunity to repair or remove the structure. Should you not take advantage of this opportunity, the City of Springdale will have the right to raze and remove the

structure, and then charge the costs of such as a lien against the property. The amount of any such lien would be determined by the City Council, and you would have the opportunity to be notified and be heard at this meeting. If you should have any questions, please let me know. I am also sending this letter to you via regular mail as well.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah Sparkman", with a long horizontal flourish extending to the right.

Sarah Sparkman  
Deputy City Attorney

enclosure  
SS:ch

cc: Mike Chamlee, Chief Building Official  
Tom Evers, Chief Building Inspector

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- 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:  
Robby Riggins  
325 Berry St.  
Springdale, AR 72764

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 Agent  
 Addressee  
*[Handwritten Signature]*

B. Received by (Printed Name) *PERCY HUNT* C. Date of Delivery *03/20/16*

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

3. Service Type  
 Certified Mail®  Priority Mail Express™  
 Registered  Return Receipt for Merchandise  
 Insured Mail  Collect on Delivery

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number 7015 1520 0002 6033 1286  
(Transfer from service label)

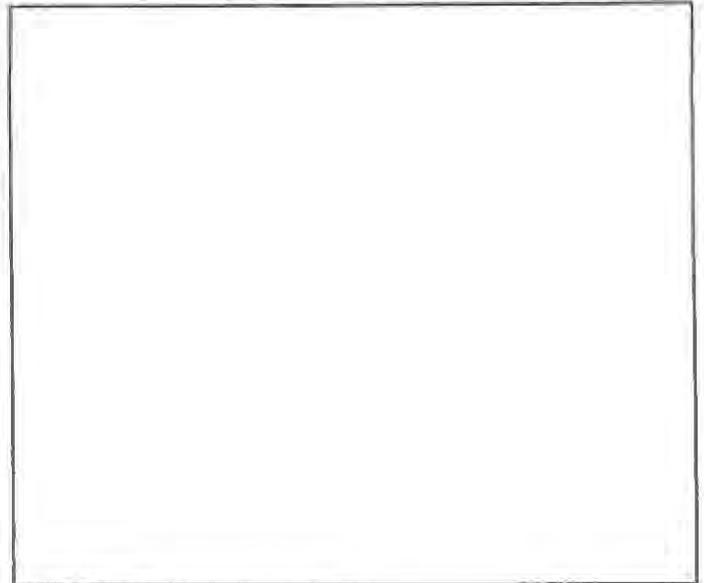
PS Form 3811, July 2013

Domestic Return Receipt

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, WASHINGTON COUNTY, ARKANSAS.**

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



**PROPERTY OWNER:** Jose Torres  
**LEGAL DESCRIPTION:** Lot Numbered 36, Southfield Subdivision, Phase II, to the City of Springdale, Arkansas, as per plat of said subdivision on file in Plat Book 12 at page 1 in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas. Subject to protective covenants, bill of assurance and restrictions.  
**LAYMAN'S DESCRIPTION:** 3389 Brian St.  
Springdale, Washington County, Arkansas  
**PARCEL NO.:** 815-31642-000

**PROPERTY OWNER:** Martha Rodriguez and Patricia Rodriguez  
**LEGAL DESCRIPTION:** Lot 15, Mountain Terrace Subdivision (Being a replat of Lot 19 and a portion of Lot 18, the R.L. Hayes Subdivision), Springdale, Washington County, Arkansas as shown on Final Plat Record 23 at Page 193. A.P.N.: 815-37366-000  
**LAYMAN'S DESCRIPTION:** 2324 Canyon Ave.  
Springdale, Washington County, Arkansas  
**PARCEL NO.:** 815-37366-000

**PROPERTY OWNER:** Silva Properties, LLC  
**LEGAL DESCRIPTION:** Lot 11, Mountain Terrace Subdivision (Being a replat of Lot 19 and a portion of Lot 18, The R.L. Hayes Subdivision) Springdale, Washington County, Arkansas as shown on Final Plat Record 23 at Page 193  
**LAYMAN'S DESCRIPTION:** 1065 Vale St.  
Springdale, Washington County, Arkansas  
**PARCEL NO.:** 815-37362-000

**PROPERTY OWNER:** William V. & Georgia M. Jordan  
**LEGAL DESCRIPTION:** Lot Numbered 7 in Block Numbered 4 Neals Addition to the City of Springdale, as designated upon the recorded plat of said Addition.  
**LAYMAN'S DESCRIPTION:** 804 N. Virginia St.  
Springdale, Arkansas  
**PARCEL NO.:** 815-23657-000

**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:

\$465.16 clean-up costs and \$21.74 administrative costs – 3389 Brian St. (#815-31642-000)  
\$400.42 clean-up costs and \$28.48 administrative costs – 2324 Canyon Ave. (#815-37366-000)  
\$310.42 clean-up costs and \$28.48 administrative costs – 1065 Vale St. (#815-37362-000)  
\$430.42 clean-up costs and \$28.48 administrative costs – 804 N. Virginia St. (#815-23657-000)

**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:

\$486.90, plus 10% for collection – 3389 Brian St. (#815-31642-000)  
\$428.90, plus 10% for collection – 2324 Canyon Ave. (#815-37366-000)  
\$338.90, plus 10% for collection – 1065 Vale St. (#815-37362-000)  
\$458.90, plus 10% for collection – 804 N. Virginia St. (#815-23657-000)

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

**PASSED AND APPROVED** this \_\_\_\_\_ day of May, 2016.

\_\_\_\_\_  
Doug Sprouse, Mayor

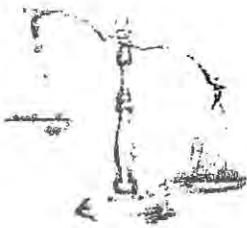
ATTEST:

