

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

- Monday, March 16nd, 5:30 p.m. is the next Committee meetings.
 - Committee agendas will be available on Friday, Mar. 13, 2015.

SPRINGDALE CITY COUNCIL
REGULAR MEETING
TUESDAY, MARCH 10, 2015

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 – City Clerk Denise Pearce

Recognition of a Quorum
4. A presentation by the Animal Care Educators Group.
5. 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.
6. Approval of Minutes
 - a) February 24th, 2015 (pg's 1-10)
7. Procedural Motions
 - A. Entertain Motion to read all Ordinances and Resolutions by title only.
 - B. Entertain Motion to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for ordinances listed on this agenda as *item numbers....8; 10; 11 A-B; 12 A-B; 15* (Motion must be approved by two-thirds (2/3) of the council members).
8. **An Ordinance** amending Ordinance No. 4846 to correct a Scrivener's error; Declaring an emergency; and for other purposes. Presented by: Ernest Cate, City of Springdale Attorney (pg 11)
9. **A Resolution** setting a hearing date on a petition to abandon a utility easement in the City of Springdale. Presented by: Ernest Cate, City of Springdale Attorney (pg's 12-22)
10. **An Ordinance** Annexing certain real property to the City of Springdale, Arkansas., Pursuant to ARK. Code ANN 14-40-2002 (ACT 779 of 1999), and making a commitment to provide sewer services to said property as required by ARK. Code ANN. 14-40-2002 (Act 779 or 1999). Presented by Ernest Cate, City of Springdale Attorney. (pg's 23-29)
 - A. Tract 1: 1161 Kendrick Ave. Benton County Parcel No. 20-00017-001.
 - B. Tract 2: 69.68 Acres located at the NW corner of Old Wire RD and Kendrick Ave. Benton County Parcel No. 20-00016-000.
 - C. Tract 3: 16.49 acres located at the SE corner of Kendrick Ave. and N. Jefferson St., Benton County Parcel No. 20-00017-000.

11. Planning Commission Committee Recommendations by Patsy Christie, Planning Director:
 - A. **An Ordinance** rezoning 40 acres owned by B & J Family Limited Partnership located at 2757 Lowell Rd. from General Commercial District (C-2) to Light Industrial District (I-1) and declaring an emergency. (pg's 30-32)
 - B. **An Ordinance** accepting the combination of lots 224 & 225 in Legendary Subdivision, Phase 1, to the City of Springdale Arkansas, and declaring an emergency. (pg's 33-35)
 - C. **A Resolution** adopting a revised master trail plan for the City of Springdale, Arkansas. (pg's 36-37)
12. Ordinance Committee Report and Recommendations by Chairman Mike Overton:
 - A. **An Ordinance** Amending Chapter 114 of the Code of Ordinances of the City of Springdale, Arkansas; Declaring an emergency; and for other reasons. (Amend and clarify the prohibition of parking in the street in the City of Springdale). (pg's 38-39)
 - B. **An Ordinance** Amending Chapter 22 of The Code of Ordinances of the City of Springdale, Arkansas; Declaring an emergency; and for other reasons. (Adoption of the 2014 Arkansas Energy Code). (pg's 40-41)
13. Street & CIP Committee by Chairman Rick Evans:
 - A. **A Resolution** authorizing the City Attorney to settle a condemnation lawsuit wherein Hubert D. Wilhite and Mattie M. Wilhite, Husband and wife, Janice Sue Nelson, Betty Mae Wilhite, and Kay Loraine Oxford are defendants (to condemn a tract of land for the 56th Street Widening Project, Project No. 12BPS4, Tract 15). (pg's 42-46)
 - B. **A Resolution** authorizing the City Attorney to settle a condemnation lawsuit wherein Mary Ruth Wilhite is a defendant. (Condemn a tract of land for the 56th Street Widening Project, Project No. 12BPS4, Tract 13). (pg's 47-52)
14. Finance Committee Report and Recommendations by Chairman Eric Ford:
 - A. **A Resolution** Authorizing a change in the authorized staff of the Police Department. (pg's 53-55)
 - B. **A Resolution** Amending the 2015 budget of The City of Springdale Street Department. (pg 56)
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 (3909 Clark Ave, 2403 Toni Ave, 804 N. Virginia St., 1001 Wilkinson Lane.) (pg's 57-81)
16. **A Resolution** Appointing Mike McFarland to the Northwest Arkansas Airport Authority to complete the unexpired term of resigning authority member Clark Irwin; term to expire on January 1, 2017. (pg's 82-83)
16. Comments from Department Heads.
17. Comments from Council Members.
18. Comments from City Attorney.
18. Comments from Mayor Sprouse.
20. Adjournment.

SPRINGDALE CITY COUNCIL
FEBRUARY 24, 2015

The City Council of the City of Springdale met in regular session on February 24, 2015, in the City Council Chambers, City Administration Building. Mayor 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.
Kathy O'Kelley	Police Chief
Patsy Christie	Planning Director
Mike Irwin	Fire Chief
Mike Chamlee	Buildings Director
Sam Goade	Public Works Director
Brad Baldwin	Engineering Director
Gina Kinsey	Human Resource Director

NEW PARKS & RECREATION DIRECTOR

Mayor Sprouse introduced Bill Mock who was hired as the new Parks and Recreation Director for the City of Springdale. He will be starting work on March 16, 2015.

PROCLAMATION – "ARBOR DAY" IN THE CITY OF SPRINGDALE

Mayor Sprouse presented a proclamation proclaiming Saturday, March 7, 2015 as "Arbor Day" in the City of Springdale. On March 7, 2015, beginning at 9:00 a.m., there will be a Spring Creek clean-up to get prepared for the official opening of the Razorback Greenway on May 2, 2015.

CITIZEN COMMENTS

David Arthurs, Stoney Point Lane, asked that property owners be contacted immediately when something happens at their rental property. He said he was not contacted when there was a fire at his rental property.

APPROVAL OF MINUTES

Alderman Jaycox moved the minutes of the February 10, 2015 City Council meeting be approved as presented. Alderman Reed made the second.

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

ORDINANCES AND RESOLUTIONS READ BY TITLE ONLY

Alderman Reed 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 Jaycox made the second.

The vote:

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

No: None

ORDINANCE NO. 4886 – AMENDING CHAPTER 130: THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE CODE OF ORDINANCES - TO ADD ARTICLE 12: BALLPARK AREA/SOUTHWEST SPRINGDALE OVERLAY DISTRICT AND FOR OTHER PURPOSES

City Attorney Ernest Cate presented an Ordinance amending Chapter 130: Zoning Ordinance of the City of Springdale Code of Ordinances, to add Article 12: Ballpark Area/Southwest Springdale Overlay District.

Chapter 130: Zoning Ordinance of the City of Springdale, Arkansas, established zoning regulations and districts for the purpose and general welfare of the city setting forth the character of the district, its particular suitability for the particular uses specified, with a view to conserve the value of buildings and property and encourage the most appropriate uses of land throughout the city consistent with a comprehensive plan.

The area around Arvest Ballpark is an area with potential to be developed as a regional attraction for entertainment, shopping, restaurants, offices, residences, and other uses

The ordinance states it is in the best interest of the City of Springdale, Arkansas, to create a strong framework for moving the entire area from its current uses into a fully developed, active destination as a regional attraction with an identifiable focal point within the many potential uses. It is necessary to create an overly district with guidelines that are more specific than the general design standards now in place, tailored to this geographic area, ensuring that development is held to the highest levels of quality and consistency, both in terms of actual construction materials as well as overall aesthetic standards. Design standards have been developed, with input from landowners and developers of the area, to establish clear quantitative review standards that are easy to administer and offer certainty to developers, and citizens alike, while maintaining a requisite degree of design flexibility to allow and encourage creative site and building design.

Alderman Overton stated in his opinion this is the most egregious abrogation of property rights he has witnessed; however in the last 18 months has not received any objections from the small property owners in the area.

Mayor Sprouse said after two and one-half years, he feels like we are at a point to move this forward. There has been strong support and the people of Springdale have a tremendous investment in this area.

Planning Commission recommended approval at their February 3, 2015 meeting.

After the reading the title of the Ordinance, Alderman Jaycox moved the Ordinance "Do Pass". Alderman Evans made the second.

The vote:

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

No: Overton

The Ordinance was numbered 4886.

RESOLUTION NO. 16-15 – AUTHORIZING THE SALE OF PROPERTY LOCATED
AT 5110 DEARING ROAD TO JERRY HORTON

Alderman Rick Evans presented a Resolution authorizing the sale of property located at 5110 Dearing Road to Jerry Horton for the sum of \$9,000.00.

The City acquired the Property from Arvest Bank by way of an eminent domain action in 2013, and is an uneconomic remnant.

RESOLUTION NO. ____

**A RESOLUTION AUTHORIZING THE SALE OF
PROPERTY LOCATED AT 5110 DEARING ROAD
TO JERRY HORTON.**

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

0.20 acres, more or less, located north of Don Tyson Parkway, Springdale, Washington County, Arkansas, also known as 5110 Dearing Road, Washington County Tax Parcel Number 815-29107-400 ("the Property").

WHEREAS, the City acquired the Property from Arvest Bank by way of an eminent domain action in 2013, and is an uneconomic remnant;

WHEREAS, Ark. Code Ann. §14-54-302 empowers and authorizes municipalities to sell real property it owns, subject to approval by the City Council;

WHEREAS, Jerry Horton has made an offer to purchase the Property from the City for the sum of \$9,000.00, which is the appraised value of the Property;

WHEREAS, the amount offered by Jerry Horton for the Property is reasonable in that it would allow the proposed buyer to combine the Property with adjacent property it already owns at this particular location;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor and City Clerk of the City of Springdale, Arkansas, are hereby authorized to execute all documents necessary to effect the sale of the Property to Jerry Horton for the total sum of \$9,000.00.

PASSED AND APPROVED this ____ day of February, 2015.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

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, Culver, Watson, Overton

No: None

The Resolution was numbered 16-15.

RESOLUTION NO. 17-15 – APPROPRIATING CAPITAL IMPROVEMENT FUNDS
FOR THE PURCHASE OF FURNITURE AND EQUIPMENT FOR THE CITY OF
SPRINGDALE FIRE DEPARTMENT

Alderman Eric Ford presented a Resolution appropriating Capital Improvement Funds for the purchase of furniture, office equipment and various other equipment needed for the two new fire stations.

RESOLUTION NO. ____

**A RESOLUTION APPROPRIATING CAPITAL IMPROVEMENT
FUNDS FOR THE CITY OF SPRINGDALE FIRE DEPARTMENT**

WHEREAS, the Springdale Fire Department has a need for furniture, office equipment and various other equipment for the two new fire stations currently under construction, and;

WHEREAS, the Fire Chief has estimated the total cost for the needed equipment to be \$79,216, and;

WHEREAS, the Fire Chief has requested an appropriation from the CIP funds for the purchase of this furniture and equipment, and;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that \$79,216 of capital improvement funds is hereby appropriated for the purchase of furniture, office equipment and various other equipment needed for the two new fire stations.

PASSED AND APPROVED this ____ day of February, 2015.

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

No: None

The Resolution was numbered 17-15.

RESOLUTION NO. 18-15 – AUTHORIZING THE PURCHASE OF EXERCISE EQUIPMENT FOR THE FIRE DEPARTMENT OUT OF THE 2012 FIRE DEPARTMENT BOND CONSTRUCTION FUND

Alderman Eric Ford presented a Resolution authorizing the purchase of exercise equipment for the two new fire departments.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE PURCHASE OF EXERCISE EQUIPMENT FOR THE FIRE DEPARTMENT

WHEREAS, the City of Springdale has two new fire stations under construction, and

WHEREAS, the Fire Chief has expressed a need for new exercise equipment for these stations, and

WHEREAS, the estimated cost of this equipment is \$32,000, and

WHEREAS, the purchase of this equipment with funds from the Fire Department Bond Construction Fund would be appropriate;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the expenditure of \$32,000 of funds from the 2012 Fire Department Bond Construction Fund to purchase exercise equipment is hereby approved.

PASSED AND APPROVED this ____ day of February, 2015.

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

No: None

The Resolution was numbered 18-15.

ORDINANCE NO. 4887 – TO WAIVE COMPETITIVE BIDDING FOR THE PURCHASE OF ALERTING SYSTEM EQUIPMENT FOR THE FIRE DEPARTMENT

Alderman Eric Ford presented an Ordinance to waive competitive bidding for the purchase of alerting system equipment for the Springdale Fire Department from ComTech Communication for the purchase price not to exceed \$86,000.

After the reading the title of the Ordinance, Alderman Evans moved the Ordinance "Do Pass". Alderman Jaycox made the second.

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 4887.

ORDINANCE NO. 4888 – TO WAIVE COMPETITIVE BIDDING FOR PURCHASE OF SCBA COMPRESSORS FOR THE FIRE DEPARTMENT

Alderman Eric Ford presented an Ordinance to waive competitive bidding for the purchase of SCBA Compressors for the Fire Department from EVS-Emergency Vehicle Services with the purchase price not to exceed \$98,000.

After the reading the title of the Ordinance, Alderman Evans moved the Ordinance "Do Pass". Alderman Jaycox made the second.

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 4888.

ORDINANCE NO. 4889 – REZONING 0.06 ACRES OWNED BY 48TH STREET OFFICE, LLC, LOCATED EAST OF I-49, WEST OF 48TH, NORTH OF WATKINS AVENUE, FROM P-1 TO C-2; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning 0.06 acres owned by 48th Street Office, LLC, located east of I-49, west of 48th Street, north of Watkins Avenue, from P-1 to C-2; and declaring an emergency.

