

- Monday, June 17th, 5:30 p.m. is the next Committee meetings.
 - Committee agendas will be available on Friday, June 14th, 2013.

**SPRINGDALE CITY COUNCIL
REGULAR MEETING
TUESDAY, JUNE 11th, 2013**

5:55 p.m. Pre Meeting Activities

Pledge of Allegiance
Invocation – **JIM REED**

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. Comments from Citizens

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

5. Approval of Minutes

a) May 28th, 2013 **pg's 3-26**

6. Procedural Motions

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

B. Entertain Motion to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for ordinances listed on this agenda as *item numbers ...7; 8 A-C; 11 A-B; 13.* (Motion must be approved by two-thirds (2/3) of the council members).

7. Public Hearing

An Ordinance releasing, vacating, and abandoning a portion of a utility easement located on property in Springdale, Washington County, Arkansas to declare an emergency and for other purposes. (Petitioner Chuck Stanley, Le Grand LLC at 633 Bain Street) **pg's 27-40**

8. Health, Sanitation & Property Maintenance Committee Report and Recommendations by Chairman Jim Reed:

A. **An Ordinance** ordering the Razing (Demolition) and removal of a certain commercial structure within the City of Springdale, Arkansas, located at 317 East Emma Avenue; to declare an emergency and for other purposes. **pg's 41-42**

B. **An Ordinance** ordering the Razing (demolition) and removal of a certain residential structure within the City of Springdale, Arkansas, located at 104 ½ Pierce; to declare an emergency and for other purposes. (Committee recommended approval) **pg's 43-47**

C. **An Ordinance** ordering the Razing (demolition) and removal of a certain residential structure within the City of Springdale, Arkansas, located at 104 Pierce; to declare an emergency and for other purposes. (Committed voted to send to Council with no recommendation) **pg's 48-52**

9. Street & CIP Committee Report and Recommendation by Chairman Rick Evans:
A Discussion regarding potential roundabouts at Don Tyson Parkway/Hylton and Don Tyson Parkway/Habberton intersections. (Committee voted to send to Council with no recommendations)
10. Police & Fire Committee Report and Recommendations by Chairman Eric Ford:
A Resolution authorizing an increase in the Springdale Police Department School Resource Officers. (Committee recommended approval) **pg's 53-55**
11. Planning Commission Recommendations by Patsy Christie, Planning Director:
 - A. **An Ordinance** accepting the Re-Plat of the KC Properties of Northwest Arkansas Subdivision Phase II, to the City of Springdale, Arkansas, and declaring an emergency. **pg's 56-58**
 - B. **An Ordinance** accepting the Replat of Lots 16 and 17, Block 32, of the Har-Ber Meadows, Phase XX, Subdivision to the City of Springdale, Arkansas, and declaring an emergency. **pg's 59-61**
12. **A Resolution** expressing the support for funding for the Lake Springdale Trailhead on the Razorback Greenway through the Care Foundation, presented by Patsy Christie, Planning Director. **pg 62**
13. **A Resolution** approving an agreement with the City of Tontitown, Arkansas, and Washington County, Arkansas, regarding the operational expenses of the Springdale District Court. **pg's 63-67**
14. **An Ordinance** authorizing the City Clerk to file a clean-up lien for the removal of overgrown brush and debris within the City of Springdale, Arkansas, located at 1001 Wilkinson Lane, 2148 Woodford Street, and 3304 Luvene Avenue, presented by Ernest Cate, City Attorney. **pg's 68-83**
15. Comments from Department Heads.
16. Comments from Council Members.
17. Comments from City Attorney.
18. Comments from Mayor Sprouse.
19. Adjournment.

SPRINGDALE CITY COUNCIL
MAY 28, 2013

The City Council of the City of Springdale met in regular session on May 28, 2013, in the City Council Chambers, City Administration Building. Mayor Doug Sprouse called the meeting to order at 6:00 p.m.

Roll call was answered by:

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

Department heads present:

Wyman Morgan	Director of Finance & Admin.
Patsy Christie	Planning Director
Kathy O'Kelley	Police Chief
Mike Irwin	Fire Chief
Rick McWhorter	Parks & Recreation Director
Mike Chamlee	Building Inspector
Sam Goade	Public Works Director
Alan Pugh	Engineering Director
Mark Gutte	Information Services Director
Loyd Price	Human Resource Director

CITIZEN COMMENTS

Richard and Carol Lane, 3320 S. 48th Street, stated they own 6.39 acres on 48th Street that is part of the Don Tyson Parkway Interchange that is going through condemnation. They would like to work with the City in settling this matter.

City Attorney Cate said the Lanes have legal counsel and the appraisal they have and the one the city has is considerably different.

Alderman Bruns asked that the Lanes come to the committee meeting on Monday, June 3, 2013 for further discussion.

Ken Dunk, 3446 Wagon Wheel Road, presented pictures of trees planted along Wagon Wheel Road near his business that are causing a dangerous situation with sight. His employee was present at the meeting and said he almost got hit by a vehicle in the area.

Sam Goade said he would take a look at this issue and remove or relocate the trees causing the problem.

APPROVAL OF MINUTES

Alderman Jaycox moved the minutes of the May 14, 2013 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 Evans made the second.

The vote:

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

No: None

RESOLUTION NO. 75-13 - AUTHORIZING THE CITY ATTORNEY TO SETTLE AN INVERSE CONDEMNATION LAWSUIT WHEREIN WENDELL AND RENEE COLLINS ARE PLAINTIFFS

City Attorney Ernest Cate presented a Resolution authorizing the City Attorney to settle an inverse condemnation lawsuit wherein Wendell and Renee Collins are plaintiffs.

The following memo dated April 25, 2013 was presented by Attorney Cate:

MEMORANDUM

TO: City Council – Mayor Sprouse
FROM: Ernest Cate, City Attorney
RE: *Collins v. City of Springdale*
DATE: April 25, 2013

If you will recall, the City Council approved the condemnation of land in connection with the Northern Corridor. One of these tracts of land was owned by Wendell and Renee Collins. The City ultimately reached a settlement with the Collins for the acquisition of the easements needed for this project.

Since the road has been constructed, however, the Collins have experienced problems with flooding and water issues on their property. As a result, they have filed suit against the City for the additional damages that they have incurred to their property. Specifically, they allege that part of their property is unusable due to the water issues, and that the structure located on the residence has incurred damage from flooding and standing water as a result of the City's design and construction of Wagon Wheel Road. In support of their claim, the Collins have provided reports from an appraiser, an engineer, and a laboratory indicating the presence of mold on the property due to the water issues.

This case is currently scheduled for a two day jury trial in Benton County Circuit Court on May 7th. The attorney for the Collins has contacted this office and has indicated that the Collins would accept the total sum of \$49,700 to settle this case. It is my recommendation that the City agree to pay this amount.

The appraisal submitted by the Collins indicates excessive damage to the property since the construction of Wagon Wheel Road. The appraisal estimates damages at nearly \$60,000, plus damages for the structure no longer being habitable due to water damage and mold. In addition, the appraiser believes compensation should also be paid for the loss of use of the flood prone area created by the taking.