\_\_\_\_\_  
Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Ernest B. Cate, CITY ATTORNEY

CindyHorlick/2016 Files/2016 Ordinances/Lien Ordinances/5-10-16.LienOrd



## Office Of The City Attorney

201 Spring Street  
Springdale, Arkansas 72764  
Phone (479) 756-5900  
Fax (479) 750-4732  
www.springdalear.gov  
Writer's Email:  
ssparkman@springdalear.gov

Ernest B. Cate  
City Attorney

Taylor Samples  
Senior Deputy  
City Attorney

Sarah Sparkman  
Deputy City Attorney

David D. Phillips  
Deputy City Attorney

Lynnda Belvedresi  
Case Coordinator/  
Victim Advocate

Steve Helms  
Investigator

Cindy Horlick  
Administrative Legal  
Assistant/Paralegal

March 25, 2015

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
and REGULAR MAIL**

Rosa Maria Chiquito and Ortencia Chiquita-Hortencia  
6151 Trowbridge Dr.  
El Paso, TX 79905-2113

RE: Notice of clean-up lien on property located at 3378 Brian St.,  
Springdale, Washington County, Arkansas, Tax Parcel No. 815-  
31642-000

Dear Ms. Chiquito and Ms. Chiquita-Hortencia:

On April 2, 2015, notice was posted on property located at 3378 Brian St., 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 April 13, 2015, 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.

No action was taken by the owner to clean up the property within seven (7) business days. 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 March 22, 2016. As of this date, the total costs incurred by the City of Springdale to clean this property are \$465.42. I have enclosed invoices evidencing the abatement costs incurred and paid by the City of Springdale to clean this property. Also, in accordance with Ark. Code Ann. §14-54-903(c)(4), administrative fees may be added to the total costs incurred by the City of Springdale, which will include certified mailing fee in the amount of \$6.48 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 May 10, 2016, a hearing 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 will be held Tuesday, May 10, 2016, at 6:00 p.m. in the City Council Chambers at the City Administration Building, 201 Spring Street, Springdale, Arkansas. You will be entitled to present evidence at this hearing concerning the amount of the lien the City of Springdale is claiming.

If you desire not to contest this amount, and desire not to have a hearing on the matter, please remit the total sum of \$472.16, which includes \$465.42 for cleaning up the property and \$6.74 for certified mailings to the City of Springdale by the date listed above. 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. Please provide me with a copy of any payment you make so that I will be aware of it.

With all that being said, it is our understanding that Mr. Torres died at his residence in September, 2012, and that you are his niece and sister. I am mindful that the events leading up to the City having to expend \$472.16 to clean up this property did not involve you, nor were you responsible for the property at that time. However, I am obligated to try and recover the taxpayer's funds that were expended to clean up this property. I would be happy to discuss this matter with you at your convenience.

This letter is also being mailed by regular mail to the addresses 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,



Sarah Sparkman  
Deputy City Attorney

enclosures  
SS:ch



# City of Springdale Code Enforcement

210 Spring Street - Springdale, AR 72764 - Office 479/756-7712

**CITY ABATEMENT - Tuesday, March 22, 2016 2:36:44 PM (645 CITY ABATEMENT)**

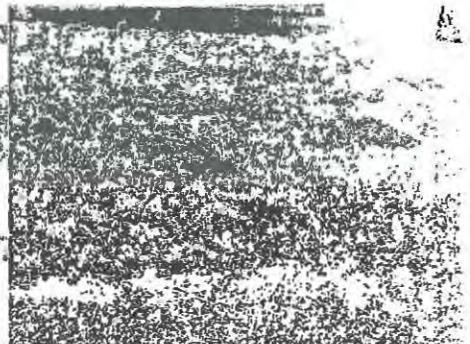
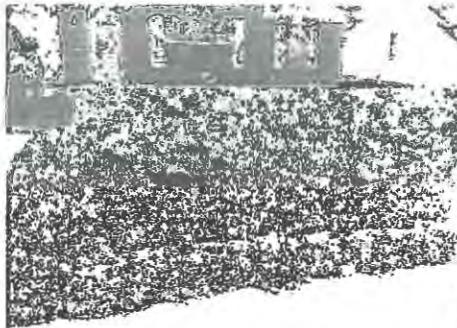
User Name 645 CITY ABATEMENT