Planning Commission recommended approval at their February 3, 2015 meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 4889.

ORDINANCE NO. 4890 – REZONING 1.55 ACRES OWNED BY TYSON SHARED SERVICES INC. LOCATED AT 516 EAST EMMA AVENUE, FROM I-1 TO C-2; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning 1.55 acres owned by Tyson Shared Services Inc. located at 516 East Emma Avenue, from I-1 to C-2; and declaring an emergency.

Planning Commission recommended approval at their February 3, 2015 meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 4890.

RESOLUTION NO. 19-15 – AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF SPRINGDALE, WASHINGTON COUNTY AND THE CITY OF TONTITOWN

City Attorney Ernest Cate presented a Resolution authorizing the Mayor and City Clerk to execute an agreement between the City of Springdale, Washington County and the City of Tontitown. Because the City of Tontitown does not have a District Court, they wish to

have the cases generated by its police department prosecuted through the Springdale District Court.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF SPRINGDALE, WASHINGTON COUNTY, AND THE CITY OF TONTITOWN, PURSUANT TO ARK. CODE ANN. §16-17-1203

WHEREAS, the City of Tontitown, Arkansas, has a police department but does not have a district court;

WHEREAS, the City of Tontitown, Arkansas, wishes to have the cases generated by its police department prosecuted through the Springdale District Court;

WHEREAS, Ark. Code Ann. §16-17-1203 provides that a written agreement is to be entered into between the City of Tontitown and the governing bodies of the City of Springdale, Arkansas, and Washington County, Arkansas, concerning the annual contribution to the operational expenses of the Springdale District Court by the City of Tontitown, Arkansas;

WHEREAS, the annual contribution made by the City of Tontitown, Arkansas, to the Springdale District Court shall be a prorated amount based on the collection of fines derived from Tontitown cases filed in the Springdale District Court; and

WHEREAS, the City of Tontitown, Arkansas, Washington County, Arkansas, and the City of Springdale, Arkansas, wish to comply with the provisions of Ark. Code Ann. §16-17-1203.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor and City Clerk are hereby authorized to execute an agreement (attached hereto as Exhibit "A") between the City of Springdale, Arkansas, Washington County, Arkansas, and the City of Tontitown, Arkansas, regarding the amount of annual contribution to the operational expenses of the Springdale District Court from the City of Tontitown, Arkansas,

PASSED AND APPROVED this ____ day of February, 2015.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. 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 19-15.

RESOLUTION NO. 20-15 – AUTHORIZING THE MAYOR AND THE HUMAN RESOURCE DIRECTOR TO SIGN AN ADDENDUM TO THE ORIGINAL AGREEMENT WITH NATIONWIDE RETIREMENT SOLUTIONS, INC., ALLOWING CITY EMPLOYEES THAT PARTICIPATE IN THE PLAN TO OBTAIN A LOAN AGAINST THEIR VOLUNTARY 457B RETIREMENT PLAN

Alderman Jim Reed presented a Resolution authorizing the Mayor and the Human Resource Director to sign an addendum to the original agreement with Nationwide Retirement Solutions, Inc., to allow city employees that participate in the plan to obtain a loan against their voluntary 457B Retirement Plan.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE MAYOR AND HUMAN RESOURCE DIRECTOR TO SIGN AN ADDENDUM TO THE ORIGINAL AGREEMENT WITH NATIONWIDE RETIREMENT SOLUTIONS, INC. ALLOWING CITY EMPLOYEES THAT PARTICIPATE IN THE PLAN TO OBTAIN A LOAN AGAINST THEIR VOLUNTARY 457B RETIREMENT PLAN

WHEREAS, City employees who participate in the Nationwide Retirement Solutions, Inc. voluntary 457b retirement plan have expressed an interest in the ability to obtain a loan against their 457b retirement plan;

WHEREAS, the City wishes to affirmatively state that this loan may be for the purchase of a participant's principal residence;

WHEREAS, in order for City employees to obtain a loan against their Nationwide Retirement Solutions, Inc. voluntary 457b retirement plan, it is necessary for the Mayor and Human Resource Director to sign an addendum to the original agreement, a copy of which is attached hereto as Exhibit "A" and made a part hereof;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor and Human Resource Director are hereby authorized to sign the attached addendum to the original agreement.

PASSED AND APPROVED this ____ day of February, 2015.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 20-15.

SPRINGDALE CITY COUNCIL
FEBRUARY 24, 2015

ADJOURNMENT

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

After a voice vote of all ayes and no nays, the meeting adjourned at 6:30 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ORDINANCE NO. 4846 TO
CORRECT A SCRIVENER'S ERROR; DECLARING AN
EMERGENCY; AND FOR OTHER PURPOSES**

WHEREAS, the City Council for the City of Springdale, Arkansas, adopted Ordinance No. 4846 on February 24, 2015;

WHEREAS, Ordinance No. 4846 referred to an exhibit attached thereto as "Attachment A";

WHEREAS, Ordinance No. 4846 should have referred to the attachment as "Article 12 of the Zoning Ordinance of the City of Springdale, Arkansas, a book form copy of which is on file in the Office of the Springdale City Clerk" ;

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

Section 1: Ordinance No. 4846 is hereby amended to refer to the attachment thereto as "Article 12 of the Zoning Ordinance of the City of Springdale, Arkansas, a book form copy of which is on file in the Office of the Springdale City Clerk";

Section 2: Emergency Clause: It is hereby declared that an emergency exists and that this ordinance being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, become effective immediately upon its passage and approval.

PASSED AND APPROVED this _____ day of _____, 2015.

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 ABANDON A UTILITY EASEMENT IN THE
CITY OF SPRINGDALE, ARKANSAS.**

WHEREAS, Fadil Bayyari Revocable Trust has petitioned for the abandonment of a utility easements described as follows:

Part of the SW/4 of the NW/4 of the NW/4 of Section 3, Township 17 North, Range 30 West, Washington County, Springdale, Arkansas, being more particularly described as follows:

Commencing at the SW corner of said SW/4 of the NW/4 of the NW/4, thence North 461.52 feet, thence N 89°39'18" E 297.21 feet, thence South 61.86 feet, thence N 89°35'55" E 227.52 feet to the Point of Beginning, N 0°24'05" W 5.00 feet, thence N 89°35'55" E 20.00 feet, thence S 0°24'05" E 10.00 feet, thence N 89°35'55" E 104.97 feet to the East property line, thence along said line South 20.00 feet, thence S 89°35'55" W 124.82 feet, thence N 0°24'05" W 25.00 feet to the Point of Beginning.

WHEREAS, the City Council finds that a hearing date should be set;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that March 24, 2015 at 6:00 p.m. is set as the date and time for the City Council to hear the petition; that the City Clerk shall give notice of the date and time, as required by law.

PASSED AND APPROVED this _____ day of _____, 2015.

Doug Sprouse, Mayor

ATTEST:

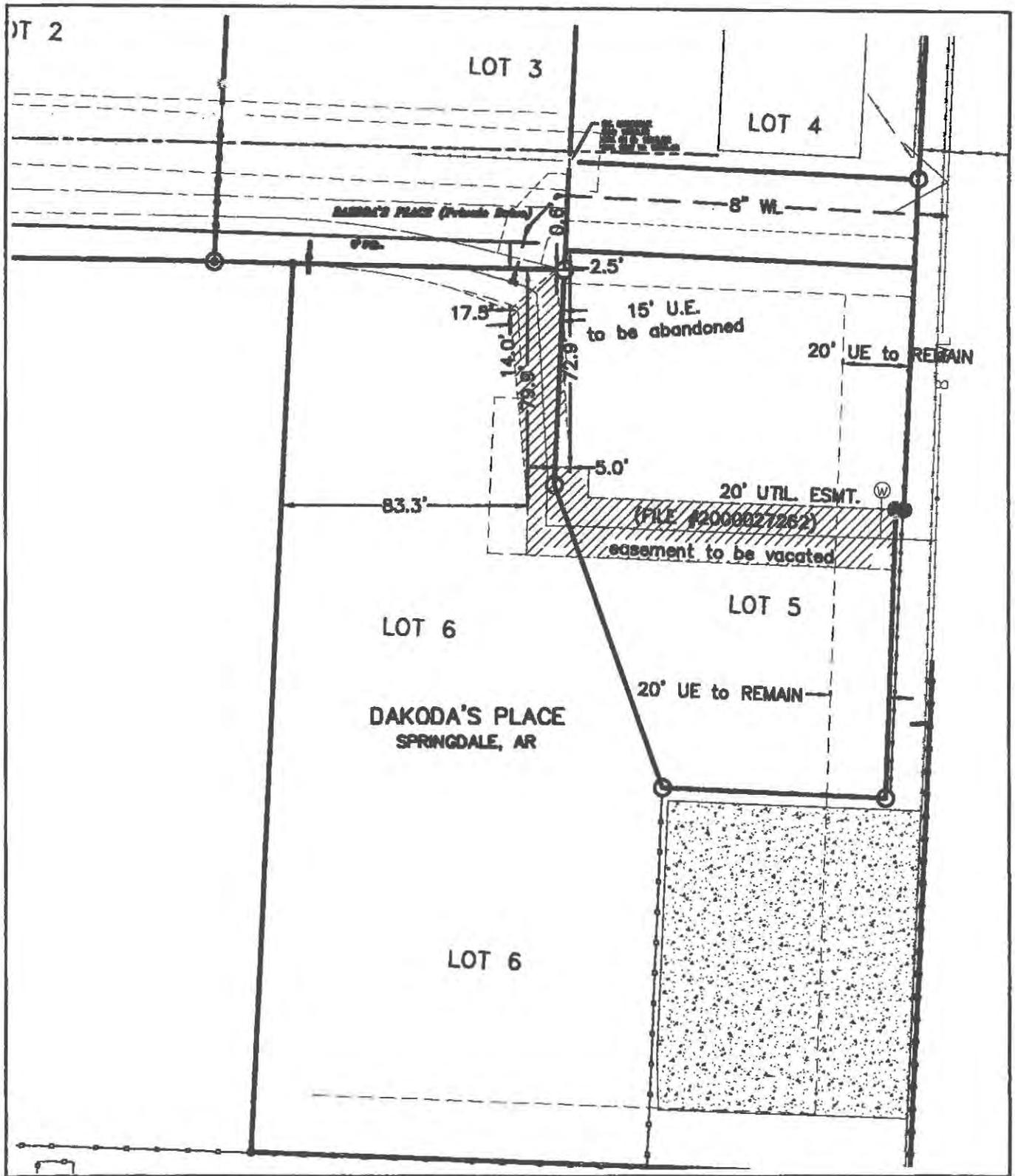
Denise Pearce, CITY CLERK

APPROVED AS TO FORM:



Ernest B. Cate, CITY ATTORNEY

EXHIBIT "A"



lr1592@att.com

to bayyariconstruction@gmail.com

Fri, Feb 13 10:29 AM

RE: Petition to Vacate a Utility Easement

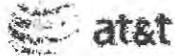
AT&T

Mr. Bayyari,

AT&T has no problem with the easement vacation.

Thank you,

Layne Rhodes



Design Engineer
Northwest Arkansas
(479) 442-1977

TEXTING and DRIVING... *It Can Wait*®.

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From: bayyariconstruction@gmail.com [mailto:bayyariconstruction@gmail.com]

Sent: Thursday, February 12, 2015 10:08 AM

To: mphipps@ozarksecc.com; RHODES, JARROD L; s.stokes@sourcepass.com; michael.moore3@cox.com; rrussell@springdalewater.com; sgoade@springdalear.gov

Subject: Petition to Vacate a Utility Easement

RE: General Utility Easement on Dakota's Place, Springdale

I am attaching the particulars to the petition to release this easement on Lots #5 and #6 at Dakota's Place Subdivision. Kindly arrange to release this easement at your earliest. Please note that the only utility on it is a water line and that the relocation of the same has been done and approved by Springdale water utilities.

If you have any questions, please call me at 479-530-5555.

Fadil Bayyari
Fadil Bayyari Revocable Trust

/bp

Source Gas

scott.stokes@sourcegas.com
to bayyariconstruction@gmail.com

Thu, Feb 12 11:49 AM

RE:

Do you have release form to be signed?

SourceGas does not object to the release of the said easement.


Scott S. Stokes

Field Coordinator- Fayetteville Division
Office: 479-575-1424

From: bayyariconstruction@gmail.com [mailto:bayyariconstruction@gmail.com]
Sent: Thursday, February 12, 2015 10:58 AM
To: Stokes, Scott
Subject:

RE: General Utility Easement on Dakota's Place, Springdale

I am attaching the particulars to the petition to release this easement on Lots #5 and #6 at Dakota's Place Subdivision. Kindly arrange to release this easement at your earliest. Please note that the only utility on it is a water line and that the relocation of the same has been done and approved by Springdale water utilities.

If you have any questions, please call me at 479-530-5555.

Fadil Bayyari
Fadil Bayyari Revocable Trust

/bp

OZARK ELECTRIC

mhipps@ozarksecc.com
to bayyariconstruction@gmail.com

Thu, Feb 12 1:42 PM

RE: Petition to Vacate a Utility Easement

Fadil no objection from Ozark Electric

From: bayyariconstruction@gmail.com [mailto:bayyariconstruction@gmail.com]
Sent: Thursday, February 12, 2015 10:08 AM
To: Mike Phipps; lr1592@att.com; s.stokes@sourcepass.com; michael.moore3@cox.com;
russell@springdalewater.com; sgoade@springdalear.gov
Subject: Petition to Vacate a Utility Easement

RE: General Utility Easement on Dakota's Place, Springdale

I am attaching the particulars to the petition to release this easement on Lots #5 and #6 at Dakota's Place Subdivision. Kindly arrange to release this easement at your earliest. Please note that the only utility on it is a water line and that the relocation of the same has been done and approved by Springdale water utilities.