If this case were to go to trial, the Collins have requested that the jury be allowed to visit the property. The Judge granted this request. As such, the jury will be allowed to view the property first hand, and see the damage to the structure, the mold, and the water damage on the property.

While I believe that the City has a legitimate defense to the Collins' claim, I am also well aware of the risks involved with taking a case like this to a jury. Invariably, the jury will be sympathetic to the Collins, and will likely award them damages, even if the City adequately presents its case under the law.

In addition, should the jury award the Collins damages, they would also be entitled to an attorney fee award in addition to the amount awarded for the property damage. It is my opinion that the City's possible total exposure in this case could exceed \$100,000.

As such, I believe that adequate justification exists for paying the Collins the requested amount of \$49,700. This amount would avoid the risk of proceeding to trial, and would settle this matter once and for all.

I appreciate your consideration of this request.

There was a lot of discussion regarding what happened when this condemnation settlement occurred and how this design was accepted at that time.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE CITY
ATTORNEY TO SETTLE AN INVERSE
CONDEMNATION LAWSUIT WHEREIN
WENDELL AND RENEE COLLINS ARE
PLAINTIFFS.**

WHEREAS, Wendell Collins and Renee Collins filed a lawsuit against the City of Springdale alleging damages to their property in excess of the amount paid for the easements acquired for a tract of land for the Northern Corridor, Wagon Wheel Road, Highway I-540 to Robins Road Construction Project, Project No. BP-0302 in the 2003 Street Improvement Bond Program;

WHEREAS, the Collins have extended an offer to settle the inverse condemnation lawsuit for the total sum of \$49,700;

WHEREAS, it is the recommendation of the City Attorney that the City Council approve the sum of \$49,700 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 Collins inverse condemnation lawsuit for the total sum of \$49,700.

PASSED AND APPROVED this _____ day of _____, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

After discussion, Alderman Jaycox moved the Resolution be adopted. Alderman Bruns made the second.

The vote:

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

No: None

The Resolution was numbered 75-13.

RESOLUTION NO. 76-13 – AUTHORIZING THE CITY ATTORNEY TO SETTLE A CONDEMNATION LAWSUIT WHEREIN THE HYLTON FAMILY TRUST, JIMMY D. HYLTON AND VERA L. HYLTON, CO-TRUSTEES, ARE DEFENDANTS

City Attorney Ernest Cate presented a Resolution authorizing the City Attorney to settle a condemnation lawsuit wherein the Hylton Family Trust, Jimmy D. Hylton and Vera L. Hylton, Co-Trustees, are defendants.

The following memo dated May 28, 2013 was presented by Attorney Cate:

MEMORANDUM

TO: City Council – Mayor Sprouse
FROM: Ernest Cate, City Attorney
RE: *City of Springdale v. Hylton Family Trust*
DATE: May 28, 2013

If you will recall, the City Council approved the condemnation of land in connection with the Hylton Road project. One of these tracts of land is owned by the Hylton Family Trust, Jimmy D. Hylton and Vera L. Hylton, Co-Trustees. 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 \$19,900 was deposited with the court as the City's estimate of just compensation to be paid to the Hylton Family Trust. This amount represented the value of the property to be taken and was determined from an appraisal conducted by Parrish Appraisals, Inc.

Judge Beth Storey Bryan ordered that this case go to mediation prior to trial. On May 9, 2013, the case was submitted to a neutral mediator. The opinion of the mediator was that this case be settled for the total sum of \$54,571. The attorney for the Hylton Family Trust has stated that the Hylton Family Trust would be willing to accept the mediator's recommendation and accept the total sum of \$54,571 to settle this case. It is my opinion that adequate justification exists for this additional amount, and that the City of Springdale should also accept the recommendation of the mediator in this case.

Some of the additional amount requested is for property over which the City had contended it had a prescriptive easement. As such, the City's appraisal did not include just compensation for this property. Upon examining this property, it is my opinion that the City would not be able to prove that it had a prescriptive easement on this property, and that the City should pay just compensation for this additional 13,190 square feet of property (.30 acres), approximately \$9,000.

In addition, the Hylton Family Trust produced a tree appraisal indicating an additional amount of just compensation for the 54 trees that were taken for this project. It is my opinion that a jury would award the Hylton Family Trust this additional amount for the trees taken in this project, approximately \$11,500.

The remaining amount recommended by the mediator is for severance damages to the property remaining after the taking of the property for the project. The Hylton Family

Trust had alleged 30% severance damages (\$26,900), but after mediation, the recommended amount is for less than that, approximately \$14,000.

In all, I believe that adequate justification exists for paying the Hylton Family Trust the additional requested amount of \$34,671. As such, I am requesting that the City approve the recommendation of the mediator in this case. This would avoid the risk of proceeding to trial, where the Hylton Family Trust would be seeking damages of approximately \$90,000 in this case.

I appreciate your consideration of this request.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SETTLE A CONDEMNATION LAWSUIT WHEREIN THE HYLTON FAMILY TRUST, JIMMY D. HYLTON AND VERA L. HYLTON, CO-TRUSTEES, ARE DEFENDANTS.

WHEREAS, the City of Springdale filed a lawsuit against the Hylton Family Trust, Jimmy D. Hylton and Vera L. Hylton, Co-Trustees, to condemn a tract of land for the Hylton Road Project, Tract No. 441HR-8;

WHEREAS, the City of Springdale deposited the sum of \$19,900 into the Registry of the Court as estimated just compensation for the Hyltons' property;

WHEREAS, the Hylton Family Trust has extended an offer to settle the condemnation lawsuit for the total sum of \$54,571;

WHEREAS, it is the recommendation of the City Attorney that the City Council approve the additional sum of \$34,671 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 Hylton Family Trust condemnation lawsuit for the total sum of \$54,571.

PASSED AND APPROVED this ____ day of _____, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

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

The vote:

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

No: None

The Resolution was numbered 76-13.

ADOPTION OF EMERGENCY CLAUSES ON ORDINANCES PASSED AT THE
MAY 14, 2013 CITY COUNCIL MEETING

The following Ordinances were adopted at the May 14, 2013 City Council meeting. None of the emergency clauses could be passed because there were not enough members of the council present.

- a. Ordinance No. 4700, waiving competitive bidding for the installation of a third axle on four dump trucks;
- b. Ordinance No. 4701, amending Article 5, Section 40 of the Zoning Ordinance of the City of Springdale, Arkansas (Auction Houses);
- c. Ordinance No. 4702, amending Article 4, Section 3 of the Zoning Ordinance of the City of Springdale (Conditional Use for an auction house in a C-2 zone)

Alderman Reed made the motion to approve the emergency clause on all of the items listed above. Alderman Jaycox made the second.