User # 4797993474

Form Started 3/22/2016 2:36:44 PM

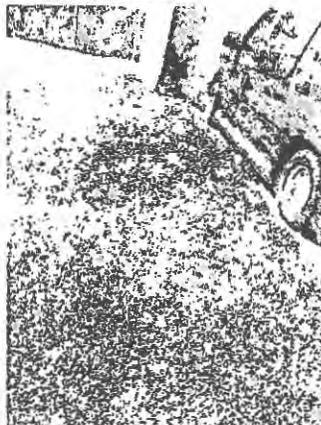
Property Address 3378 Brian St

Before Picture Attached Data



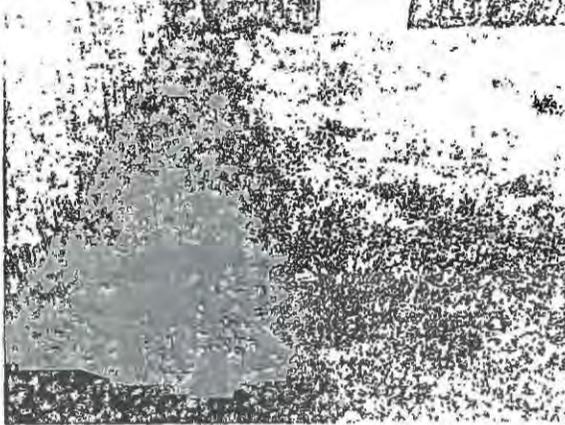
Before Picture

Attached Data



Before Picture

Attached Data



Before Picture

Attached Data



Type of Abatement

Lien

Date of Abatement

Tuesday, March 22, 2016 2:36:00 PM

Officer on Site

Toby Lankford

Supervisor on Job

Henry Hernandez

**Employee**

Employee

Henry Hernandez

HH Benefit Rate

\$27.42

**Method of Compliance**

1 Method of Compliance

Mowing

**Equipment Used**

Equipment

748 Grasshopper,743 Kubota,6031 Service Truck-Landscaping,6050 1-ton Work Truck Landscaping

748 Grasshopper

\$55.00

743 Kubota

\$65.00

6031 Service Truck-Landscaping

\$35.00

6050 1-ton Work Truck-Landscaping

\$35.00

Time of Abatement in Hours

1

Number of Temporary Laborers

4

Temporary Labor Cost

48.00

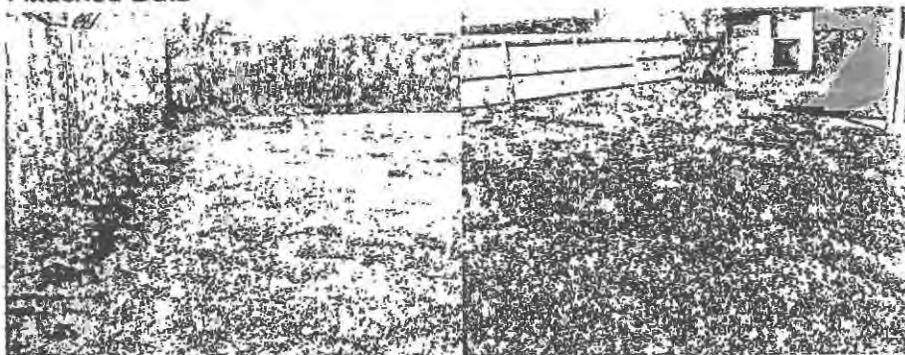
Employee Cost per hour

27.42

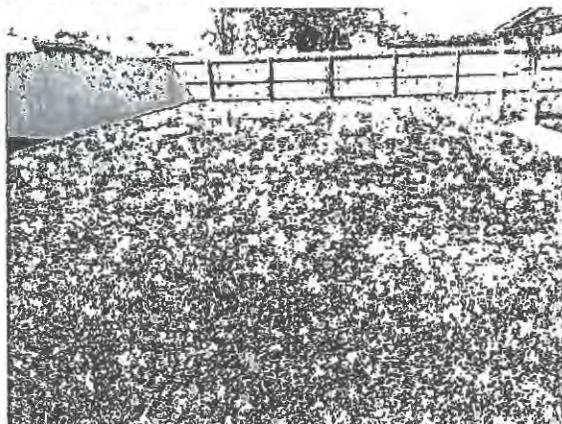
Total Employee Cost

27.42

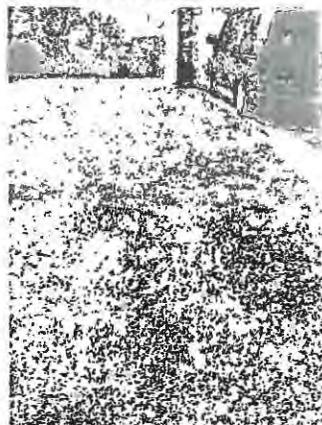
Equipment Cost per hour 190.00  
Total Equipment Cost 190.00  
Mobilization Fee \$200.00  
Extra materials cost \$0.00  
Total Cost of Abatement 465.42  
Final Photos Attached Data



Final Photos Attached Data



Final Photos Attached Data



Final Photos

Attached Data





Office Of The City Attorney  
 201 Spring Street  
 Springdale, Arkansas 72764

**CERTIFIED MAIL**



USPS  
 ZIP CODE  
 72764  
 J00137

7014 1200 0001 0759 2436

*LW*  
*4/8*  
*4/15*

Rosa Maria Chiquito and  
 Ortencia Chiquita-Hortencia  
 6151 Trov  
 El Paso, T.

NIXIE 799 DE 1 @CB

RETURN TO SENDER  
 UNCLAIMED  
 UNABLE TO FORWARD

799053 2275 4865 4

BC: 72764455401 2275-057



## Office Of The City Attorney

201 Spring Street  
Springdale, Arkansas 72764  
Phone (479) 756-5900  
Fax (479) 750-4732  
www.springdalear.gov  
Writer's Email:  
ssparkman@springdalear.gov

March 26, 2016

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
and REGULAR MAIL**

Martha Rodriguez  
Patricia Rodriguez  
2348 Canyon Ave.  
Springdale, AR 72764

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Ken F. Calhoon, Registered Agent  
For Arvest Mortgage Company  
8<sup>th</sup> Floor, One Riverfront Place  
North Little Rock, AR 72114

RE: Notice of clean-up lien on property located at 2324 Canyon Ave.,  
Springdale, Washington County, Arkansas, Tax Parcel No. 815-  
37366-000

Dear Property Owners and Lienholder:

On February 5, 2016, notice was posted on property located at 2324 Canyon Ave., Springdale, Arkansas, that the property was in violation of Springdale City Ordinance 42-77, 42-78, and 91-57, and needed to be remedied within seven (7) days. Notice was mailed to the owner of record on February 5, 2016, 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.