If you have any questions, please call me at 479-530-5555.

Fadil Bayyari
Fadil Bayyari Revocable Trust

/bp

Confidentiality Notice: This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. This message contains confidential information and is intended only for the individual named. If you are not the named addressee, you should not disseminate, distribute or copy this email. Please notify the sender immediately by email if you have received this email by mistake and delete this email from your system. If you are not the intended recipient, you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

City of Springdale
STREET DEPARTMENT

Thu, Feb 12 12:25 PM

sgoade@springdalear.gov

to bayyariconstruction@gmail.com; mphipps@ozarksecc.com; lr1592@att.com;
s.stokes@sourcepass.com; michael.moore3@cox.com; russell@springdalewater.com
cc Fatsy Christie; Terry Anderson; James Carr

RE: Petition to Vacate a Utility Easement

Hi Fadil,

I have examined the attached Exhibit A with regard to your request to vacate an existing utility easement. The utility easement does not include a drainage easement therefore I have no objection to the vacation of easement as submitted.

Thanks,

Sam

Sam Goade

Public Works Director
Springdale Public Works
269 E. Randall Wobbe Lane
Springdale, Arkansas 72764

Phone 479-750-8135
Fax 479-750-8504

From: bayyariconstruction@gmail.com [mailto:bayyariconstruction@gmail.com]
Sent: Thursday, February 12, 2015 10:08 AM
To: mphipps@ozarksecc.com; lr1592@att.com; s.stokes@sourcepass.com; michael.moore3@cox.com;
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If you have any questions, please call me at 479-530-5555.

Fadil Bayyari
Fadil Bayyari Revocable Trust

/bp

Cof CABLE

Thu, Feb 12 4:01 PM

michael.moore3@cox.com
to bayyariconstruction@gmail.com

RE: Petition to Vacate a Utility Easement

1 file attached ^



Mr. Bayyari,

Please find attached the signed petition approving the easement vacate.

COX

Michael Moore Project Coordinator NWA
tel 479.717 3730 fax 479.872.0174
4901 South 48th Street, Springdale, AR 72762

From: bayyariconstruction@gmail.com [mailto:bayyariconstruction@gmail.com]
Sent: Thursday, February 12, 2015 10:08 AM
To: mphipps@ozarksecc.com; lr1592@att.com; s.stokes@sourcepass.com; Moore, Michael (CCI-Central Region); russell@springdalewater.com; sgoade@springdalear.gov
Subject: Petition to Vacate a Utility Easement

RE: General Utility Easement on Dakota's Place, Springdale

I am attaching the particulars to the petition to release this easement on Lots #5 and #6 at Dakota's Place Subdivision. Kindly arrange to release this easement at your earliest. Please note that the only utility on it is a water line and that the relocation of the same has been done and approved by Springdale water utilities.

If you have any questions, please call me at 479-530-5555.

Fadil Bayyari
Fadil Bayyari Revocable Trust

/bp

PETITION TO VACATE A UTILITY EASEMENT

Name of Petitioner(s): Fadii Bayyari Revocable Trust
Petitioner(s) must be owner(s) of the property

Address: PO BOX 6250, Springdale, AR 72766

Legal Description:

(As described in Instrument #2000-27262)

Part of the SW/4 of the NW/4 of the NW/4 of Section 3, Township 17 North, Range 30 West, Washington County, Springdale, Arkansas, being more particularly described as follows:

Commencing at the SW corner of said SW/4 of the NW/4 of the NW/4, thence North 461.52 feet, thence N 89°39'18" E 297.21 feet, thence South 61.86 feet, thence N 89°35'55" E 227.52 feet to the Point of Beginning, N 0°24'05" W 5.00 feet, thence N 89°35'55" E 20.00 feet, thence S 0°24'05" E 10.00 feet, thence N 89°35'55" E 104.97 feet to the East property line, thence along said line South 20.00 feet, thence S 89°35'55" W 124.82 feet, thence N 0°24'05" W 25.00 feet to the Point of Beginning.

AND ALSO a portion of a utility easement situated on Lots 5 and 6 of the Final Plat of Dakota's Place Subdivision, a subdivision to the City of Springdale, Arkansas, as recorded at File Number 23-0327 in the Circuit Clerk's Office, Washington County, Arkansas. See attached exhibit "A."

Date of Survey: 11/28/07

Survey Performed by: Alan Reid
(Survey must be attached to Petition)

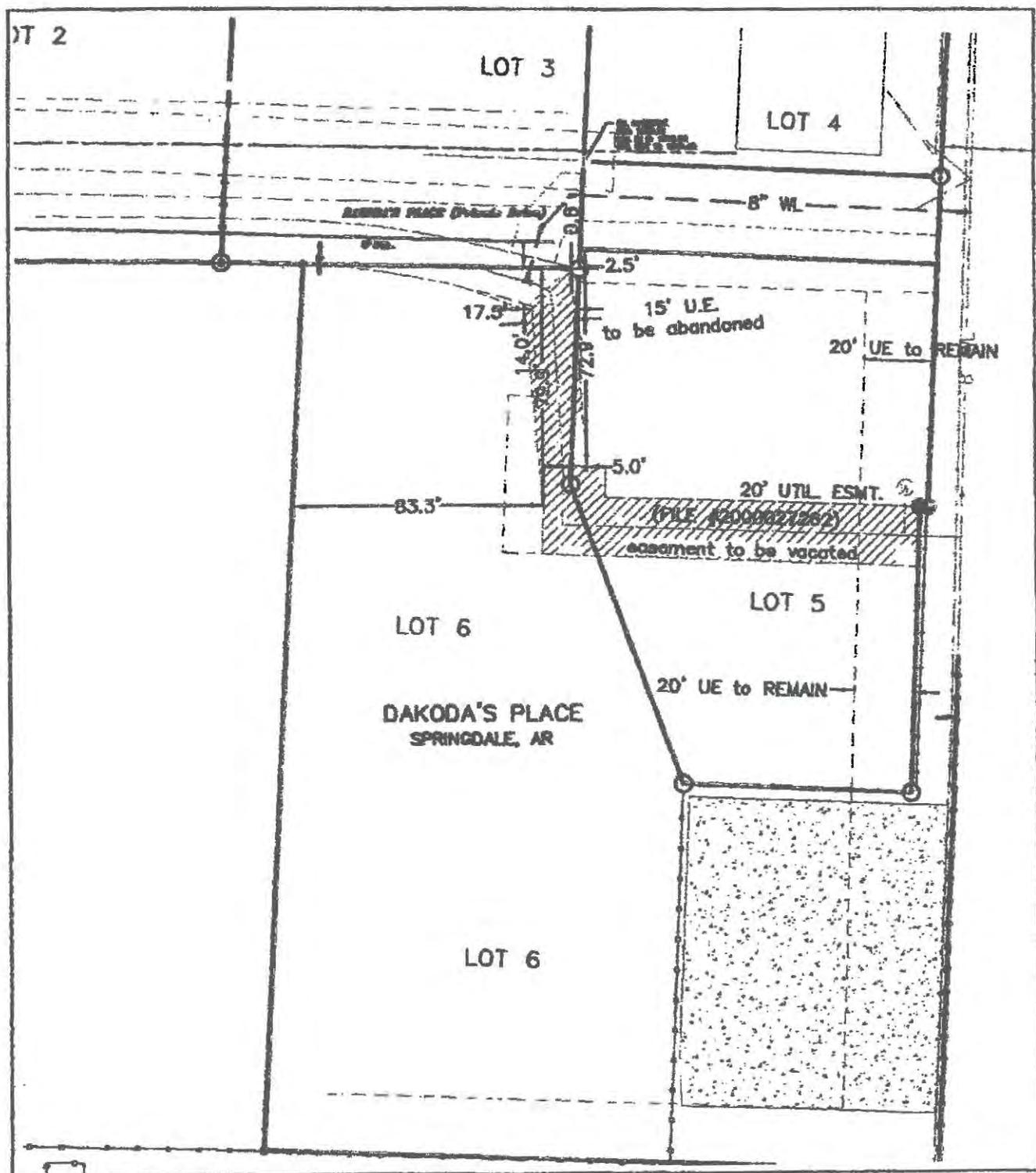
We, the undersigned owners of the above described real property situated in Springdale, Arkansas, hereby petition the City Council for the City of Springdale, Arkansas, to release, vacate and abandon that portion of the utility easement that is encroached upon by an improvement on the property, as more particularly shown on the survey, which is being filed with this petition.



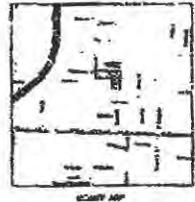
2-11-15

CONSTRUCTION MANAGER

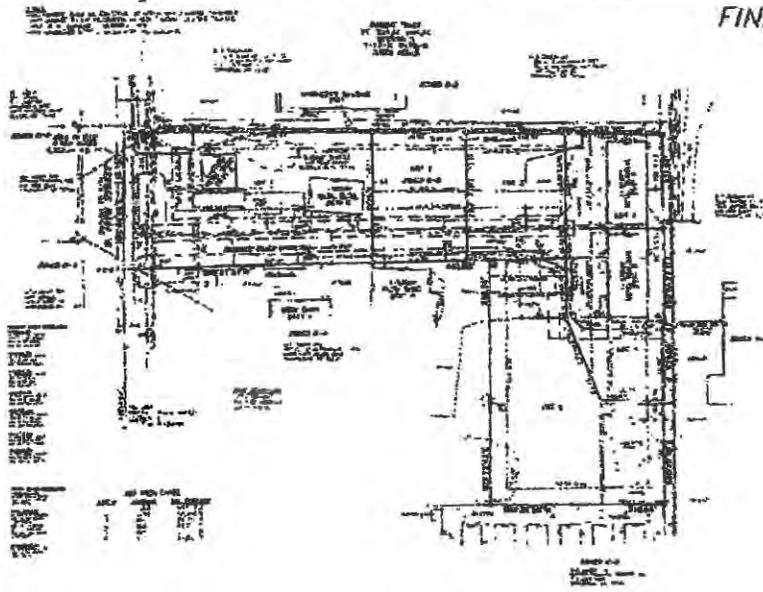
EXHIBIT "A"



FINAL PLAT- DAKODA'S PLACE SPRINGDALE, ARKANSAS



THESE LOTS ARE THE PROPERTY OF THE STATE OF ARKANSAS, AND ARE BEING PLATED FOR THE PURPOSE OF THE SALE OF THE SAME TO THE PUBLIC. THE STATE OF ARKANSAS HAS THE HONORABLE TITLE TO THE SAME, AND THE SAME ARE BEING PLATED FOR THE PURPOSE OF THE SALE OF THE SAME TO THE PUBLIC.



THESE LOTS ARE THE PROPERTY OF THE STATE OF ARKANSAS, AND ARE BEING PLATED FOR THE PURPOSE OF THE SALE OF THE SAME TO THE PUBLIC. THE STATE OF ARKANSAS HAS THE HONORABLE TITLE TO THE SAME, AND THE SAME ARE BEING PLATED FOR THE PURPOSE OF THE SALE OF THE SAME TO THE PUBLIC.

[Handwritten signature]
 Surveyor General
 State of Arkansas

- Lot 1 - [Name]
- Lot 2 - [Name]
- Lot 3 - [Name]
- Lot 4 - [Name]
- Lot 5 - [Name]
- Lot 6 - [Name]
- Lot 7 - [Name]
- Lot 8 - [Name]
- Lot 9 - [Name]
- Lot 10 - [Name]
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- Lot 96 - [Name]
- Lot 97 - [Name]
- Lot 98 - [Name]
- Lot 99 - [Name]
- Lot 100 - [Name]

DATE OF PLAT: [Date]
 BY: [Name]

RECORDED IN: [Volume]
 PAGE: [Page]

INDEXED IN: [Volume]
 PAGE: [Page]

0025-0000327

For 2008 Plat of
 Section 4 within 100th
 3-11-08
 M.L. RYAN

FINAL PLAT- DAKODA'S PLACE

ORDINANCE NO. _____

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY TO THE CITY OF SPRINGDALE, ARKANSAS, PURSUANT TO ARK. CODE ANN. §14-40-2002 (ACT 779 of 1999), AND MAKING A COMMITMENT TO PROVIDE SEWER SERVICES TO SAID PROPERTY AS REQUIRED BY ARK. CODE ANN. §14-40-2002 (ACT 779 of 1999).

WHEREAS, Greg Kendrick and Kim Kendrick ("the Kendricks"), are the owners of the following real property currently located in Bethel Heights, Benton County, Arkansas, and which is contiguous to and adjacent to the City of Springdale, Arkansas ("the Property")(legal descriptions and map attached hereto):

- Tract 1: 1161 Kendrick Avenue, Benton County Parcel No. 20-00017-001, containing one (1) acre more or less;
- Tract 2: 69.68 acres, more or less, located at the northwest corner of Old Wire Road (State Highway 265) and Kendrick Avenue, Benton County Parcel No. 20-00016-000, containing 69.68 acres more or less; and
- Tract 3: 16.49 acres, more or less, located at the southeast corner of Kendrick Avenue and N. Jefferson St., Benton County Parcel No. 20-00017-000.