The vote:

Yes: Evans, Reed, Bruns, Watson, Ford, Jaycox

No: None

ORDINANCE NO. 4703 – ORDERING THE RAZING (DEMOLITION) AND
REMOVAL OF A CERTAIN RESIDENTIAL STRUCTURE WITHIN THE CITY OF
SPRINGDALE, ARKANSAS, LOCATED AT 1023 N. JEFFERSON STREET; TO
DECLARE AN EMERGENCY AND FOR OTHER PURPOSES

Alderman Watson presented an Ordinance ordering the razing (demolition) and removal of a certain residential structure within the City of Springdale, Arkansas, located at 1023 N. Jefferson Street; to declare an emergency and for other purposes. Bank of America is the owner of the property.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 4703.

RESOLUTION NO. 77-13 – AMENDING 2.5(D) AND 2.5(E) OF THE CITY PERSONNEL AND PROCEDURES MANUAL

Alderman Jaycox presented a Resolution amending 2.5(d) and 2.5 (e) of the City Personnel and Procedures Manual regarding the hiring process for non-civil service positions.

RESOLUTION NO. _____

A RESOLUTION AMENDING 2.5d and 2.5e OF THE CITY PERSONNEL AND PROCEDURES MANUAL.

WHEREAS, the City Council for the City of Springdale, Arkansas finds that policy 2.5, Hiring Process for Non-Civil Service Positions, of the City's Personnel and Procedures Manual are in need of revision:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that policy 2.5d and 2.5e are hereby amended to read as follows:

2.5d Reference Check:

(1) After the interview, if it is decided by the department head that an employment offer will be extended, a reference check must be conducted before any offer of employment is made. The reference check will include all reasonable efforts to verify includes verification of employment, duties, dates of employment, and verification of required certification(s)/license(s) from issuing agencies and may include: work record, attendance record, strengths, weaknesses, job duties, safety record, and other pertinent information supplied by an applicant. Parts of the reference check may be delegated to the affected department. The ~~personnel officer or the~~ department head or the department head's designee shall conduct the reference check before a decision is made on an employment offer.

(2) ~~Certain positions may be designated for a thorough background check by the police department or other designated individual/agency. Once the final or top candidate(s) are selected for a position, the Human Resources Department will contact an accredited company or agency to perform a criminal background check on that candidate(s) prior to final selection and prior to a job offer being made to a potential employee. In certain positions where the potential employee may be required to handle large sums of money, a credit history shall also be processed. In departments where employees can be hired for certain positions under the age of 18 years old (i.e. aquatic center employees in the Parks and Recreation Department), the applicant and their parent/guardian will sign a waiver allowing the City to conduct the background check. All criminal background documentation and credit history information used to make the final selection will be placed in the personnel file of the new employee. For purposes of this policy, the Fire and Police Departments will continue to conduct their own background checks.~~

(3) Results of the reference check and/or background check will help determine the applicant's fitness for the position.

(4) A recommendation for hire from the department head will be forwarded to the appointing authority for final approval.

2.5e Applicant Notification:

(1) After references are verified and a final decision reached, the candidate will be notified of his/her selection, and an employment offer made, with the request that the offer be accepted or rejected within a set number of days.

(2) If the first offer is rejected, it will be decided by the department head with consultation from the Mayor to make a second offer to the top candidate, or whether to make an offer to hire another candidate, or to reopen the position.

(3) Once a candidate accepts the employment offer, all other candidates interviewed are notified that they were not selected for the position.

(4) In order to assure the City of Springdale hires employees that are legally eligible to work in the United States, the Human Resources Department will follow Federal Guidelines as outlined in the "Employment Eligibility Verification" Form from the U.S. Department of Homeland Security, otherwise known as the I-9 Form. This form will be completed by employees on a post job offer basis and must be completed no later than the first day of employment. All "acceptable documents" (which must be received within 3 working days of an employee's start date) will be photocopied and attached to the I-9 Form completed by the employee. A staff member of the Human Resources Department will verify the authenticity of the documents presented by the employee within 2 business days by submitting the information electronically to "E-Verify". E-Verify is an online system operated jointly by the U.S. Department of Human Services and the Social Security Administration which will insure that the City hires only individuals who are legally eligible to work in the United States. The I-9 Form and the attached documentation will be placed in an electronic I-9 file. When an employee leaves employment from the City, the electronic I-9 information will be placed in the electronic Employee's Personnel File.

PASSED AND APPROVED, this _____ day of _____, 2013.

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 Watson made the second.

The vote:

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

No: None

The Resolution was numbered 77-13.

ORDINANCE NO. 4704 – REZONING 1.54 ACRES OWNED BY COMMERCIAL
COMPUTER SERVICES INC. LOCATED AT 3550 S. 56TH STREET, FROM A-1 TO
C-2 AND DECLARING AN EMERGENCY

Patsy Christie presented an Ordinance rezoning 1.54 acres owned by Commercial Computer Services Inc. located at 3550 S. 56th Street, from A-1 to C-2 and declaring an emergency.

A public hearing was held at the May 7, 2013 Planning Commission meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 4704.

ORDINANCE NO. 4705 – REZONING 1.58 ACRES OWNED BY PINKLEY FARMS,
INC. LOCATED AT THE NE CORNER OF DOWNUM AND COUNTY LINE ROAD,
FROM A-1 TO R-E AND DECLARING AN EMERGENCY

Patsy Christie presented an Ordinance rezoning 1.58 acres owned by Pinkley Farms Inc. located at the corner of Downum and County Line Road, from A-1 to R-E and declaring an emergency.

A public hearing was held at the May 7, 2013 Planning Commission meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 4705.

ORDINANCE NO. 4706 – REZONING .56 ACRES OWNED BY SMITCO EATERIES
LOCATED AT 5782 W. SUNSET AVENUE, FROM C-2 TO C-5 AND DECLARING
AN EMERGENCY

Patsy Christie presented an Ordinance rezoning .56 acres owned by Smitco Eateries located at 5782 W. Sunset Avenue, from C-2 to C-5 and declaring an emergency.

A public hearing was held at the May 7, 2013 Planning Commission meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 4706.

ORDINANCE NO. 4707 – REZONING 2.16 ACRES OWNED BY DAVE CHAPMAN
LOCATED AT 308 S. THOMPSON, FROM C-2 TO C-5 AND DECLARING AN
EMERGENCY

Patsy Christie presented an Ordinance rezoning 2.16 acres owned by Dave Chapman located at 308 S. Thompson, from C-2 to C-5 and declaring an emergency.

A public hearing was held at the May 7, 2013 Planning Commission meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 4707.

ORDINANCE NO. 4708 – REZONING .9 ACRES OWNED BY DAVID NORSWORTHY LOCATED AT 1176 W. STULTZ ROAD, FROM A-1 TO O-1 AND DECLARING AN EMERGENCY

Patsy Christie presented an Ordinance rezoning .9 acres owned by David Norsworthy located at 1176 W. Stultz Road, from A-1 to O-1 and declaring an emergency.

A public hearing was held at the May 7, 2013 Planning Commission meeting.

Alderman Bruns said he has received several calls from the Pasofino Subdivision residents who were concerned with the proposed use and trying to maintain the residential feel.

Alderman Reed suggested re-writing the ordinance to allow this use as a conditional use in an A-1 zone.

Proposed is an in-home senior care facility owned by Five Star Select Home Care. The owner explained they bought the property because it is located next to the Shiloh Health and Rehab which is a nursing home.