No action was taken by the owner to clean up the property within seven (7) business days. 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 March 15, 2016. As of this date, the total cost incurred by the City of Springdale to clean this property is \$400.42. 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 \$6.74 per letter and a filing fee in the amount of \$15.00 to the Washington County Circuit Court.

Ernest B. Cate  
City Attorney

Taylor Samples  
Senior Deputy  
City Attorney

Sarah Sparkman  
Deputy City Attorney

David D. Phillips  
Deputy City Attorney

Lynda Belvedresi  
Case Coordinator/  
Victim Advocate

Steve Helms  
Investigator

Cindy Horlick  
Administrative Legal  
Assistant/Paralegal

This is to notify you that in the event this amount is not paid to the City of Springdale on or before May 10, 2016, a hearing 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 will be held Tuesday, May 10, 2016 at 6:00 p.m. in the City Council Chambers at the City Administration Building, 201 Spring Street, Springdale, Arkansas. You will be entitled to present evidence at this hearing concerning the amount of the lien the City of Springdale is claiming.

If you desire not to contest this amount, and desire not to have a hearing on the matter, please remit the total sum of \$413.90, which includes \$400.42 for cleaning up the property and \$13.48 for certified mailings to the City of Springdale by the date listed above. 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. Please provide me with a copy of any payment you make so that I will be aware of it.

This letter is also being mailed by regular mail to Martha Rodriguez and Patricia Rodriguez 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,



Sarah Sparkman  
Deputy City Attorney

enclosures  
SS:ch

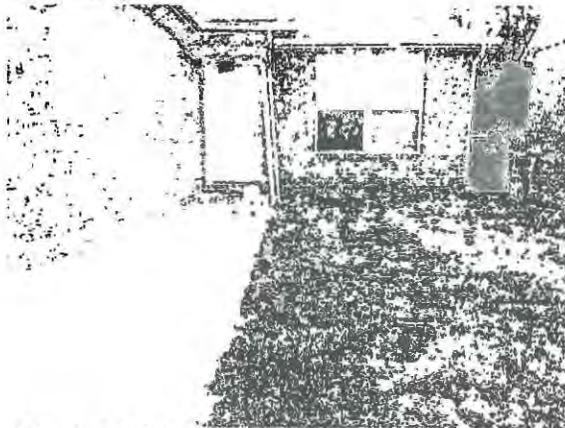


# City of Springdale Code Enforcement

210 Spring Street – Springdale, AR 72764 – Office 479/756-7712

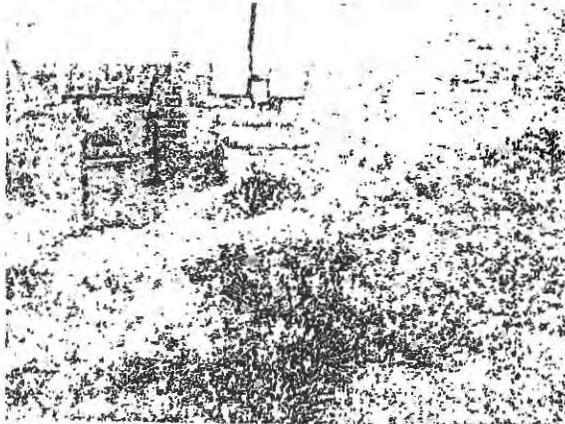
**CITY ABATEMENT - Tuesday, March 15, 2016 8:14:41 AM (645 CITY ABATEMENT)**

User Name                   **645 CITY ABATEMENT**  
User #                       **4797993474**  
Form Started               **3/15/2016 8:14:41 AM**  
Property Address         **2324 Canyon Av**  
Before Picture             **Attached Data**