WHEREAS, the Kendricks wish to avail themselves of the detachment and annexation procedure contained in Ark. Code Ann. §14-40-2002, as they are seeking additional municipal services, namely sewer services, to the Property;

WHEREAS, pursuant to Ark. Code Ann. §14-40-2002, the Kendricks made demand upon the City of Bethel Heights to make a commitment to provide sewer service to the Property sufficient to serve industrial uses;

WHEREAS, the City of Bethel Heights has expressed in writing that it can or will make such a commitment as required by Ark. Code Ann. §14-40-2002;

WHEREAS, the present condition and status of the Bethel Heights "step system" is such that its sanitary sewer system is unable to serve present capacity and cannot be expected to provide the additional capacity necessary to provide sanitary sewer service adequate for an industrial use on the Property within the time provided by Ark. Code Ann. §14-40-2002, thereby rendering Bethel Heights' written commitment to provide sewer services untenable;

WHEREAS, the City of Springdale, as annexing municipality pursuant to Ark. Code Ann. §14-40-2002, by the adoption of this Ordinance, does hereby commit to take substantial steps within 180 calendar days after the adoption of this Ordinance toward making the requested services available to the Property, and within each 30 day period thereafter, to continue to take steps demonstrating a consistent commitment to provide the requested sanitary sewer services to the Property within a reasonable time; and,

WHEREAS, upon the City of Springdale making the commitment to provide the requested sanitary sewer services to the Property, the Kendricks now seek approval of the request for detachment from Bethel Heights and annexation into the City of Springdale, Arkansas, pursuant to Ark. Code Ann. §14-40-2002.

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

SECTION 1: The City of Springdale, Arkansas hereby makes a commitment to provide sewer services to the Property, and to take substantial steps within one hundred eighty (180) days after the passage of this ordinance to make the services available and, within each thirty-day period thereafter, continue taking steps demonstrating a consistent commitment to make the additional services available within a reasonable time, as determined by the kind of services requested.

SECTION 2: Given the commitment made by the City of Springdale, Arkansas, to provide the requested services, the Property is therefore accepted for annexation into the City of Springdale, Arkansas, pursuant to Ark. Code Ann. §14-40-2002, and the Property shall hereafter be a part of the City of Springdale.

SECTION 3: The Property is hereby assigned to Ward ____ of the City of Springdale, Arkansas.

PASSED AND APPROVED this _____ day of _____, 2015.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

[TRACT ONE: 1270 Kendrick, Bethel Heights, Arkansas 72764:]

THAT PART OF THE S/2 OF THE NW/4 OF SECTION 19, TOWNSHIP 18 NORTH, RANGE 29 WEST, BENTON COUNTY, ARKANSAS, LYING WEST OF OLD WIRE ROAD AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SW CORNER OF SAID S/2 OF THE NW/4, THENCE N 2 DEGREES 20'15" E 1312.08 FEET TO THE NW CORNER OF SAID S/2 OF THE NW/4, THENCE ALONG THE NORTH LINE OF SAID S/2 OF THE NW/4 S 87 DEGREES 30' 36" E 2330.25 FEET TO APPROXIMATE CENTER OF OLD WIRE ROAD, THENCE ALONG SAID ROAD AS FOLLOWS: S 6 DEGREES 05'54" W 253.74 FEET, S 12 DEGREES 01'50" W 473.67 FEET, AND S 12 DEGREES 56'40" W 608.49 FEET TO THE SOUTH LINE OF SAID S/2 OF THE NW/4 OF THE NW/4, THENCE ALONG SAID LINE N 87 DEGREES 20'44" W 2321.88 FEET TO THE POINT OF BEGINNING, CONTAINING 73.68 ACRES, MORE OR LESS AND SUBJECT TO THE RIGHT-OF-WAY OF OLD WIRE ROAD ALONG THE EAST SIDE OF THE PROPERTY AND SUBJECT TO THE RIGHT- OF-WAY OF KENDRICK AVE. ALONG THE SOUTH SIDE OF THE PROPERTY.

LESS AND EXCEPT: PART OF THE S 1/4 OF THE NW 1/4 OF SECTION 19, TOWNSHIP 18 NORTH, RANGE 29 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POUND IRON PIN FOR THE SW CORNER OF SAID S 1/4 OF THE NW 1/4, THENCE N 02°20'15" E 32.29 FEET TO THE POINT OF BEGINNING, THENCE ALONG THE WEST LINE OF SAID S 1/4 OF THE NW 1/4, N 02°20'15" E 680.63 FEET, THENCE LEAVING SAID WEST LINE S 87°20'44" E 256.00 FEET, THENCE S 02°20'15" W 680.63 FEET, THENCE N 87°20'44" W 256.00 FEET TO THE POINT OF BEGINNING, CONTAINING 4.00 ACRES, MORE OR LESS AND SUBJECT TO THE RIGHT OF WAY OF KENDRICK AVENUE ON THE SOUTH SIDE OF THE PROPERTY AND ANY OTHER EASEMENTS OF RECORD OR FACT.
(Commonly known as 1270 Kendrick, Bethel Heights, Arkansas 72764)



[Tract two: 1255 Kendrick, Bethel Heights, Arkansas 72764]

THE NORTHWEST QUARTER (NW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION NINETEEN (19) TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWENTY-NINE (29) WEST.

LESS AND EXCEPT: (WD 95-18075)

A TRACT OF LAND DESCRIBED AS BEGINNING AT A POINT 525 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION NINETEEN (19) TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWENTY-NINE (29) WEST AND RUNNING THENCE SOUTH 250 FEET; THENCE WEST 175 FEET; THENCE NORTH 250 FEET; THENCE EAST 175 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPT: (WD 2002-102428)

PART OF THE NW ¼ OF THE SW ¼ OF SECTION 19, TOWNSHIP 18 NORTH, RANGE 29 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SW CORNER OF SAID NW ¼ OF THE SW ¼, THENCE N 2 DEGREES 20' 15" E 348.04 FEET ALONG THE WEST LINE OF SAID NW ¼ OF THE SW ¼, THENCE S 88 DEGREES 11' 24" E 1252.77 FEET, THENCE S 2 DEGREES 40' 04" W 348.07 FEET ALONG THE EAST LINE OF SAID NW ¼ OF THE SW ¼ TO THE SE CORNER OF SAID NW ¼ OF THE SW ¼, THENCE N 88 DEGREES 11' 23" W 1250.77 FEET TO THE POINT OF BEGINNING, CONTAINING 10.00 ACRES, MORE OR LESS, AND SUBJECT TO THE RIGHT-OF-WAY OF N. JEFFERSON STREET ALONG THE WEST SIDE OF THE PROPERTY AND SUBJECT TO ANY OTHER EASEMENTS OF RECORD.

ALSO LESS AND EXCEPT: (WD 2003-12250)

PART OF THE NW ¼ OF THE SW ¼ OF SECTION 19, TOWNSHIP 18 NORTH, RANGE 29 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF SAID NW ¼ OF THE SW ¼, THENCE NORTH 02 DEGREES 20 MINUTES 15 SECONDS EAST 348.04 FEET ALONG THE WEST LINE OF SAID NW ¼ OF THE SW ¼ TO THE POINT OF BEGINNING, THENCE SOUTH 88 DEGREES 11 MINUTES 24 SECONDS EAST 1252.77 FEET, THENCE NORTH 02 DEGREES 40 MINUTES 04 SECONDS EAST 347.36 FEET ALONG THE EAST LINE OF SAID NW ¼ OF THE SW ¼, THENCE NORTH 88 DEGREES 11 MINUTES 23 SECONDS WEST 1254.78 FEET, THENCE SOUTH 02 DEGREES 20 MINUTES 15 SECONDS WEST 347.34 FEET TO THE POINT OF BEGINNING, SUBJECT TO THE RIGHT OF WAY OF NORTH JEFFERSON STREET ALONG THE WEST SIDE OF THE PROPERTY AND SUBJECT TO ANY OTHER EASEMENTS OF RECORD.

(Commonly known as 1255 Kendrick, Bethel Heights, Arkansas 72764)



A tract of land described as beginning at a point 525 feet west of the northeast corner of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section Nineteen (19), Township Eighteen (18) North, Range Twenty-nine (29) West and running thence south 250 feet; thence west 175 feet; thence north 250 feet; thence east 175 feet to the point of beginning.

Subject to a permissive easement for gas line purposes, which easement runs across the north side of the subject property. Said permissive easement in favor of Gregory Allen Kendrick and Kimberly Denise Kendrick, husband and wife, only.

Subject to easements, right-of-ways, and restrictive covenants of record, if any.



Benton County GIS: Parcel Map



**WATKINS, BOYER,
GRAY, NOBLIN & CURRY, PLLC**

ATTORNEYS AT LAW

WILLIAM P. WATKINS, III, P.A.
RONALD L. BOYER, P.A.
JENNIFER E. GRAY, P.A.*
ANTHONY W. NOBLIN, P.A.
ANDREW T. CURRY, P.A.

WRITER'S DIRECT E-MAIL
bwatkins@watkinslawoffice.com

DELYNN HALE, SECRETARY
VICKY EDWARDS, PARALEGAL
ANNA ANTAO, FINANCIAL MGR

*ALSO LICENSED IN MISSOURI

March 2, 2015

City of Springdale
ATTN: Mr. Ernest Cate, City Attorney

via e-mail only at ecate@springdalear.gov

Re: Annexation of Kendrick property under Act 779

Dear Ernest:

I write on behalf of my clients, Greg and Kim Kendrick, owners of the property identified as tax parcel numbers 20-00017-001, 20-00016-000, and 20-00017-000. You have prepared an Ordinance providing for the detachment and annexation of my clients' property as above referenced from Bethel Heights into Springdale. On behalf of my clients, the City is authorized to proceed with action on this Ordinance and my clients encourage its adoption.

If you have any questions regarding this matter please let me know.

Sincerely,

WATKINS, BOYER, GRAY
NOBLIN & CURRY, PLLC

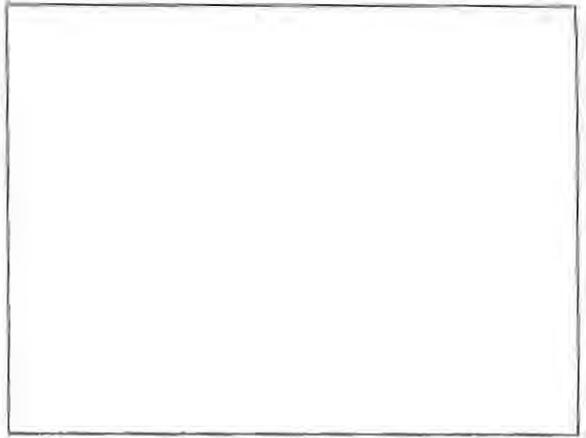


Bill Watkins

BW:
pc: client

1106 WEST POPLAR STREET
ROGERS, AR 72756
PH: 479-636-2168
FX: 479-636-6098
WWW.WATKINSLAWOFFICE.COM

REAL ESTATE, CONSTRUCTION & LIEN LAW, LAND USE & PLANNING
CORPORATE & COMMERCIAL LAW, BANKING, BANKRUPTCY
CRIMINAL LAW, FAMILY LAW, GUARDIANSHIPS, LANDLORD-TENANT
ESTATE PLANNING, ELDER LAW, PROBATE, TRUST LITIGATION
CIVIL LITIGATION, COMMERCIAL & CONSUMER DEBT COLLECTION



ORDINANCE NO. _____

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

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of March 3, 2015 for hearing the matter of a petition of B & J Family Limited Partnership requesting that the following described tract of real estate be zoned from General Commercial District (C-2) to Light Industrial District (I-1)

Layman's Description: 2757 Lowell Road

Legal Description:

Part of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section Twenty-five (25), Township Eighteen (18) North, Range Thirty (30) West, described as beginning At a point which is 264 feet South of the Northwest corner of said 40 acre tract, thence South 396 feet, thence East 330 feet, thence North 396 feet, thence West 330 feet to the point of beginning.

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

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

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

From General Commercial District (C-2) to Light Industrial District (I-1).

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

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2015

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

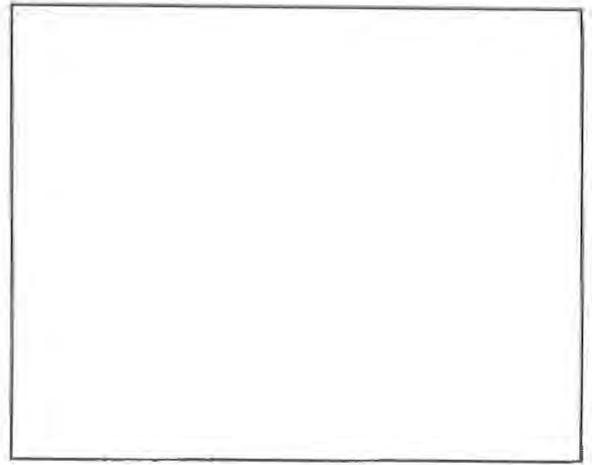


Public hearing sign posted: / / 2015
 Public hearing sign posted by: CS
 S Public Hearing Sign Location



FILE NUMBER: R15-07
APPLICANT: B & J FAMILY LIMITED PARTNERSHIP
REZONING REQUEST: FROM C-2 TO I-1

CITY OF SPRINGDALE
PLANNING OFFICE
PLANNING COMMISSION MEETING
3/3/2015



ORDINANCE NO. _____

AN ORDINANCE ACCEPTING THE COMBINATION OF LOTS 224 & 225 in LEGENDARY SUBDIVISION, PHASE I, A RESIDENTIAL SUBDIVISION 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:

COMBINATION OF LOTS 224 & 255 IN LEGENDARY SUBDIVISION, PHASE I, A RESIDENTIAL SUBDIVISION to the City of Springdale, Arkansas.