After considerable discussion, Alderman Overton moved the Ordinance “Do Pass”. Alderman Jaycox made the second.

The vote:

Yes: Jaycox, Evans, Watson, Overton

No: Reed, Bruns

Abstain: Ford

Mayor voted yes. Motion carried.

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

The vote:

Yes: Jaycox, Evans, Bruns, Watson, Overton, Ford

No: Reed

The Ordinance was numbered 4708.

Alderman Ford wanted to go on record stating he thinks this was a mistake.

RESOLUTION NO. 78-13 – APPROVING A CONDITIONAL USE AT 5782 WEST SUNSET AVENUE AS SET FORTH IN ORDINANCE NO. 4030 FOR SMITCO EATERIES INC.

Patsy Christie presented a Resolution approving a conditional use for a tandem lot at 5782 West Sunset Avenue as set forth in Ordinance No. 4030 for Smitco Eateries Inc.

Planning Commission recommended approval at their May 7, 2013 meeting.

RESOLUTION NO. _____

**A RESOLUTION APPROVING A CONDITIONAL
USE AT 5782 WEST SUNSET AVENUE AS SET
FORTH IN ORDINANCE NO. 4030**

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

WHEREAS, the Planning Commission held a public hearing on May 7, 2013, on a request by Smitco Eateries, Inc. for a Use Unit Tandem Lot in a Thoroughfare Commercial District (C-5).

WHEREAS, following the public hearing the Planning Commission by a vote of eight (8) yeas and no nays recommends that a conditional use be granted to Smitco Eateries, Inc. for a Use Unit Tandem Lot Split in a Thoroughfare Commercial District (C-5) with the following conditions – the middle lot shall only be used for offices as a use unit 16.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to Smitco Eateries, Inc. for a Use Unit Tandem Lot Split in a Thoroughfare Commercial District (C-5) with the following conditions – the middle lot shall only be used for offices as a use unit 16.

PASSED AND APPROVED THIS _____ DAY OF MAY, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 78-13.

RESOLUTION NO. 79-13 – APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 PINKLEY FARMS, INC. IN CONNECTION WITH A LOT SPLIT LS13-09

Patsy Christie presented a Resolution approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Pinkley Farms, Inc. in connection with a Lot Split LS13-09.

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

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

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

RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO PINKLEY FARMS, INC. IN CONNECTION WITH A LOT SPLIT LS13-09

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

WHEREAS, the Planning Commission reviewed a request for waiver of street improvements to Pinkley Farms, Inc. in connection with a Lot Split LS13-09 and the Planning Commission recommends approval of the waiver request.

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

Option 1: Grants a waiver of street improvements to Pinkley Farms, Inc. including improvements related thereto, drainage, curbs, gutters and sidewalks in connection with a Lot Split LS13-09.

PASSED AND APPROVED THIS ____ DAY OF MAY, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

The vote:

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

No: None

The Resolution was numbered 79-13.

RESOLUTION NO. 80-13 – APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725, TO POPEYE’S LOUISIANA KITCHEN LOCATED AT 5782 WEST SUNSET, IN CONNECTION WITH L13-10, A LARGE SCALE DEVELOPMENT

Patsy Christie presented a Resolution approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Popeye’s Louisiana Kitchen located at 5782 West Sunset, in connection with L13-10, a large scale development.

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

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

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

RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO POPEYE’S LOUISIANA KITCHEN IN CONNECTION WITH L13-10 A LARGE SCALE DEVELOPMENT

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

WHEREAS, the Planning Commission reviewed a request for waiver of street light requirement to Sunset Avenue in connection with L13-10 a Large Scale Development and the Planning Commission recommends approval of the waiver request.

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

Option 1: Grants a waiver of streetlight requirement to Sunset Avenue including improvements related thereto, in connection with L13-10 a Large Scale Development.

PASSED AND APPROVED THIS ____ DAY OF MAY, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

The vote:

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

No: None

The Resolution was numbered 80-13.

RESOLUTION NO. 81-13 – APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725, TO TYSON FOODS, INC., IN CONNECTION WITH PROPOSED IMPROVEMENTS TO TYSON FOODS CORPORATE HEADQUARTERS

Patsy Christie presented a Resolution approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Tyson Foods Inc. in connection with proposed improvements to Tyson Foods Corporate Headquarters.

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

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

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

RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO TYSON FOODS, INC. IN CONNECTION WITH PROPOSED IMPROVEMENTS TO TYSON FOODS CORPORATE HEADQUARTERS

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

WHEREAS, the Planning Commission reviewed a request for waiver of street improvements to in connection with Tyson Foods Inc. for proposed improvements to Tyson Foods Corporate Headquarters and the Planning Commission recommends approval of the waiver request.

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

Option 1: Grants a waiver of street improvements to Tyson Foods, Inc. including improvements related thereto, drainage, curbs, gutters and sidewalks in connection with proposed improvements to Tyson Foods Corporate Headquarters.

PASSED AND APPROVED THIS _____ DAY OF MAY, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

The vote:

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

No: None

The Resolution was numbered 81-13.

RESOLUTION NO. 82-13 – AUTHORIZING FUNDING FOR WAYFINDING SIGNS FOR THE CITY OF SPRINGDALE

Patsy Christie presented a Resolution authorizing funding for wayfinding signs for the City of Springdale. On November 27, 2012, the City of Springdale entered into a cooperative agreement with the Northwest Arkansas Regional Planning Commission to coordinate efforts to implement the wayfinding program with an anticipated need of funds from the City.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING FUNDING FOR
WAYFINDING SIGNS FOR THE CITY OF
SPRINGDALE, ARKANSAS**

WHEREAS, the Northwest Arkansas Council applied for and received a grant not to exceed \$349,800 from the Walton Family Foundation for implementation of a multi-jurisdictional wayfinding program in Northwest Arkansas, and

WHEREAS, the City of Springdale on November 27, 2012, entered into a cooperative agreement with the Northwest Arkansas Regional Planning Commission to coordinate efforts to implement the wayfinding program with an anticipated need of funds from the City of Springdale of \$196,400, and

WHEREAS, funds for this project were not provided in the 2013 budget, and

WHEREAS, the Northwest Arkansas Regional Planning Commission has advertised for competitive bids and is now ready to order the wayfinding signs;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that \$191,797 of funds from the Capital Improvement Project Fund are hereby authorized for the acquisition of wayfinding signs through the Northwest Arkansas Regional Planning Commission

PASSED AND APPROVED this _____ day of _____, 2013

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 Jaycox made the second.

The vote:

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

No: None

The Resolution was numbered 82-13.