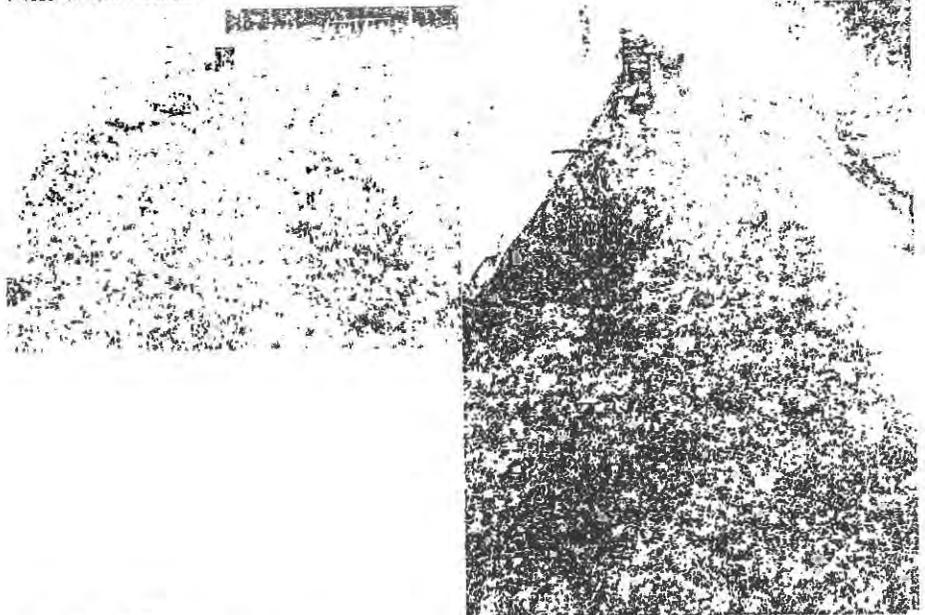
Before Picture

Attached Data



Before Picture

Attached Data



Before Picture

Attached Data



Type of Abatement

Lien

Date of Abatement

Tuesday, March 15, 2016 8:14:00 AM

Officer on Site

Mike Sidney

Supervisor on Job

Henry Hernandez, Daniel Combs

**Employee**

Employee

Henry Hernandez

HH Benefit Rate

\$27.42

**Method of Compliance**

1 Method of Compliance

Mowing, Property Clean Up - Junk and Trash

**Equipment Used**

Equipment

748 Grasshopper, 6030 Service Truck-Landscaping, 6038 1-ton Work Truck-Landscaping, 6050 1-ton Work Truck Landscaping

748 Grasshopper

\$55.00

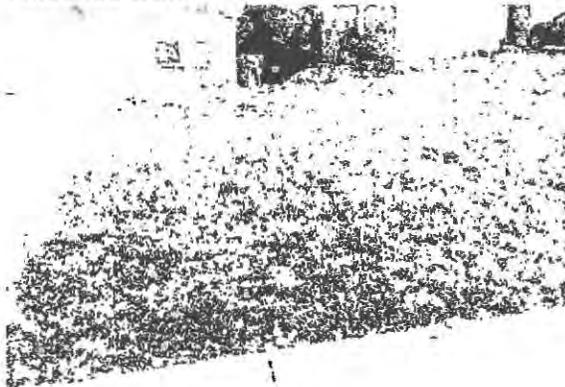
6030 Service Truck-Landscaping

\$35.00

6038 1-ton Work Truck-Landscaping

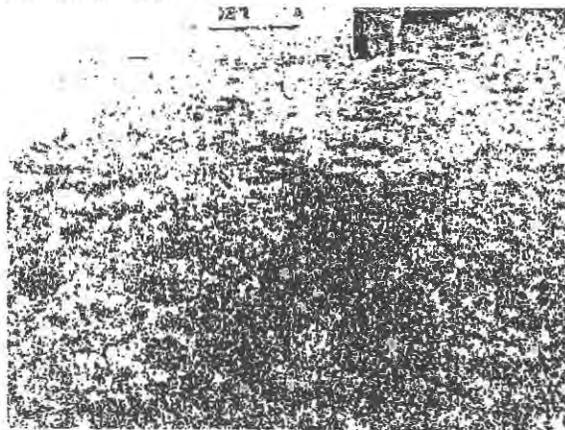
\$35.00

6050 1-ton Work Truck-Landscaping	<b>\$35.00</b>
Time of Abatement in Hours	<b>1</b>
Number of Temporary Laborers	<b>4</b>
Temporary Labor Cost	<b>48.00</b>
Employee Cost per hour	<b>27.42</b>
Total Employee Cost	<b>27.42</b>
Equipment Cost per hour	<b>125.00</b>
Total Equipment Cost	<b>125.00</b>
Mobilization Fee	<b>\$200.00</b>
Extra materials cost	<b>\$0.00</b>
Total Cost of Abatement	<b>400.42</b>
Final Photos	<b>Attached Data</b>

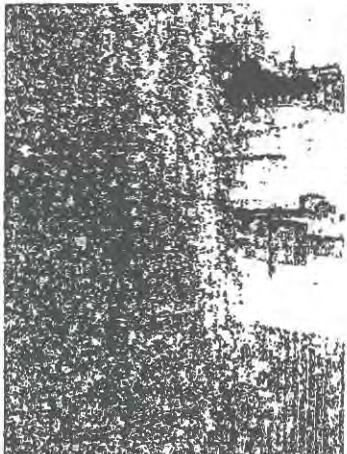


Final Photos

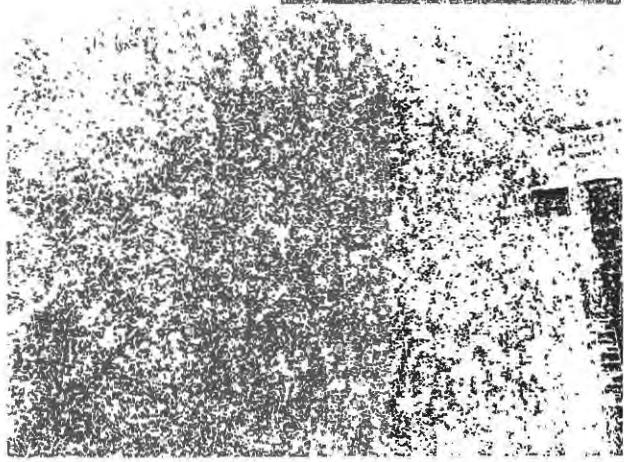
**Attached Data**



Final Photos



Attached Data



Final Photos



Attached Data

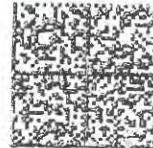


Office Of The City Attorney  
201 Spring Street  
Springdale, Arkansas 72764

**CERTIFIED MAIL**



7014 1200 0001 0759 5017



U.S. POSTAGE PITNEY BOWES

ZIP 72764 \$ 006.95<sup>5</sup>  
02 1W  
0001377648 MAR 25 2016

*IA*

Martha Rodriguez  
Patricia Rodriguez  
2348 Canyon Ave  
Springdale, A

NIXIE 722 DE 1 @003/29/16

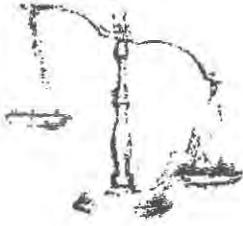
RETURN TO SENDER  
INSUFFICIENT ADDRESS  
UNABLE TO FORWARD

7276482640455405 :BC: 72764455401 \*2755-01909-25-43

SENDER COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  X <i>Julie Bouser</i> <input checked="" type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery  <i>Julie Bouser</i> <i>3/28/2016</i></p>
<p>1. Article Addressed to:</p> <p style="padding-left: 40px;">Ken F. Calhoun, Registered Agent  For Arvest Mortgage Company  8th Floor, One Riverfront Place  North Little Rock, AR 72114</p>	<p><input checked="" type="checkbox"/> Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p>
	<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™  <input checked="" type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p>
<p>2. Article Number  (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7014 1200 0001 0759 2504</p>	