AND WHEREAS, said Planning Commission, after conducting a public hearing, has approved the combination as presented by petitioner, and has approved the dedication of streets, rights-of-way and utility easements as shown upon said combination and join with the said petitioner in petitioning the City Council to accept the said Combination of Lots 224 & 225 in Legendary Subdivision, Phase I.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, that the Combination of Lots 224 & 225 in Legendary Subdivision, Phase I, as shown on the Combination 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 _____, 2015.

Doug Sprouse, Mayor

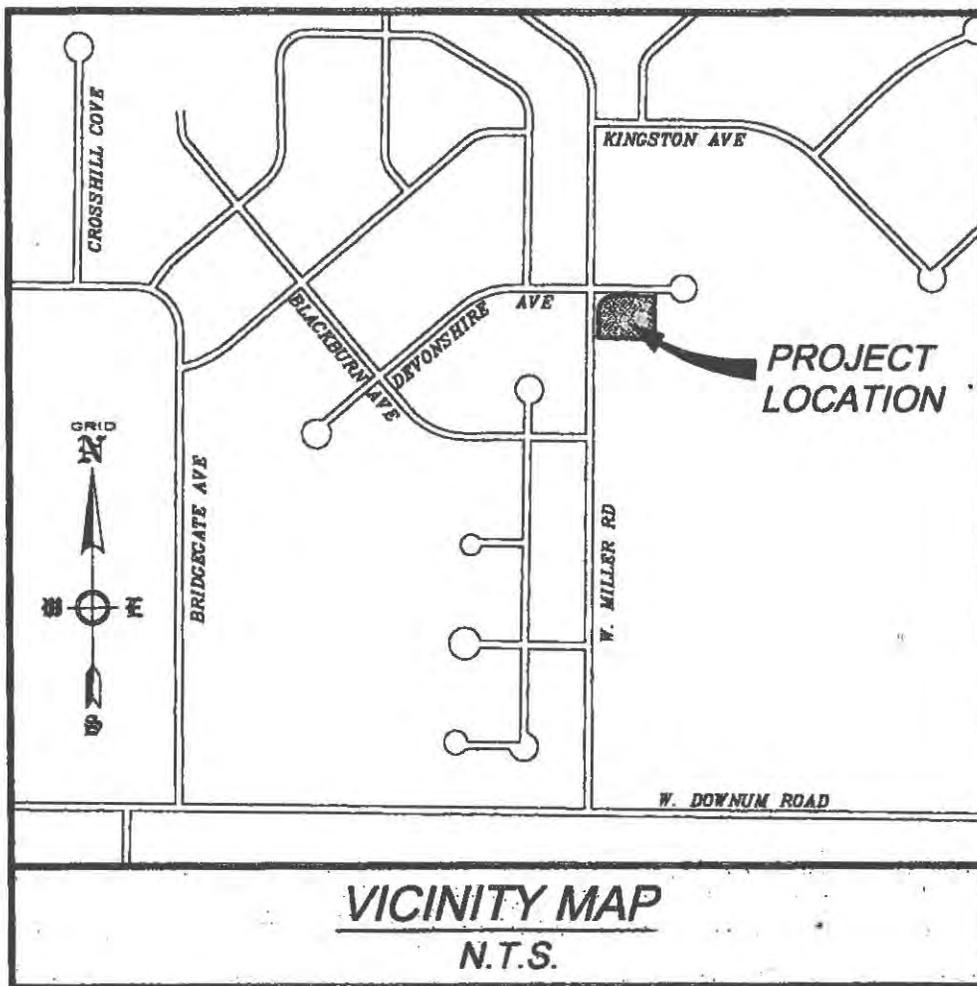
ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

VICINITY MAP
FOR LOTS 224 & 225
LEGENDARY SUBDIVISION, PHASE I



RESOLUTION NO. _____

A RESOLUTION ADOPTING A REVISED MASTER TRAIL PLAN FOR THE CITY OF SPRINGDALE, ARKANSAS

WHEREAS, the Trails Task Force began review of the Master Trail Plan in the fall of 2014 and participated in the development of the Northwest Arkansas Regional Bicycle and Pedestrian Master Plan; and

WHEREAS, the result of the review and participation is the development of a revised Master Trail Plan for the City of Springdale; and

WHEREAS, a series of public meetings were held through the Regional Plan development and a draft Master Trail Plan was presented to the Trail Task force and was moved forward with a recommendation for approval; and

WHEREAS, the Springdale Planning Commission held a public hearing at the March 3, 2015, Planning Commission meeting; and no comments were received and the Master Trail Plan as shown on the attached Exhibit A was approved and recommended for adoption.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the above mentioned Master Trail Plan (Exhibit A), dated March 3, 2015 is hereby adopted to be used in guiding future decisions regarding trail development in the City of Springdale.

PASSED AND APPROVED _____ **DAY OF** _____, 2015.

Doug Sprouse, Mayor

ATTEST:

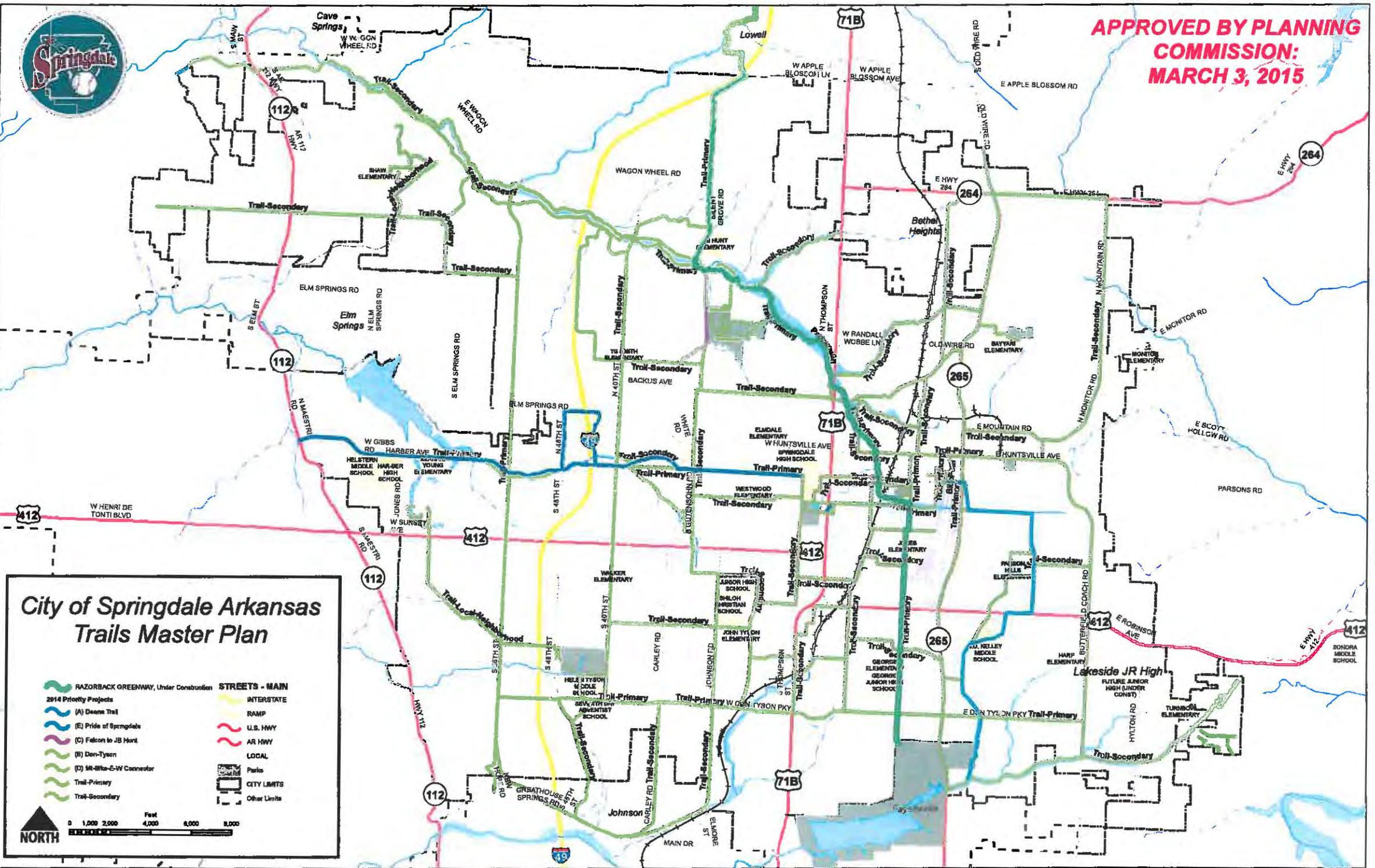
Denise Pearce, City Clerk

APPROVED AS TO FORM:

Jeff C. Harper, City Attorney



APPROVED BY PLANNING COMMISSION: MARCH 3, 2015



**City of Springdale Arkansas
Trails Master Plan**

RAZORBACK GREENWAY, Under Construction	STREETS - MAIN
2014 Priority Projects	INTERSTATE
(A) Deane Trail	RAMP
(E) Pride of Springdale	U.S. HWY
(C) Falcon to JB Hunt	AR HWY
(B) Den-Tyeon	LOCAL
(D) MK-8th-E-W Connector	Parks
Trail-Primary	CITY LIMITS
Trail-Secondary	Other Limits

Scale: 0 1,000 2,000 4,000 6,000 8,000 Feet

North Arrow: NORTH

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 114 OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, it has come to the attention of the City Council for the City of Springdale, Arkansas, that Section 114-58 of the Code of Ordinances of the City of Springdale, Arkansas, needs to be amended and clarified as to the prohibition of parking in the street in the City of Springdale, Arkansas;

WHEREAS, it is in the best interests of the citizens of the City of Springdale, Arkansas, that Section 114-58 of the Code of Ordinances of the City of Springdale, Arkansas, be amended to clarify the issue of parking in the street within the City of Springdale, Arkansas.

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

Section 1: Section 114-58 of the Code of Ordinances of the City of Springdale is hereby amended to read as follows:

Sec. 114-58. Street parking and emergency access routes.

- (a) Except as authorized in section 114-53 and section 114-57, no motor vehicles shall be parked or stored:
 - (1) On the side of any street which is designated on the master street plan (section 90-51) and built to the standard of as a freeway, minor collector, major collector, or principal arterial street, or upon review and recommendation of the Traffic Committee upon submission to the City Council.
 - (2) On the side of any street designated as an emergency access route, and on which a sign has been placed stating "Emergency Access Route: No Parking this Side of Street."
 - (3) On the side(s) of any street which has a designated bicycle lane.
- (b) The city council hereby authorizes and empowers the fire department, police department, and street department to work jointly in such manner as they see fit to designate and make certain city streets as emergency access routes; to purchase or have constructed signs or signals to mark such emergency access routes, and to change or modify such routes or markings as they deem necessary or desirable; and to evaluate the feasibility of parking on the street.

Section 2: All other provisions of Chapter 114 of the Code of Ordinances of the City of Springdale, Arkansas, not specifically modified herein 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 effective immediately upon its passage and approval.

That which is underlined is added, that which is stricken through is deleted.

PASSED AND APPROVED this _____ day of _____, 2015.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

That which is underlined is added and that which is stricken through is deleted.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 22 OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Chapter 22-56 of the Code of Ordinances of the City of Springdale, Arkansas, provides for the adoption of the Arkansas Energy Code;

WHEREAS, it is in the best interest of the City of Springdale, Arkansas, for the City Council of the City of Springdale, Arkansas, to adopt the updated version of the Arkansas Energy Code;

WHEREAS, a part of Chapter 22-67 will need to be deleted, as it is already included in the 2014 Arkansas Energy Code;

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

Section 1: Section 22-56 of the Code of Ordinances of the City of Springdale, Arkansas, is hereby amended to read as follows:

Sec. 22-56. Adopted.

The city council hereby finds that it is in the best interests of the citizens of the city to formally adopt a certain document, three copies of which are on file in the office of the City Clerk of the City of Springdale, being marked and designated as the 2003 International Energy Conservation Code with Arkansas Amendments, as adopted by the Arkansas Department of Energy 2014 Arkansas Energy Code for New Building Construction, a/k/a the 2014 Arkansas Energy Code, and said code is incorporated herein as though set out fully word for word.

Section 2: Section 22-67 of the Code of Ordinances of the City of Springdale, Arkansas, is hereby amended to read as follows:

Sec. 22-67. Insulation.