RESOLUTION NO. 83-13 – AUTHORIZING THE PURCHASE OF PROPERTY
LOCATED AT 602 CAUDLE AVENUE, SPRINGDALE, ARKANSAS, FOR THE
PARK STREET ROUNDABOUT

Alderman Evans presented a Resolution authorizing the purchase of property located at 602 Caudle Avenue, Springdale, Arkansas, to be used for the Park Street roundabout. The total purchase price is \$30,000.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE PURCHASE OF
PROPERTY LOCATED AT 602 CAUDLE AVENUE,
SPRINGDALE, ARKANSAS**

WHEREAS, this acquisition of this property, consisting of approximately 9,936 sq. ft., is needed for construction of a street round-about, and

WHEREAS, the property has been appraised for \$30,000, and

WHEREAS, the owner has agreed sell this property for the appraised value;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS that the Mayor is hereby authorized to execute all documents necessary for the acquisition of and tender payment from the Capital Improvement Fund for approximately 9,936 sq. ft. located at the east 602 Caudle Avenue in Springdale, with a total purchase price of \$ 30,000.

PASSED AND APPROVED this _____ day of May, 2013.

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 Jaycox made the second.

The vote:

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

No: None

The Resolution was numbered 83-13.

RESOLUTION NO. 84-13 – AMENDING THE 2013 BUDGET OF THE CITY OF
SPRINGDALE POLICE DEPARTMENT

Alderman Bruns presented a Resolution amending the 2013 Budget of the City of Springdale Police Department to fund additional overtime in the Police Department.

RESOLUTION NO. _____

**A RESOLUTION AMENDING THE 2013 BUDGET OF THE CITY
OF SPRINGDALE POLICE DEPARTMENT**

WHEREAS, the Springdale Police Chief has requested additional funding for overtime, and

WHEREAS, the Police Department expects to have sufficient excess funds in regular salaries due to open positions to cover this request;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR
THE CITY OF SPRINGDALE, ARKANSAS, that** the 2013 budget of the City of Springdale Police 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>
Police	10105014213001	Regular Salaries	7,345,080		15,000	7,330,080
Polive	10105014213002	Overtime	165,000	15,000		180,000

PASSED AND APPROVED this ____ day of May, 2013

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 Jaycox made the second.

The vote:

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

No: None

The Resolution was numbered 84-13.

RESOLUTION NO. 85-13 – AMENDING THE 2013 BUDGET OF THE PUBLIC WORKS DEPARTMENT

Alderman Bruns presented a Resolution amending the 2013 Budget of the Public Works Department to construct more walking trails around schools.

RESOLUTION NO. _____

A RESOLUTION AMENDING THE 2013 BUDGET OF THE PUBLIC WORKS DEPARTMENT

WHEREAS, the Public Works Department has been constructing walking trails around schools and participating in a grant program for this project, and

WHEREAS, the Public Works Director expects to receive \$64,150 from Springdale schools for trail projects planned for construction this year, and

WHEREAS, these funds need to be appropriated for the purchase of material to be used on these trail projects;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the 2013 budget of the Springdale Public Works 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 Fund	20102013670000	Misc. Grants	0	64,150		64,150
Public Works	20102074316051	Supplies/Materials	400,000	64,150		464,150

PASSED AND APPROVED this ____ day of May, 2013.

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 Jaycox made the second.

The vote:

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

No: None

The Resolution was numbered 85-13.

RESOLUTION NO. 86-13 – AUTHORIZING THE PURCHASE OF PROPERTY IDENTIFIED AS TRACTS 1 & 2 OF HAR-BER BEND, SPRINGDALE, ARKANSAS

Alderman Ford presented a Resolution authorizing the purchase of property identified as Tracts 1 & 2 of Har-Ber Bend, Springdale, Arkansas. This is the future site of Fire Station Number 7. The cost of the property will be \$230,000.00.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE PURCHASE OF PROPERTY IDENTIFIED AS TRACTS 1 & 2 HAR-BER BEND, SPRINGDALE, ARKANSAS

WHEREAS, the acquisition of this property, consisting of approximately 2.11 acres, is needed for construction of fire station number 7, and

WHEREAS, the property includes Tracts 1 and 2 of Har-Ber Bend as recorded on the informal plat for One Springdale, Inc. and filed with the Washington County Circuit Clerk under file 2009-00038676, and

WHEREAS, the property has been appraised for \$241,000, and

WHEREAS, the owner has agreed to sell this property for \$230,000, and

WHEREAS, lots 1 and 2 will be combined and the 24' access easement along the NE property line of the tracts as shown on the plat referenced will be vacated prior to the purchase, and

WHEREAS, a comprehensive study of calls for service and response times indicated a fire station should be located in this area to maintain the level of quality service expected by the citizens of Springdale;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS that the Mayor is hereby authorized to execute all documents necessary for the acquisition of and tender payment from the Fire Improvements Construction Fund established from proceeds of the 2012 bond issue for approximately 2.11 acres identified as tract 1 & 2 Har-Ber Bend in Springdale, with a total purchase price of \$230,000 after the above mentioned conditions of sale are satisfied.

PASSED AND APPROVED this ____ day of May, 2013.

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 Jaycox made the second.

The vote:

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

No: None

The Resolution was numbered 86-13.

RESOLUTION NO. 87-13 – AUTHORIZING THE EXECUTION OF A COPIER
LEASE AGREEMENT WITH PROFESSIONAL BUSINESS SYSTEMS FOR THE
CITY CLERK’S OFFICE

Wyman Morgan presented a Resolution authorizing the execution of a copier lease agreement with Professional Business Systems for the City Clerk’s Office.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE EXECUTION OF A
COPIER LEASE AGREEMENT WITH PROFESSIONAL
BUSINESS SYSTEMS**

WHEREAS, the City of Springdale’s lease agreement for a copy machine in the City Clerk/Treasurer’s Office expires on June 4, 2013, and

WHEREAS, the monthly base cost of the old machine is \$302.73 and the monthly base cost of the new machine will be \$291.00, and

WHEREAS, Professional Business Systems is a listed vendor on the state bid contract list and therefore competitive bidding is not required;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor is hereby authorized to execute a 60 month copier lease agreement with Professional Business Systems for a monthly base cost of \$291.00.

PASSED AND APPROVED this ____ day of May, 2013.

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 Jaycox made the second.

The vote:

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

No: None

The Resolution was numbered 87-13.

ORDINANCE NO. 4709 – AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF OVERGROWN BRUSH AND DEBRIS WITHIN THE CITY OF SPRINGDALE, ARKANSAS, LOCATED AT 2005 BLUEBERRY LANE

City Attorney Ernest Cate presented an Ordinance authorizing the City Clerk to file a clean-up lien for the removal of overgrown brush and debris within the City of Springdale, Arkansas, located at 2005 Blueberry Lane.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 4709.

RESOLUTION NO. 88-13 – MAKING A RE-APPOINTMENT TO THE ADVERTISING AND PROMOTION COMMISSION OF THE CITY OF SPRINGDALE

Mayor Sprouse presented a Resolution making a re-appointment to the Advertising and Promotion Commission of the City of Springdale.