PS Form 3811, July 2013

Domestic Return Receipt



Office Of The City Attorney

201 Spring Street
Springdale, Arkansas 72764
Phone (479) 756-5900
Fax (479) 750-4732
www.springdalear.gov
Writer's Email:
ssparkman@springdalear.gov

Ernest B. Cate
City Attorney

Taylor Samples
Senior Deputy
City Attorney

Sarah Sparkman
Deputy City Attorney

David D. Phillips
Deputy City Attorney

Lynda Belvedere
Case Coordinator/
Victim Advocate

Steve Helms
Investigator

Cindy Horlick
Administrative Legal
Assistant/Paralegal

March 25, 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mark Silva, Registered Agent
For Silva Properties, LLC
12198 Little Elm Rd.
Farmington, AR 72730

Michael C. Hutsell, Registered Agent
For First Security Bank
P.O. Box 1009
Searcy, AR 72143-1009

RE: Notice of clean-up lien on property located at 1065 Vale St.,
Springdale, Washington County, Arkansas, Tax Parcel No. 815-
37362-000

Dear Property Owner and Lienholder:

On February 5, 2016, notice was posted on property located at 1065 Vale St.,
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 March 1, 2016, 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.

No action was taken by the owner to clean up the property within seven (7)
business days. 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 March 16, 2016. As of this date, the total cost incurred by the City of
Springdale to clean this property is \$310.42. 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 \$6.74 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 May 10, 2016, a hearing 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 will be held Tuesday, May 10, 2016 at 6:00 p.m. in the City Council Chambers at the City Administration Building, 201 Spring Street, Springdale, Arkansas. You will be entitled to present evidence at this hearing concerning the amount of the lien the City of Springdale is claiming.

If you desire not to contest this amount, and desire not to have a hearing on the matter, please remit the total sum of \$323.90, which includes \$310.42 for cleaning up the property and \$13.48 for certified mailings to the City of Springdale by the date listed above. 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. Please provide me with a copy of any payment you make so that I will be aware of it.

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

Sincerely,



Sarah Sparkman  
Deputy City Attorney

enclosures  
SS:ch



# City of Springdale Code Enforcement

210 Spring Street – Springdale, AR 72764 – Office 479/756-7712

**CITY ABATEMENT - Wednesday, March 16, 2016 10:17:33 AM (645 CITY ABATEMENT)**

User Name 645 CITY ABATEMENT  
User # 4797993474  
Form Started 3/16/2016 10:17:33 AM  
Property Address 1065 A Vale St  
Before Picture Attached Data



Before Picture



Before Picture

Attached Data



Before Picture

Attached Data



Type of Abatement

Lien

Date of Abatement

Wednesday, March 16, 2016 10:17:00 AM

Officer on Site

Missha Wagoner

Supervisor on Job

Henry Hernandez

**Employee**

Employee

Henry Hernandez

HH Benefit Rate

\$27.42

**Method of Compliance**

1 Method of Compliance

Mowing,Property Clean Up - Junk and Trash

**Equipment Used**

Equipment

6030 Service Truck-Landscaping,6050 1-ton Work Truck Landscaping

6030 Service Truck-Landscaping

\$35.00

6050 1-ton Work Truck-Landscaping

\$35.00

Time of Abatement in Hours

1

Number of Temporary Laborers

4

Temporary Labor Cost

48.00

Employee Cost per hour

27.42

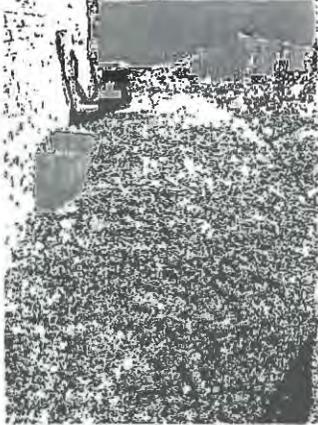
Total Employee Cost

27.42

Equipment Cost per hour

35.00

Total Equipment Cost 35.00  
Mobilization Fee \$200.00  
Extra materials cost \$0.00  
Total Cost of Abatement 310.42  
Final Photos Attached Data