- (a) Insulation shall be installed in a workmanlike manner to provide a reasonably uniform insulating value over the entire face of the insulated area.
- (b) For the purpose of calculating heat loss and gain at design condition, the following design temperatures shall be used:

Winter	Summer
0°F	95°F

- ~~(c) A building that is designed to be both heated in winter and cooled in summer shall meet the more stringent of the heating or cooling requirements of the exterior envelope as provided in this section when requirements differ.~~
- ~~(d) The design of buildings for energy conservation shall not create conditions of accelerated deterioration from moisture condensation.~~
- ~~(e) Insulation performance characteristics:~~
 - ~~(1) Fire hazard classification: Tested by Underwriters' Laboratories, Inc., or other approved agencies in accordance with ASTM-E84 test methods.~~
 - ~~a. Flame spread—50 maximum.~~
 - ~~b. Smoke developed—50 maximum.~~

- ~~(2) — Corrosion, tested in accordance with Commercial Standard CS 131, Section III: Will not accelerate corrosion on aluminum, copper or galvanized steel.~~
- ~~(3) — Odor: Commercially odorless.~~
- ~~(4) — Moisture absorption: Less than two tenths of one percent by volume, when exposed to conditions of 120 degrees Fahrenheit, 90 percent R.H. for 96 hours.~~
- ~~(f) — Manufacturer provided attic cards shall be visibly placed near the scuttle hole for a site inspection and verification of code compliance.~~

Section 3: All other provisions of Chapter 22 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 4: Emergency Clause: It is hereby declared that an emergency exists and that this ordinance being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, become effective immediately upon its passage and approval.

PASSED AND APPROVED this _____ day of _____, 2015.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SETTLE A CONDEMNATION LAWSUIT WHEREIN HUBERT D. WILHITE AND MATTIE M. WILHITE, HUSBAND AND WIFE, JANICE SUE NELSON, BETTY MAE WILHITE, AND KAY LORAIN OXFORD ARE DEFENDANTS.

WHEREAS, the City of Springdale filed a lawsuit against Hubert D. Wilhite and Mattie M. Wilhite, husband and wife, Janice Sue Nelson, Betty Mae Wilhite, and Kay Loraine Oxford (collectively "the Wilhites"), to condemn a tract of land for the 56th Street Widening Project, Project No. 12BPS4, Tract 15;

WHEREAS, the City of Springdale deposited the sum of \$104,400.00 into the Registry of the Court as estimated just compensation for the Wilhites' property;

WHEREAS, the Wilhites have extended an offer to settle the condemnation lawsuit for the total sum of \$193,000.00;

WHEREAS, it is the recommendation of the City Attorney that the City Council approve the additional sum of \$88,600.00 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 Hubert Wilhite condemnation lawsuit for the total sum of \$193,000.00.

PASSED AND APPROVED this _____ day of _____, 2015.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:



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:

MEMORANDUM

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

TO: City Council – Mayor Sprouse
FROM: Ernest Cate, City Attorney *EC*
RE: *City of Springdale v. Hubert Wilhite, et al*
DATE: March 2, 2015

If you will recall, the City Council approved the condemnation of land in connection with the 56th Street Widening Project. One of these tracts of land is owned by Hubert D. Wilhite and Mattie M. Wilhite, husband and wife, Janice Sue Nelson, Betty Mae Wilhite, and Kay Loraine Oxford (collectively "the Wilhites"). The file was turned over to the City Attorney's office for the purpose of acquiring the needed property by eminent domain. The City Attorney's office filed the eminent domain action and obtained an Order of Possession. At the time the City filed this case, the amount of \$104,400 was deposited with the court as the City's estimate of just compensation to be paid the Wilhites. This amount represented the value of the property to be taken and was determined from an appraisal conducted by Reed & Associates, Inc. On February 6, 2015, Reed updated the damage amount to \$106,300.

The attorney for the Wilhites has indicated that they would now be willing to settle this case for the total amount of \$193,000. In other words, they are asking for an additional amount of \$86,700 to settle the case. It is my opinion that the City of Springdale should pay this additional amount to settle this case.

Of this additional amount, \$41,747 would be a result of paying full value for utility easements. The City Council has, in the past, agreed to pay full value for utility easements in order to settle a case.

ErnestCa/2015misc/memoHWilhite

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

In addition, the Wilhites have produced an appraisal indicating an additional amount of just compensation for the trees and landscaping that were taken for this project. It is my opinion that a jury would award them this additional appraised amount for the trees taken in this project, approximately \$19,000.

The remaining difference (approximately \$25,000) is the difference in valuation for the property taken for right-of-way acquisition. The two appraisers are apart by \$0.95 per SF.

In all, I believe that adequate justification exists for paying the Wilhites the additional requested amount of \$86,700 (using Reed's latest damage amount of \$106,300). Using the original damage amount of \$104,400 the additional amount would be \$88,600. This amount is also consistent with the amounts paid to other landowners on this project.

As such, I am requesting that the City approve the proposed settlement in this case. This would avoid the risk of proceeding to trial, which is currently scheduled on March 18, 2015.

For your information, I have enclosed a copy of the settlement statement offered by the Wilhites.

Ernest Cate

From: Steve Lisle <slisle@liserutledge.com>
Sent: Friday, February 06, 2015 2:56 PM
To: ecate@springdalear.gov
Cc: 'Sarah A. Sparkman'
Subject: Springdale v. Hubert and Mattie Wilhite
Attachments: Carlson Appraisal.Final-MC150205.PDF

Ernest,

I am attaching our appraisal. Based, on this report, my clients have authorized me to make the following settlement offer. This information is provided for settlement purposes only.

Our report and the City's are consistent in most respect. The City's valuation, by Shannon Mueller, was based on a Commercial "highest and best use" with an indicated value of \$3.00 per s/f prior to the taking. Shannon calculated the taking at 26,981 s/f for the ROW and 13,046 for the utility easement. She only stated compensation for the taking of the utility easement at \$0.75 per s/f, instead of the \$3.00 per s/f fee valuation. She also estimated \$11,600 for damages to the improvements. There is not any specific support given for the value of the improvements in her report.

Glen Carlson also gave the property a Commercial valuation. He was only slightly higher at \$4.00 per s/f. He gave the City credit for part of the taking that may have been in a prescriptive ROW (as did Mueller), but he placed a fee valuation on the utility easement taking. His loss of value to the improvements was based on Dr. Al Einert's report which is made part of his attached appraisal. As you can see, there were some very significant trees and landscaping lost that he valued at \$26,600.

We believe that Carlson's report is solid. His land valuation is well supported. While Mueller's is not that much lower, it is noteworthy that lowest comparable sale that she used was \$3.18 s/f before she made judgment-based adjustments and most of hers were around or above \$5.00 per s/f before adjustment. The biggest difference between Mueller's report and Carlson's is the fee-based valuation of the utility easement, which we believe is required by law.

My clients have authorized me to accept total compensation of **\$193,000**. The City deposited **\$104,400**, so this would mean an additional payment of **\$88,600**.

We look forward to your response. Thank you,

Steve Lisle
Attorney
Lisle Rutledge P.A.
P.O. Box 7977
1458 Plaza Place, Suite 101
Springdale, AR 72766-7977
(479) 750-4444
(479) 751-6792 - fax
www.liserutledge.com



LISLE | RUTLEDGE
ATTORNEYS

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY
TO SETTLE A CONDEMNATION LAWSUIT WHEREIN
MARY RUTH WILHITE IS A DEFENDANT.**

WHEREAS, the City of Springdale filed a lawsuit against Mary Ruth Wilhite to condemn a tract of land for the 56th Street Widening Project, Project No. 12BPS4, Tract 13;

WHEREAS, the City of Springdale deposited the sum of \$8,500.00 into the Registry of the Court as estimated just compensation for Ms. Wilhite's property;

WHEREAS, Ms. Wilhite has extended an offer to settle the condemnation lawsuit for the total sum of \$17,500.00;

WHEREAS, it is the recommendation of the City Attorney that the City Council approve the additional sum of \$9,000.00 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 Mary Ruth Wilhite condemnation lawsuit for the total sum of \$17,500.00.

PASSED AND APPROVED this ____ day of _____, 2015.

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:

MEMORANDUM

Ernest B. Cate
City Attorney

Taylor Samples
Senior Deputy
City Attorney

Sarah Sparkman
Deputy City Attorney

David D. Phillips
Deputy City Attorney

Lynnda Belvedere
Case Coordinator/
Victim Advocate

Steve Helms
Investigator

Cindy Horlick
Administrative Legal
Assistant/Paralegal

TO: City Council – Mayor Sprouse
FROM: Ernest Cate, City Attorney *EC*
RE: *City of Springdale v. Mary Wilhite*
DATE: March 2, 2015

If you will recall, the City Council approved the condemnation of land in connection with the 56th Street Widening Project. One of these tracts of land is owned by Mary Ruth Wilhite. The file was turned over to the City Attorney's office for the purpose of acquiring the needed property by eminent domain. The City Attorney's office filed the eminent domain action and obtained an Order of Possession. At the time the City filed this case, the amount of \$8,500 was deposited with the court as the City's estimate of just compensation to be paid Ms. Wilhite. This amount represented the value of the property to be taken and was determined from an appraisal conducted by Reed & Associates, Inc.

The attorney for Ms. Wilhite has indicated that she would now be willing to settle this case for the total amount of \$17,500. In other words, she is asking for an additional amount of \$9,000 to settle the case. It is my opinion that the City of Springdale should pay this additional amount to settle this case.

Of this additional amount, over \$6,000 would be a result of paying full value for utility easements. The City Council has, in the past, agreed to pay full value for utility easements in order to settle a case.

In addition, Ms. Wilhite will argue for an additional amount of just compensation for the trees and landscaping that were taken for this

ErnestCa/2015misc/memoMWilhite

project. It is my opinion that a jury would award her an additional appraised amount for the trees taken in this project.

In all, I believe that adequate justification exists for paying Ms. Wilhite the additional requested amount of \$9,000. This amount is also consistent with the amounts paid to other landowners on this project.

As such, I am requesting that the City approve the proposed settlement in this case. This would avoid the risk of proceeding to trial, which is currently scheduled on April 22, 2015.

For your information, I have enclosed a copy of the settlement statement offered by the Wilhites.

Ernest Cate

From: Steve Lisle <slisle@lislerrutledge.com>
Sent: Monday, February 09, 2015 11:00 AM
To: ecate@springdalear.gov; 'Sarah A. Sparkman'
Subject: Springdale v. Mary Wilhite CV 2014-1003-5
Attachments: Appraisal Review-SL150205.doc

Ernest,
We are ready to make a settlement offer in this case. The City's appraisal evaluated total compensation to be \$8,400 based on a Commercial land value of \$5.51 per s/f. The ROW taking was 1,091 s/f and the utility easement was 1,600 s/f. Your appraiser only calculated \$1.30 per s/f for the utility easement, rather than the fee value. The appraised damages were \$8,400, and the City deposited **\$8,500**. Glen Carlson looked at this for me, and he estimates the land value at \$6.00 per s/f. With this valuation at fee value for the ROW and the utility easement (and including the TCE and fencing) his total just compensation calculation is \$16,931. There were also 10 trees and a bush removed. Due to the cost, I asked Carlson to wait to put this into a formal report to see if we can resolve it first. For the same reason, I have not had a formal report for the trees generated yet.

My clients have authorized me to accept **\$17,500** in just compensation. This would require an additional payment from the City of **\$9,000**.

Please let me know if you have any questions.

Steve Lisle
Attorney
Lisle Rutledge P.A.
P.O. Box 7977
1458 Plaza Place, Suite 101
Springdale, AR 72766-7977
(479) 750-4444
(479) 751-6792 - fax
www.lislerrutledge.com



LISLE | RUTLEDGE
ATTORNEYS

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Appraisal Review

Mary Wilhite (Washington Co. CV 2014-1003-5)

Property Address: 3446 South 56th Street

Project Tract No.: Tract 13

Zoning Classification: A-1 (planned for future C-1 or C-2)

Purchase Price:

Date of Taking:

Reed Appraisal:

“Before”:
Total Value: **\$77,900**
Highest and Best Use: Hold for future commercial development
Size: 0.35 acres (15,039 s/f)
Improvements: Drive and fencing \$400
Land Value per foot: **\$5.15 per s/f (\$69,800) total**

Amount of taking:

Fee: 1,091 s/f
Utility easement: 1,600 s/f only compensated at \$1.30 s/f
TCE: 800 s/f

“After”:
Total Value: **\$69,800 (13,948 s/f @ \$5.00 s/f)**
Highest and Best Use: Hold for future commercial development
Size: 13,948 s/f
Severance damages:

Notes on comparables: Lowest was \$3.18 s/f, most around or above \$5.00

Allocation of Compensation:

Land: 1,091 s/f @ \$5.15	\$5,600
Utility Easement: 1,600 s/f @ \$1.30	2,100
TCE: (800 s/f @ \$5.00 @ 8% @1 year)	300
Improvements: (drive fencing)	400
Total Compensation:	\$8,400

Carlson Appraisal:

"Before": Total Value:
Highest and Best Use: Commercial
Size:
Improvements: not valued
Land Value per foot:
Improvements:

Amount of taking:
Fee:
Utility easement:
Total:

TCE:
"After": Total Value:
Highest and Best Use: Commercial
Value per foot: \$ (s/f @ =)

Allocation of Compensation:	
Land: 2,691 @ \$6.00	\$16,146
TCE: 800 s/f @ \$6.00 @ 8% @1 year	385
Improvements: (drive)	400
Total Compensation:	\$16,931

New compensation: $\$16,931 - 8,400 = \$8,531$

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING A CHANGE IN THE
AUTHORIZED STAFF OF THE POLICE DEPARTMENT**

WHEREAS, the Police Department is currently authorized five (5) Records Clerks and one (1) Evidence Technician, and

WHEREAS, the Police Chief has demonstrated a need to add an additional Evidence Technician, and

WHEREAS, the Police Chief has indicated that she believes that four Records Clerks would be sufficient to handle the work load under the current arrangements;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the authorized staff of the Police Department is hereby amended by reducing the Records Clerks positions from five (5) to four (4) and adding one Evidence Technician position.