RESOLUTION NO. _____

A RESOLUTION MAKING A RE-APPOINTMENT TO THE ADVERTISING AND PROMOTION COMMISSION OF THE CITY OF SPRINGDALE

WHEREAS, Justin Cole was appointed to Seat #3 on the Advertising & Promotion Commission and this seat expires on May 31, 2013; and

WHEREAS, A.C.A. 26-75-605 and Ordinance No. 3293 provide that appointments for these positions will be made by the remaining members of the Commission subject to approval of the City Council, and

WHEREAS, the Advertising and Promotion Commission has recommended the re-appointment of Justin Cole to Seat #3.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS that Justin Cole is hereby reappointed as a commissioner to Seat #3 with a term expiring on May 31, 2017 on the Advertising and Promotion Commission.

PASSED AND APPROVED this _____ day of May, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Jeff C. Harper, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 88-13.

RESOLUTION NO. 89-13 – SETTING A HEARING DATE ON A PETITION BY
CHUCK STANLEY, LEGRAND, LLC, TO ABANDON A PORTION OF A UTILITY
EASEMENT IN THE CITY OF SPRINGDALE, ARKANSAS – BAIN STREET

Chamber of Commerce Vice President Lance Eads presented a Resolution setting a hearing date for June 11, 2013 to hear a petition by Chuck Stanley, Legrand LLC, to abandon a portion of a utility easement in the City of Springdale, Arkansas, located on Bain Street.

RESOLUTION NO. _____

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

WHEREAS, Chuck Stanley, LeGrand, LLC, has petitioned for the abandonment of utility easement described as follows:

EASEMENT VACATION:

A portion of an existing utility and drainage easement located in Lot Numbered One (1) of the replat of the final plat of Lot One (1), Block Three (3) and Lots Four (4) and Five (5) of Block Four (4) of Springdale Industrial Park Number Two, Phase I and the Final Plat of Springdale Industrial Park II, Phase III as per plat filed in Plat Book 15 at Page 44 in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, being more particularly described as follows, to-wit: Beginning at a point which is N 02 degrees 17' 21" E 30.00' and S 87 degrees 42' 06" E 48.66' from an existing rebar marking the southwest corner of Lot One (1) and running thence S 87 degrees 42' 06" E 133.51', thence S 02 degrees 17' 21" W 12.73', thence N 87 degrees 31' 58" W 133.52', thence N 02 degrees 17' 21" E 12.34' 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 June 11, 2013, at 6:00 p.m. be set as the date and time for the City Council to hear the petition; that the City Clerk shall give notice of the date and time, as required by law.

PASSED AND APPROVED this _____ day of May, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

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

The vote:

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

No: None

The Resolution was numbered 89-13.

ADJOURNMENT

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

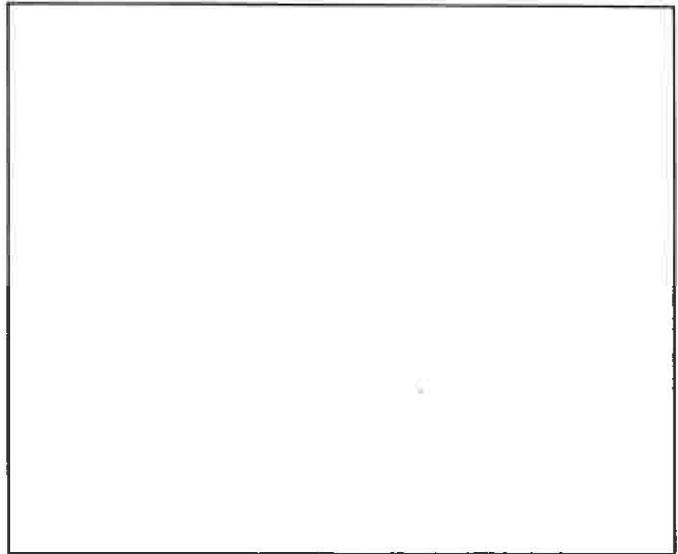
After a voice vote of all ayes and no nays, the meeting adjourned at 7:35 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer

ORDINANCE NO. _____

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



WHEREAS, Chuck Stanley, LeGrand, LLC, petitioned the City Council for the City of Springdale, Arkansas, to release, vacate and abandon a utility easement more particularly described in Section 1 below;

WHEREAS, after legal notice of the hearing was published as required by law, a hearing was held on the matter in front of the Springdale City Council on June 11, 2013, and at the hearing the City Council made the following findings: That all utility companies have filed their written consents to the releasing, vacating and abandoning a portion of the utility easement as shown on the copy of the plat incorporated by reference and said copy and consents are on file in the office of the City Clerk for the City of Springdale, Arkansas;

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

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

A portion of an existing utility and drainage easement located in Lot Numbered One (1) of the replat of the final plat of Lot One (1), Block Three (3) and Lots Four (4) and Five (5) of Block Four (4) of Springdale Industrial Park Number Two, Phase I and the Final Plat of Springdale Industrial Park II, Phase III as per plat filed in Plat Book 15 at Page 44 in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, being more particularly described as follows, to-wit: Beginning at a point which is N 02 degrees 17' 21" E 30.00' and S 87 degrees 42' 06" E 48.66' from an existing rebar marking the southwest corner of Lot One (1) and running thence S 87 degrees 42' 06" E 133.51', thence S 02 degrees 17' 21" W 12.73', thence N 87 degrees 31' 58" W 133.52', thence N 02 degrees 17' 21" E 12.34' to the point of beginning.

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

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

PASSED AND APPROVED this _____ day of June, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:



Ernest B. Cate, CITY ATTORNEY

PETITION TO VACATE A UTILITY EASEMENT

Name of Petitioner(s): CHUCK STANLEY, LE GRAND LLC
Petitioner(s) must be owner(s) of the property

Address: 683 BAIN ST
SPRINGDALE, AR. 72764

Legal Description: PARCEL # 815-33831-000
SEE EASEMENT VACATION EXHIBIT dated 5/3/13 by Bates & Associates

Date of Survey: 5/3/13

Survey Performed by: BATES & ASSOCIATES, INC.
(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.

Chuck Stanley / LEGRAND LLC
managing officer

C:\Documents and Settings\User\Local Settings\Temporary Internet Files\Content.IE5\ZQ1A8QA9\Procedure to vacate easement[1].doc

May 7, 2013

Springdale Water Utilities
Mr. Rick Pulvirenti
P.O. Box 769
Springdale, AR 72762

Dear Mr. Pulvirenti,

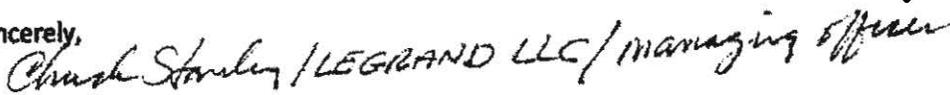
I am writing to request your company to sign off on a vacating a utility easement related to 683 Bain Street, Springdale, AR, which I now have under contract for sale to TRR Investments, LLC.

This building has existed in its current location for approximately 15 years. The area being requested to be released will remove approximately five to six feet of the building and additional area where the existing air conditioning unit is located from the utility easement. Please reference the attached survey dated May 7, 2013 by Bates & Associates, indicating the area to be vacated and the legal description for same.