Final Photos

Attached Data



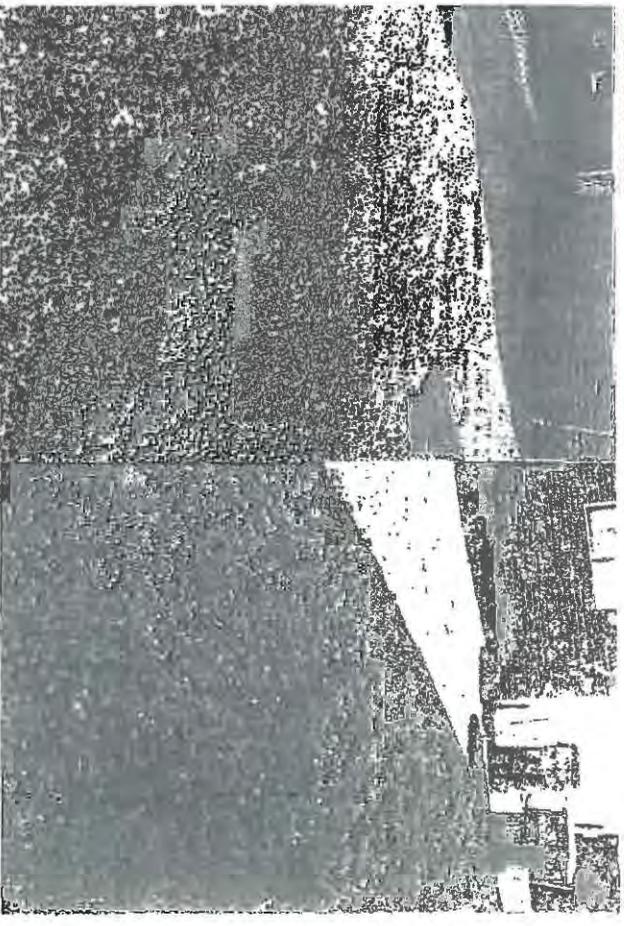
Final Photos

Attached Data



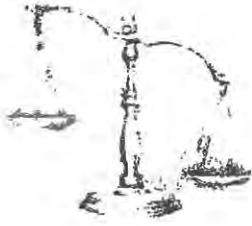
Final Photos

Attached Data



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to:  Mark Silva, Registered Agent For Silva Properties, LLC 12198 Little Elm Rd. Farmington, AR 72730	B. Received by (Printed Name) Debra Silva
2. Article Number (Transfer from service label) PS Form 3811, July 2013	C. Date of Delivery  D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
PS Form 3811, July 2013	3. Service Type <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input checked="" type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
2. Article Number (Transfer from service label)	7014 1200 0001 0759 2467 Domestic Return Receipt

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to:  Michael C. Hutsell, Registered Agent For First Security Bank P.O. Box 1009 Searcy, AR 72143-1009	B. Received by (Printed Name) Henry Poo
PS Form 3811, July 2013	C. Date of Delivery 3-28-16 D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
PS Form 3811, July 2013	3. Service Type <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input checked="" type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
2. Article Number (Transfer from service label)	7014 1200 0001 0759 2474 Domestic Return Receipt



Office Of The City Attorney

201 Spring Street
Springdale, Arkansas 72764
Phone (479) 756-5900
Fax (479) 750-4732
www.springdalear.gov
Writer's Email:
sparkman@springdalear.gov

Ernest B. Cate
City Attorney

Taylor Samples
Senior Deputy
City Attorney

Sarah Sparkman
Deputy City Attorney

David D. Phillips
Deputy City Attorney

Lynda Belvedresi
Case Coordinator/
Victim Advocate

Steve Helms
Investigator

Cindy Horlick
Administrative Legal
Assistant/Paralegal

March 25, 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
And REGULAR MAIL

William V. & Georgia M. Jordan
c/o Randy Lee Jordan
Mountain Move Services, LLC
2434 McRay Ave.
Springdale, AR 72764

William V. & Georgia M. Jordan
2106 W. Lazy L St.
Rogers, AR 72758

RE: Notice of clean-up lien on property located at 804 Virginia St.,
Springdale, Washington County, Arkansas, Tax Parcel No. 815-
23657-000

Dear Property Owner:

On February 25, 2016, notice was posted on property located at 804 Virginia St.,
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 March 3, 2016, 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.

No action was taken by the owner to clean up the property within seven (7)
business days. 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 March 22, 2016. As of this date, the total cost incurred by the City of
Springdale to clean this property is \$430.42. 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 \$6.74 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 May 10, 2016, a hearing 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 will be held Tuesday, May 10, 2016 at 6:00 p.m. in the City Council Chambers at the City Administration Building, 201 Spring Street, Springdale, Arkansas. You will be entitled to present evidence at this hearing concerning the amount of the lien the City of Springdale is claiming.

If you desire not to contest this amount, and desire not to have a hearing on the matter, please remit the total sum of \$443.90, which includes \$430.42 for cleaning up the property and \$13.48 for certified mailings to the City of Springdale by the date listed above. 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. Please provide me with a copy of any payment you make so that I will be aware of it.

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

Sincerely,



Sarah Sparkman  
Deputy City Attorney

enclosures  
SS:ch



# City of Springdale Code Enforcement

210 Spring Street - Springdale, AR 72764 - Office 479/756-7712

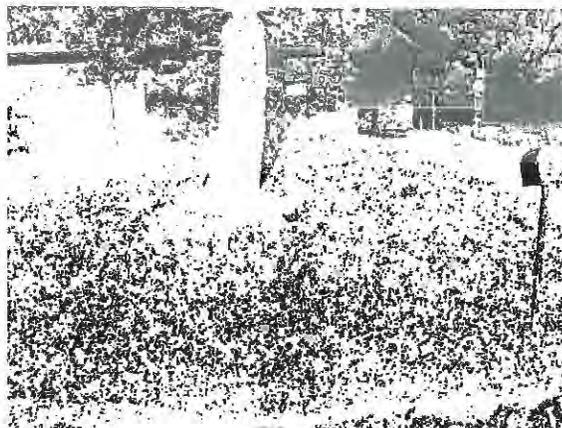
**CITY ABATEMENT - Tuesday, March 22, 2016 8:16:52 AM (645 CITY ABATEMENT)**

User Name 645 CITY ABATEMENT  
User # 4797993474  
Form Started 3/22/2016 8:16:52 AM  
Property Address 804 virginia St  
Before Picture Attached Data