PASSED AND APPROVED this 10th day of March, 2015.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Jeff C. Harper, City Attorney

MEMO

Date: 2/23/2015
To: Wyman Morgan
From: Chief Kathy O'Kelley
Re: Change in Staffing Positions

Wyman:

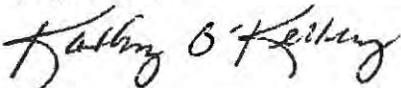
Over the last several years the amount of property and evidence we handle has continued to increase. Currently we have over 15,000 pieces of property/evidence under our control. It has become evident that one person cannot handle all the processes related to the care of maintenance efficiently and effectively. It should be noted that other agencies our size and smaller have a minimum of two individuals assigned to property and evidence management.

I am requested to change the Police Departments staffing allocation to add an additional position to property and evidence and reduce the number of clerks from 5 to 4. This would give a great deal more accountability in evidence and property management.

We have reassigned duties and responsibilities of records clerks and have found this has not changed the workflow or efficiency of the records clerks.

This change would mean the transition a Grade 12 position to a Grade 15-1 position and an increase in salary of approximately \$3,550.00.

Respectfully,



Chief Kathy O'Kelley



CITY of SPRINGDALE

POLICE DEPARTMENT

ADMINISTRATIVE DIVISION

To: Chief O'Kelley
CC: Michelle Reader
From: Captain Peters *mpc*
Date: 2/4/2015
Re: Convert Clerical Position

Chief, over the past year I have been evaluating the work load and needs of the Service Division. The biggest concern that has stood out to me was the situation of our evidence and property management.

When I was transferred to the Service Division in February 2014 I quickly noticed that the evidence technician seemed overwhelmed. I believe that there were several factors including inadequate space, software and hardware concerns and outdated processes. We have made strides to address each of these concerns to include physically moving the location of the evidence storage to provide more space, constructing a more secure long term storage option, and working with IT to upgrade software and hardware.

During the process of moving the evidence room we temporarily transferred two employees to assist with the move, complete an audit and to dispose of property that no longer had evidentiary value. We also reached out to similar size agencies in our area and learned that their evidence rooms were staffed with two and in most cases three evidence technicians.

One of the employees who were temporarily transferred is a clerk assigned to the business office. The business office currently has an authorized staffing of five clerks and one office manager. During the time the clerk was temporarily assigned it was discovered that the work load could be handled with the reduced staff by reassigning some duties and changing processes of handling others.

After conferring with Office Manager Michelle Reader I feel that converting a clerical position to an evidence technician position would be a much better utilization of the department personnel. It would provide the public and officers with better service, reduce liability and enable regular destructions to keep from accumulating more items than we have space for.

Please let me know if you have questions or require more information.

ADMINISTRATION BUILDING, 201 NORTH SPRING STREET, SPRINGDALE, ARKANSAS 72764
(479) 756-8200

CRIMINAL INVESTIGATIONS DIVISION

RESOLUTION NO. _____

**A RESOLUTION AMENDING THE 2015
BUDGET OF THE CITY OF SPRINGDALE
STREET DEPARTMENT**

WHEREAS, there is a need for additional public parking in downtown Springdale, and;

WHEREAS, the Arts Center of the Ozarks has property suitable to provide convenient to downtown and is willing to partner with the City of Springdale to construct a public parking lot, and;

WHEREAS, the Street Department has unappropriated funds from 2014 to cover the City's portion of this project;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the 2015 budget of the City of Springdale Street Department is hereby amended as follows:

<u>Department</u>	<u>Account No.</u>	<u>Description</u>	<u>Present Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Proposed Budget</u>
Street	20102064316052	General Construction	15,000	200,000		215,000

PASSED AND APPROVED this 10th day of March, 2015.

Doug Sprouse, Mayor

ATTEST:

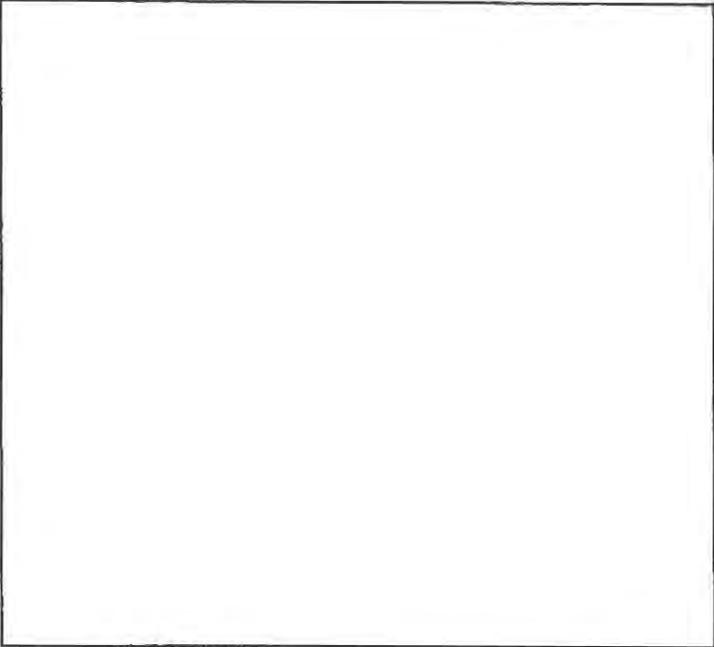
Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

ORDINANCE NO. _____

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



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

PROPERTY OWNER: Lanbon Lanbon & Ann Langbon
LEGAL DESCRIPTION: Lot 1, Block 6, Peaceful Valley Estates II, a subdivision of the city of Springdale, Arkansas, as per the plat of said subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.
LAYMAN'S DESCRIPTION: 3909 Clark Ave.
Springdale, Arkansas
PARCEL NO.: 815-24605-000

PROPERTY OWNER: Elizabeth Doyel
LEGAL DESCRIPTION: Lot 11, Block 3 in the Neff Subdivision, Phase I, as per plat on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.
LAYMAN'S DESCRIPTION: 2403 Toni Ave.
Springdale, Arkansas
PARCEL NO.: 815-23741-000

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

PROPERTY OWNER: Jessie Howard
LEGAL DESCRIPTION: Part of the SE 1/4 of the SE 1/4 of Section 35, Township 18 North, Range 30 West, Washington County, Arkansas, described as beginning at a point which is 540 feet North 0° 54' East and 327 feet North 88° 16' West of the Southeast corner of said forty acre tract; thence South 00° 54' West 100 feet; thence North 88° 16' West 100 feet; thence North 00° 54' East 100 feet; thence South 88° 16' East 100 feet to the point of beginning, containing 0.25 acres, more or less.

LAYMAN'S DESCRIPTION: 1001 Wilkinson Ln.
Springdale, Arkansas
PARCEL NO.: 815-28149-000

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:

\$888.40 clean-up costs and \$60.36 administrative costs – 3909 Clark Ave.
\$424.48 clean-up costs and \$80.00 administrative costs – 2403 Toni Ave.
\$753.02 clean-up costs and \$21.11 administrative costs – 804 Virginia St.
\$365.48 clean-up costs and \$21.48 administrative costs – 1001 Wilkinson Ln.

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:

\$948.76, plus 10% for collection – 3909 Clark Ave. (Parcel #815-24605-000)
\$504.48, plus 10% for collection – 2403 Toni Ave. (Parcel #815-23741-000)
\$774.13, plus 10% for collection – 804 Virginia St. (Parcel #815-23657-000)
\$386.96, plus 10% for collection – 1001 Wilkinson Ln. (Parcel #815-28149-000)

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 March, 2015.

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
ssparkman@springdalear.gov

Ernest B. Cate
City Attorney

Taylor Samples
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

January 29, 2015

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

Lanbon Lanbon
2424 Linden Circle
Springdale, AR 72764

Ann Langbon
2495 Creekwood Ave.
Springdale, AR 72764

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Moore Mortgage Corporation
A Subsidiary of Delta Trust & Bank
Merged With Simmons First National
501 Main Street
Pine Bluff, AR 71611

Aurora Loan Services, LLC
10350 Park Meadows Dr.
Littleton, CO 80124

NationStar Mortgage, LLC
8950 Cypress Waters Blvd.
Dallas, TX 75019

Angela Boyd
Wilson & Associates, PLLC
P.O. Box 2839
Little Rock, AR 72203

Chambers Bank of North Arkansas
1685 E. Joyce Blvd.
Fayetteville, AR 72203

RE: Notice of clean-up lien on property located at 3909 Clark Ave.,
Springdale, Washington County, Arkansas, Tax Parcel No. 815-
24605-000

Dear Property Owner/Lienholders:

On July 23, 2014, notice was posted on property located at 3909 Clark Ave.,
Springdale, Arkansas, that the property was in violation of Springdale City
Ordinance 42-156, and needed to be remedied within seven (7) days. Notice was
mailed to the owner of record on July 24, 2014, 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 December 2, 2014 and December 4, 2014. As of this date, the total costs incurred by the City of Springdale to clean this property are \$888.40. I have enclosed an copies of 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 March 10, 2015, 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, March 10, 2015, 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 \$933.76, which includes \$888.40 for cleaning up the property and \$45.36 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 ABATEMENT - 12/2/2014 3:33 PM (646 CITY ABATEMENT)

Status: CITY ABATEMENT
Order # C CLA3910
Property Address
Before Picture

3909 Clark
Attached Data



Before Picture

Attached Data



Before Picture

Attached Data



Before Picture

Attached Data



Type of Abatement
Date of Abatement
Officer on Site

Violation Notice / Lien
12/2/2014 2:33 PM
Mike Sidney



**City of Springdale
Code Enforcement**

210 Spring Street - Springdale, AR 72764 - Office 479-794-7712

Supervisor on Job	Mike Hicklin
Employee	Mike Hicklin, Henry Hernandez
Employee	Mike Hicklin, Henry Hernandez
MH Benefit Rate	\$41.48
RQ Benefit Rate	\$28.03
Method of Compliance	
1 Method of Compliance	Dead Tree Removal
Equipment Used	
Equipment	6030 Service Truck-Landscaping, 6031 Service Truck-Landscaping
6030 Service Truck-Landscaping	\$35
6031 Service Truck-Landscaping	\$35
Time of Abatement in Hours	1
Number of Temporary Laborers	6
Temporary Labor Cost	\$72
Employee Cost per hour	\$69.51
Total Employee Cost	\$69.51
Equipment Cost per hour	\$70
Total Equipment Cost	\$70
Mobilization Fee	\$200
Extra materials cost	\$0
Total Cost of Abatement	\$411.51
Final Photos	Attached Data



Final Photos **Attached Data**



Final Photos **Attached Data**



Final Photos

Attached Data





CITY ABATEMENT - 12/4/2014 9:27 AM (1- BULKY WASTE)

Status: CITY ABATEMENT
Order # C CLA3909
Property Address
Before Picture

3909 Clark
Attached Data



Type of Abatement
Date of Abatement

Violation Notice / Lien
12/4/2014 8:27 AM

Employee
Employee
MA Benefit Rate
RD Benefit Rate

Mark Thompson,Rod Dorsey
\$21.66
\$20.23

Method of Compliance

Equipment Used

Equipment

660 New Bulky Waste Truck
6028 Service Pick Up Truck

660/652 New Bulky Waste Truck,6028 Service Pick Up
Truck
\$200
\$35

Time of Abatement in Hours

Employee Cost per hour

Total Employee Cost

Equipment Cost per hour

Total Equipment Cost

Mobilization Fee

Extra materials cost

Total Cost of Abatement

Final Photos

1
\$41.89
\$41.89
\$235
\$235
\$200
\$0
\$476.89

Attached Data



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ 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. 	A. Signature <i>Lanbon Lanbon</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee	
1. Article Addressed to: <p style="text-align: center;">Lanbon Lanbon 2424 Linden Circle Springdale, AR 72764</p>	B. Received by (Printed Name) <i>Lanbon Lanbon</i>	C. Date of Delivery 2-10-15
2. Article Number (Transfer from service label)	7014 1200 0001 0759 3211	
PS Form 3811, July 2013 Domestic Return Receipt		

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ 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. 	A. Signature <i>Johnny Ross</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee	
1. Article Addressed to: <p style="text-align: center;">Chambers Bank of North Arkansas 1685 E. Joyce Blvd. Fayetteville, AR 72203</p>	B. Received by (Printed Name) <i>Johnny Ross</i>	C. Date of Delivery
2. Article Number (Transfer from service label)	7014 1200 0001 0759 3273	
PS Form 3811, July 2013 Domestic Return Receipt		

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> 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. 	<p>A. Signature <input checked="" type="checkbox"/> <i>Natia Pan</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Natia Pan</i> C. Date of Delivery <i>2/3/15</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>NationStar Mortgage, LLC 8950 Cypress Waters Blvd. Dallas, TX 75019</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7014 1200 0001 0759 3266</p>
<p>PS Form 3811, July 2013 Domestic Return Receipt</p>	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> 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. 	<p>A. Signature <input checked="" type="checkbox"/> <i>Suzi Kook</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Suzi Kook</i> C. Date of Delivery <i>2-4-15</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Angela Boyd Wilson & Associates, PLLC P.O. Box 2839 Little Rock, AR 72203</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7014 1200 0001 0759 3259</p>
<p>PS Form 3811, July 2013 Domestic Return Receipt</p>	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> 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. 	<p>A. Signature <input checked="" type="checkbox"/> <i>J. Weatherly</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>J. WEATHERLY</i> C. Date of Delivery <i>2-3-15</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Mosaic Mortgage Corporation A Subsidiary of Delta Trust & Bank MO With Simmons First National 501 Main Street Pine Bluff, AR 71611</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7014 1200 0001 0759 3242</p>
<p>PS Form 3811, July 2013 Domestic Return Receipt</p>	