Please indicate your approval of vacating the area shown on the referenced survey and attached legal description by signing below and faxing or emailing a copy of this letter to the buyer's lender:

Robin Simpson
Robin.simpson@bxs.com
Fax#: 479-464-4941

Your prompt attention is requested since the property is under contract for sale.

Sincerely,

Chuck Stanley

Springdale Water Utilities approves of vacating the portion of easement shown on the attached survey and legal description.

By (Signature): _____
Printed Name: _____
Title: _____

May 7, 2013

Cox Communications
Mr. Chad Hodge
4901 S 48th Street
Springdale, AR 72762

Dear Mr. Hodge,

I am writing to request your company to sign off on a vacating a utility easement related to 683 Bain Street, Springdale, AR, which I now have under contract for sale to TRR Investments, LLC.

This building has existed in its current location for approximately 15 years. The area being requested to be released will remove approximately five to six feet of the building and additional area where the existing air conditioning unit is located from the utility easement. Please reference the attached survey dated May 7, 2013 by Bates & Associates, indicating the area to be vacated and the legal description for same.

Please indicate your approval of vacating the area shown on the referenced survey and attached legal description by signing below and faxing or emailing a copy of this letter to the buyer's lender:

Robin Simpson
Robin.simpson@bxs.com
Fax#: 479-464-4941

Your prompt attention is requested since the property is under contract for sale.

Sincerely,

Chuck Stanley / LEGISLATION ^{LLC} managing office

Chuck Stanley

Cox Communications approves of vacating the portion of easement shown on the attached survey and legal description.

By (Signature): *Michael A. Monce*
Printed Name: Michael A. Monce
Title: Planner

May 7, 2013

SWEPCO
Mr. John Le
101 W. Township
Fayetteville, AR 72703

Dear Mr. Le,

I am writing to request your company to sign off on a vacating a utility easement related to 683 Bain Street, Springdale, AR, which I now have under contract for sale to TRR Investments, LLC.

This building has existed in its current location for approximately 15 years. The area being requested to be released will remove approximately five to six feet of the building and additional area where the existing air conditioning unit is located from the utility easement. Please reference the attached survey dated May 7, 2013 by Bates & Associates, indicating the area to be vacated and the legal description for same.

Please indicate your approval of vacating the area shown on the referenced survey and attached legal description by signing below and faxing or emailing a copy of this letter to the buyer's lender:

Robin Simpson
Robin.simpson@bxs.com
Fax#: 479-464-4941

Your prompt attention is requested since the property is under contract for sale.

Sincerely,

Chuck Stanley / LEGRAND LLC / Managing Office

Chuck Stanley

SWEPCO approves of vacating the portion of easement shown on the attached survey and legal description.

By (Signature): *Truong Le*
Printed Name: TRUONG LE
Title: DISTRIBUTION ENGINEER

May 13, 2013

To Whom it May Concern:

Please be advised that AT&T approves of the request to vacate a partial amount of utility easement on property located at 683 Bain Street in Springdale per the Easement Vacation Exhibit by Bates & Associates, with one minor change:

The area to be vacated shall exclude an area of 5 five on either side of the existing AT&T cable.

With this change, AT&T approves of the Partial Easement Vacation.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenny D. Hartsfield". The signature is written in a cursive style with a long horizontal stroke at the end.

Kenny Hartsfield
Manager, OSP Planning & Engineering Design



Public Works Department

Streets and Public Facilities

May 8, 2013

Robin Simpson

Robin,

I am in receipt of a request from Chuck Stanley to vacate a portion of our drainage easement shown on the attached documentation. Per Mr. Stanley's letter dated May 7, 2013 the structure of concern has existed in its current configuration for approximately fifteen (15) years. This being the case, maintenance of the existing thirty (30) foot wide drainage easement shown on the attached survey drawing has not presented any issues of concern to the Public Works Department. Therefore, I have no objection to vacating the portion of the existing drainage easement as described in Mr. Stanley's letter to me and as shown on the survey of the property.

Sincerely,

Sam Goade
Public Works Director

Enclosures (3)

Cc: Patsy Christie, Planning and Community Development Director
Allen Pugh, P.E., Director Engineering
Terry Anderson, Supervisor General Construction Division, Springdale Public Works

269 E. Randall Wobbe Lane, Springdale, Arkansas 72764

Phone: 479.750.8135

Fax: 479.750.8504

May 7, 2013

Springdale Street Department
Mr. Sam Goade
269 E. Randal Wobbe Road
Springdale, AR 72764

Dear Mr. Goade,

I am writing to request your company to sign off on a vacating a utility easement related to 683 Bain Street, Springdale, AR, which I now have under contract for sale to TRR Investments, LLC.

This building has existed in its current location for approximately 15 years. The area being requested to be released will remove approximately five to six feet of the building and additional area where the existing air conditioning unit is located from the utility easement. Please reference the attached survey dated May 7, 2013 by Bates & Associates, indicating the area to be vacated and the legal description for same.

Please indicate your approval of vacating the area shown on the referenced survey and attached legal description by signing below and faxing or emailing a copy of this letter to the buyer's lender:

Robin Simpson
Robin.simpson@bxs.com
Fax#: 479-464-4941

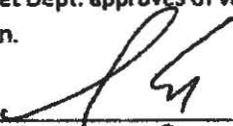
Your prompt attention is requested since the property is under contract for sale.