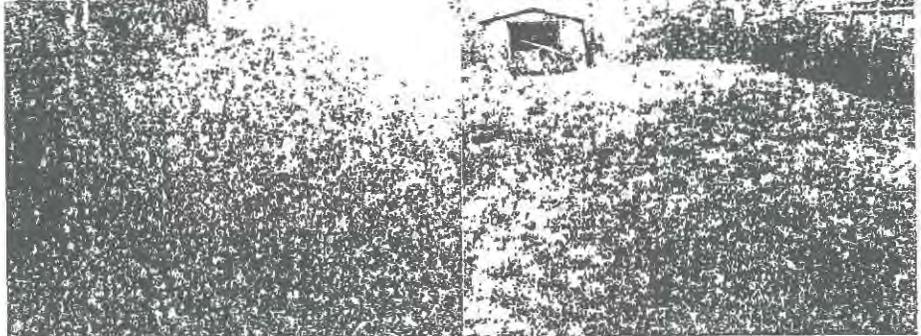
Before Picture

Attached Data



Before Picture

Attached Data



Before Picture

Attached Data

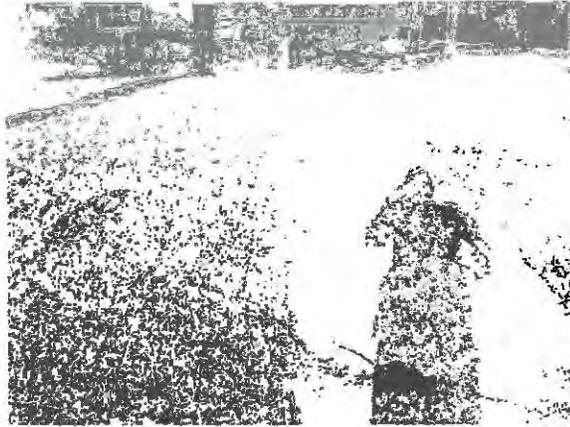


Type of Abatement	Lien
Date of Abatement	Tuesday, March 22, 2016 8:16:00 AM
Officer on Site	Toby Lankford
Supervisor on Job	Henry Hernandez
<b>Employee</b>	
Employee	Henry Hernandez
HH Benefit Rate	\$27.42
<b>Method of Compliance</b>	
1 Method of Compliance	Mowing
<b>Equipment Used</b>	
Equipment	748 Grasshopper,743 Kubota,6031 Service Truck-Landscaping,6050 1-ton Work Truck Landscaping
748 Grasshopper	\$55.00
743 Kubota	\$65.00
6031 Service Truck-Landscaping	\$35.00
6050 1-ton Work Truck-Landscaping	\$35.00
Time of Abatement in Hours	1
Number of Temporary Laborers	4
Temporary Labor Cost	48.00
Employee Cost per hour	27.42
Total Employee Cost	27.42
Equipment Cost per hour	155.00
Total Equipment Cost	155.00

Mobilization Fee **\$200.00**  
Extra materials cost **\$0.00**  
Total Cost of Abatement **430.42**  
Final Photos **Attached Data**



Final Photos **Attached Data**

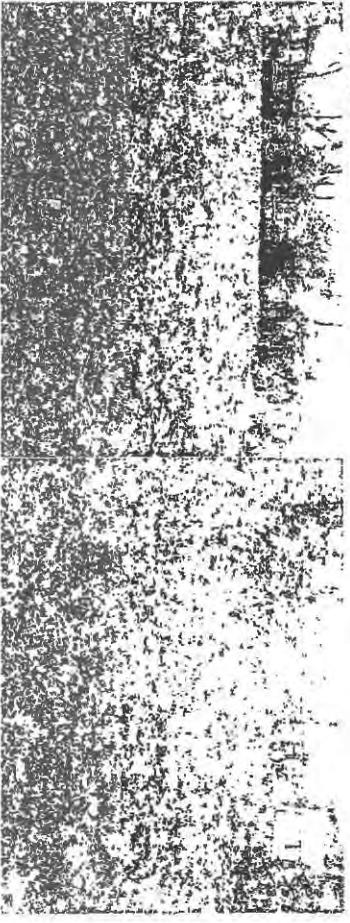


Final Photos **Attached Data**



Final Photos

Attached Data



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <i>Cathy Jordan</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Cathy Jordan</i> C. Date of Delivery <i>3/28</i></p>
<p>1. Article Addressed to:</p> <p><i>William V. &amp; Georgia M. Jordan</i>  <i>2106 W. Lazy L St.</i>  <i>Rogers, AR 72758</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No          If YES, enter delivery address below:</p> <p>3. Service Type  <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™  <input checked="" type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p>
<p>2. Article Number  <i>(Transfer from service label)</i></p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> <p><b>7014 1200 0001 0759 2450</b></p>

PS Form 3811, July 2013

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <i>Wanda Walker</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>W Walker</i> C. Date of Delivery <i>3/28/14</i></p>
<p>1. Article Addressed to:</p> <p><i>William V. &amp; Georgia M. Jordan</i>  <i>c/o Randy Lee Jordan</i>  <i>Mountain Move Services, LLC</i>  <i>2434 McRay Ave.</i>  <i>Springdale, AR 72764</i></p>	<p>D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No          If YES, enter delivery address below:</p> <p><i>72762</i></p> <p>3. Service Type  <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™  <input checked="" type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p>
<p>2. Article Number  <i>(Transfer from service label)</i></p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> <p><b>7014 1200 0001 0759 2443</b></p>

PS Form 3811, July 2013

Domestic Return Receipt