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
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

January 29, 2015

SERVED BY PROCESS SERVER

Ms. Elizabeth Doyel
821 N. Main St.
#10
Stillwater, OK 74075

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

Dear Ms. Doyel:

On June 13, 2013, notice was posted on property located at 2403 Toni Ave., Springdale, Arkansas, that the property was in violation of Springdale City Ordinance 42-77 and 42-78, and needed to be remedied within seven (7) days. Notice was mailed to the owner of record on June 13, 2013, 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 October 9, 2014. As of this date, the total costs incurred by the City of Springdale to clean this property are \$424.48. 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 \$6.48 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 March 10, 2015, 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, March 10, 2015, 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 \$489.48, which includes \$424.48 for cleaning up the property and \$65.00 for service by process server 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

Cindy Horlick

From: noreply@cometracker.com
Sent: Thursday, October 09, 2014 1:16 PM
To: ecate@springdalear.gov; ssparkman@springdalear.gov; chorlick@springdalear.gov; Bstein@springdalear.gov; Thaden@springdalear.gov; Bnivens@springdalear.gov; Msidney@springdalear.gov; mcoffman@springdalear.gov; sgoade@springdalear.gov; ifavorite@springdalear.gov; mwagoner@springdalear.gov
Subject: InvalidField#City Abatement Bill2403 Toni

 **City of Springdale**
Code Enforcement

210 Spring Street - Springdale, AR 72764 - Office 479/766-7712

CITY ABATEMENT - Thursday, October 09, 2014 12:49:59 PM (646 CITY ABATEMENT)

Property Address	2403 Toni
Before Picture	Attached Data 
Before Picture	Attached Data 
Before Picture	Attached Data 
Before Picture	Attached Data



Type of Abatement	Violation Notice / Lien
Date of Abatement	Thursday, October 09, 2014 12:49:00 PM
Officer on Site	Missha Wagoner
Supervisor on Job	Mike Hicklin
Employee	
Employee	Mike Hicklin
MH Benefit Rate	\$41.48
Method of Compliance	
1 Method of Compliance	Mowing
Equipment Used	
Equipment	743 Kubota,6031 Service Truck-Landscaping,6038 1-ton Work Truck-Landscaping
743 Kubota	\$65.00
6031 Service Truck-Landscaping	\$35.00
6038 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	\$41.48
Total Employee Cost	\$41.48
Equipment Cost per hour	\$135.00
Total Equipment Cost	\$135.00
Mobilization Fee	\$200.00
Extra materials cost	\$0.00
Total Cost of Abatement	\$424.48
Final Photos	Attached Data



Final Photos

Attached Data

Final Photos



Attached Data



PROOF OF SERVICE AFFIDAVIT

ORIGIN: CITY OF SPRINDALE, AR CASE NUMBER: _____

PLAINTIFF/IN RE: OFFICE OF THE CITY ATTORNEY, SPRINGDALE, AR

vs.

DEFENDANT(S): ELIZABETH DOYLE

I, HEIDI SIMPSON, being duly sworn, certify that I received the forgoing, to wit: (printed name of server)

LETTER TO ELIZABETH DOYLE

For service upon: ELIZABETH DOYLE

And that on: 2/7/2015 at 9:50 PM, I served the same on the above named (date) (time)

by delivering copies of the same to: ELIZABETH DOYLE, who identified (person served)

himself/herself as a/the: ELIZABETH DOYLE at an address of (title/relationship)

4545 W. 6th AVE., STILLWATER, OK (POE) which is identified as a (address of service)

[] residential address [X] business/employment address

I completed the above service in the following manner:

[X] PERSONAL SERVICE: By leaving said process to the above named person.

[] RESIDENTIAL SERVICE: By leaving a copy of said process for the above named, at their usual place of abode or dwelling, with an individual who identified himself/herself as a resident/family member fifteen years of age or older.

[] PERSONAL/RESIDENTIAL SERVICE: By personally delivering a copy of said process to the above indicated person and, additionally, by leaving a copy for with said individual who identified himself/herself as a resident/family member fifteen years of age or older.

[] CORPORATION/PARTNERSHIP/UNINCORPORATED ASSOCIATION, ETC: By delivering a copy of said process for the above named entity, with the person indicated, as required by law.

[] NOT FOUND FOR THE FOLLOWING REASON: _____

[X] OTHER INFORMATION: POE IS WALMART OF STILLWATER, OK

Notary Public seal for Heidi Simpson, Notary Public, #0308121, expires 02-15-15, State of Oklahoma, Payne County. Subscribed and sworn to before me this FEB of 2014.

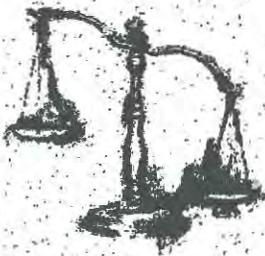
Undersigned declares under penalty of perjury that the foregoing is true and correct.

Signature of Server: Heidi Simpson

PSS 13-6 PSL #

SOONER LEGAL PROCESS SERVICES 405-742-4333

Process Fee: []



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
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

February 4, 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Diana Francis
P.O. Box 26
Westville, OK 74965-0026

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

Dear Ms. Francis:

On June 3, 2014, notice was posted on property located at 804 Virginia Street,
Springdale, Arkansas, that the property was in violation of Springdale City
Ordinance 42-77 and 42-78, and needed to be remedied within seven (7) days.
Notice was mailed to the owner of record on June 4, 2014, 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 December 2, 2014. As of this date, the total costs incurred and paid by the
City of Springdale to clean this property are \$753.02. I have enclosed a copy of
the invoice evidencing the 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 \$6.11 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 March 10, 2015, 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

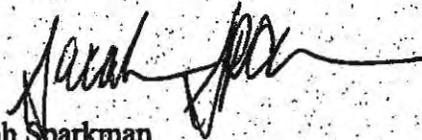
property. The hearing will be held Tuesday, March 10, 2015, at 6:00 p.m. in the City Council Chambers at the City Administration Building, 201 Spring Street, Springdale, Arkansas. You will be entitled to present evidence at this hearing concerning the amount of the lien the City of Springdale is claiming.

If you desire not to contest this amount, and desire not to have a hearing on the matter, please remit the total sum of \$759.13, which includes \$753.02 for cleaning up the property and \$6.11 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 Diana Francis at the address above. Delivery of these letters by the U.S. Postal Service shall warrant service on Diana Francis should the certified letter be returned.

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

Sincerely,



Sarah Sparkman
Deputy City Attorney

SS:ch
enclosures



USPS Tracking™



Customer Service ›
Have questions? We're here to help.

Tracking Number: 70141200000107593457

Product & Tracking Information

Postal Product:

Features:
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
March 6, 2015 , 6:43 am	Arrived at USPS Facility	OKLAHOMA CITY, OK 73107

Available Actions

- Text Updates
- Email Updates

Your item arrived at our USPS facility in OKLAHOMA CITY, OK 73107 on March 6, 2015 at 6:43 am. The item is currently in transit to the destination

March 2, 2015 , 9:43 am	Unclaimed	WESTVILLE, OK 74965
February 17, 2015 , 10:54 am	Available for Pickup	WESTVILLE, OK 74965
February 6, 2015 , 8:05 am	Available for Pickup	WESTVILLE, OK 74965
February 5, 2015 , 5:10 pm	Departed USPS Facility	TULSA, OK 74141
February 5, 2015 , 9:35 am	Arrived at USPS Facility	TULSA, OK 74141
February 4, 2015 , 9:19 pm	Departed USPS Facility	FAYETTEVILLE, AR 72701
February 4, 2015 , 8:36 pm	Arrived at USPS Facility	FAYETTEVILLE, AR 72701

Track Another Package

Tracking (or receipt) number

Track It



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
Deputy City Attorney

Sarah Sparkman
Deputy City Attorney

David D. Phillips
Deputy City Attorney

Lynnda Belvedere
Case Coordinator/
Victim Advocate

Steve Helms
Investigator

Cindy Horlick
Administrative Legal
Assistant/Paralegal

January 29, 2015

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Ms. Jessie Howard
c/o Maples at Har-Ber Meadows
6456 W. Lynchs Prairie Cove
Springdale, AR 72762

RE: Notice of clean-up lien on property located at 1001 Wilkinson Lane, Springdale, Washington County, Arkansas, Tax Parcel No. 815-28149-000

Dear Ms. Howard:

On May 6, 2014, notice was posted on property located at 1001 Wilkinson Lane, Springdale, Arkansas, that the property was in violation of Springdale City Ordinance 42-77, and needed to be remedied within seven (7) days. Notice was mailed to the owner of record on May 5, 2014, 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 July 3, 2014. As of this date, the total costs incurred by the City of Springdale to clean this property are \$365.48. 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 \$6.48 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 March 10, 2015, 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, March 10, 2014, 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 \$371.96, which includes \$365.48 for cleaning up the property and \$6.48 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

Cindy Horlick

From: noreply@cometracker.com
Sent: Friday, July 11, 2014 8:40 AM
To: ecate@springdalear.gov; ssparkman@springdalear.gov; chorlick@springdalear.gov; mcoffman@springdalear.gov; sgoade@springdalear.gov; lfavorite@springdalear.gov; mwagoner@springdalear.gov
Subject: Jessie HowardCity Abatement Bill1001 Wilkinson



City of Springdale Code Enforcement

206 South Blair Street - Springdale, AR 72764 - Office 479/766-7712

CITY ABATEMENT - Friday, July 11, 2014 8:34:28 AM (CODE ENFORCEMENT 1)

Property Address	1001 Wilkinson
Type of Abatement	Violation Notice / Lien
Name on the Citation/Violation Notice	Jessie Howard
Date of Abatement	Thursday, July 03, 2014 2:00:00 PM
Officer on Site	Tina Haden
Supervisor on Job	Mike Hicklin
Employee	Mike Hicklin
MH Benefit Rate	\$41.48
1 Method of Compliance	Mowing
Equipment	743 Kubota,6031 Service Truck-Landscaping
743 Kubota	\$65.00
6031 Service Truck-Landscaping	\$35.00
Time of Abatement in Hours	1
Number of Temporary Laborers	2
Temporary Labor Cost	\$24.00
Employee Cost per hour	\$41.48
Total Employee Cost	\$41.48
Equipment Cost per hour	\$100.00
Total Equipment Cost	\$100.00
Mobilization Fee	\$200.00
Landfill Tipping Fee	\$0.00
Total Cost of Abatement	\$365.48
Final Photos	Attached Data



Final Photos

Attached Data



Final Photos

Attached Data



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.

A. Article Addressed to:

**Ms. Jessie Howard
c/o Maples at Har-Ber Meadows
6456 W. Lynchs Prairie Cove
Springdale, AR 72762**

2. Article Number
(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
x Betty Falkerts Addressee

B. Received by (Printed Name) *horetta Falkerts* C. Date of Delivery *1/31/13*

D. Is delivery address different from item 1? Yes
YES, enter delivery address below: No *5*

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

4. Restricted Delivery? (Extra Fee) Yes

7014 1200 0001 0759 3389

RESOLUTION NO. _____

**A RESOLUTION APPOINTING MIKE MCFARLAND
TO THE NORTHWEST ARKANSAS AIRPORT AUTHORITY TO
COMPLETE THE UNEXPIRED TERM OF RESIGNING
AUTHORITY MEMBER CLARK IRWIN; TERM TO EXPIRE ON
JANUARY 1, 2017.**

WHEREAS, Clark Irwin has been serving on the Northwest Arkansas Airport Authority and has submitted his resignation effective February 20th, 2015;

WHEREAS, the Mayor has recommended that Mike McFarland be appointed to the Northwest Arkansas Regional Airport Authority to complete the unexpired term of Clark Irwin, term to expire January 1, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINDALE, ARKANSAS that effective March 10, 2015, Mike McFarland is hereby appointed to complete the unexpired term of authority member Clark Irwin, term to expire on January 1, 2017.

PASSED AND APPROVED this 10th day of March, 2015.

Doug Sprouse, MAYOR

APPROVED:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Mike W. McFarland

**8284 Anna Maria
Springdale, AR 72762
Office: 479-756-7935
Cell: 479-236-0822**

**Sr. Vice President-Business Development, Arvest Bank-Springdale, AR
January 24, 2011 to present**

**Previous: President-Springdale Market, First Security Bank-Springdale, AR
March 1, 2003 to January 2011**

**Graduate of University of Central Arkansas in 1976 with a Bachelor of Business
Administration Degree**

**Chairman- Ozark Guidance Center Board of Directors, Board Member- Ozark Guidance
Foundation**

**Past President and Founding Board member, Springdale Public Schools Education Foundation,
currently serving on the Board**

Commission Member-Springdale Advertising and Promotions Commission since 2011

Board Member of Local (Northwest Arkansas) Arkansas Workforce Investment Board

Board Member and Treasurer Brandon Burlsworth Foundation since its inception

Former Chairman and Board Member Springdale Chamber of Commerce (Chairman in 2005).

Steering Committee of the Single Parent Scholarship Fund

United Way Campaign Cabinet

**Public Address announcer for Springdale Har-Ber High School Basketball and Southwest Jr.
High football since 2004**

**Former Chairman and Commissioner of the Arkansas State Contractor's Licensing Board,
Residential Committee**

Board Member Arkansas State Chamber of Commerce