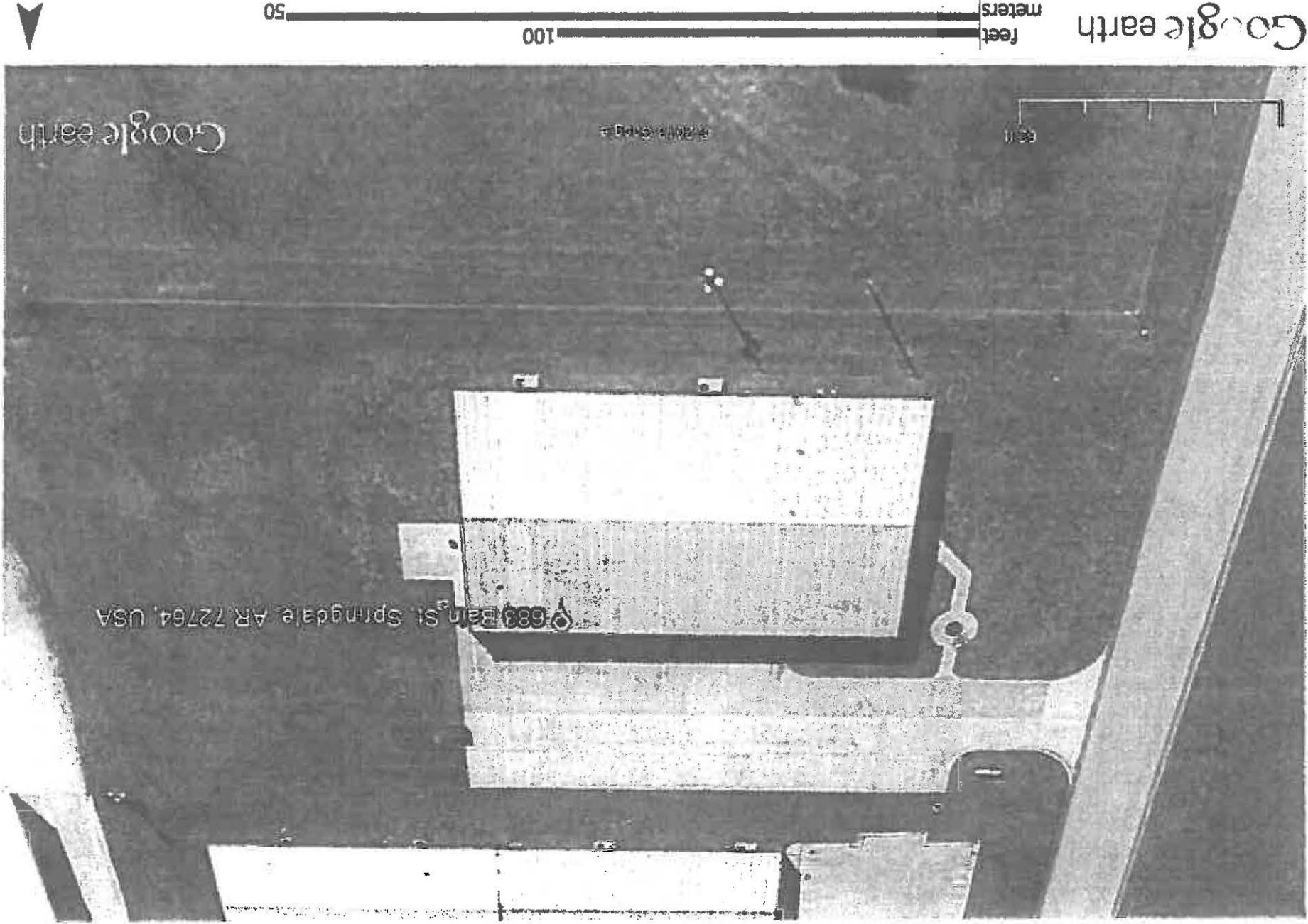
Sincerely,

Chuck Stanley / CEBERND LLC / managing officer

Chuck Stanley

Springdale Street Dept. approves of vacating the portion of easement shown on the attached survey and legal description.

By (Signature): 
Printed Name: SAM GOADE
Title: Public Works Director





Springdale Water Utilities

526 Oak Avenue P.O. Box 769 Springdale, Arkansas 72765-0769 (479) 751-5751

May 14th, 2013

Ms. Robin Simpson, Senior Vice President
Bancorp South Northwest Arkansas
701 S. 52nd Street
Rogers, Arkansas 72758

RE: Easement Release – 683 Bain Street, Springdale, AR

Dear Ms. Simpson:

The following is in response to your request to release a portion of an existing 30-foot utility and drainage easement located along the south line of the above referenced property. Based on the Easement Vacation Exhibit prepared by Bates & Associates, your supporting correspondence, and current records of the Springdale Water Utilities, it appears as if public water and sewer facilities are sufficiently contained within other utility easements along the west line of the referenced property. Based on these findings, the Springdale Water Utilities has no objection to the release of the portion of the easement as depicted on the Easement Vacation Exhibit. All other easements as depicted on the Easement Vacation Exhibit and final plat of the subdivision shall remain.

If you should have any questions or comments regarding these matters, please feel free in contacting me at your earliest convenience.

Sincerely,

Rick Pulvirenti, P.E.
Director of Engineering

cc: H. Ward, SWU
file

May 7, 2013

Arkansas Western Gas
Mr. Brian Davenport
P.O. Box 13288
Fayetteville, AR 72702

Dear Mr. Davenport,

I am writing to request your company to sign off on a vacating a utility easement related to 683 Bain Street, Springdale, AR, which I now have under contract for sale to TRR Investments, LLC.

This building has existed in its current location for approximately 15 years. The area being requested to be released will remove approximately five to six feet of the building and additional area where the existing air conditioning unit is located from the utility easement.

Please reference the attached survey dated May 7, 2013 by Bates & Associates, indicating the area to be vacated and the legal description for same.

Please indicate your approval of vacating the area shown on the referenced survey and attached legal description by signing below and faxing or emailing a copy of this letter to the buyer's lender:

Robin Simpson
Robin.simpson@bxs.com
Fax#: 479-464-4941

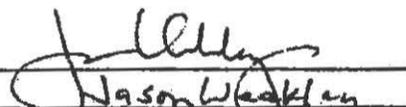
Your prompt attention is requested since the property is under contract for sale.

Sincerely,

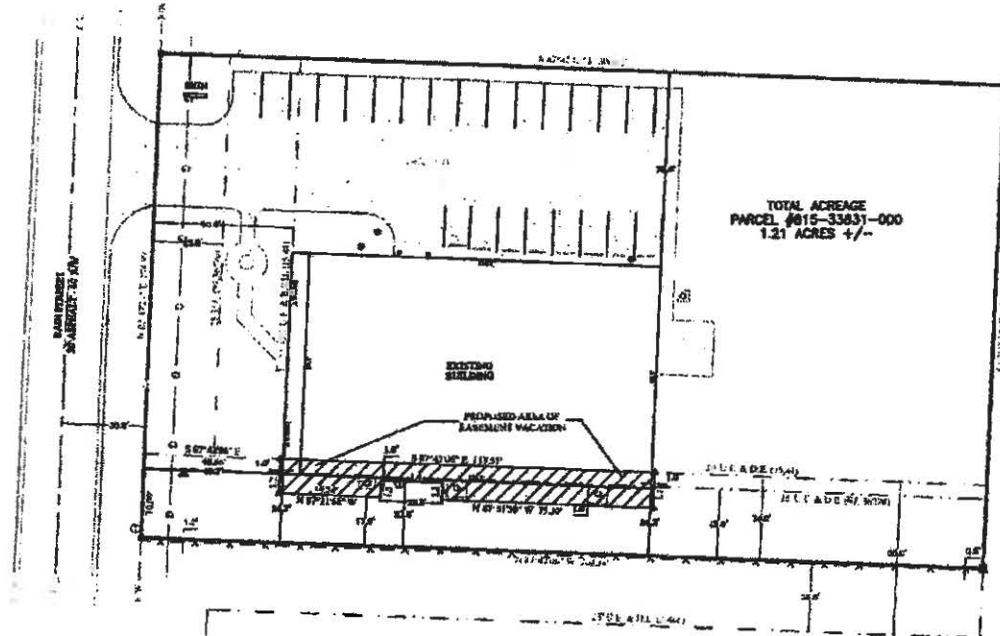
Chuck Stanley / LEGRAND LLC / managing officer

Chuck Stanley

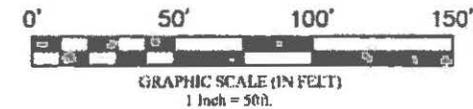
Arkansas Western Gas approves of vacating the portion of easement shown on the attached survey and legal description.

By (Signature): 
Printed Name: Jason Weakley
Title: Sr. Director - Asset Management

EASEMENT VACATION EXHIBIT



LINE	BEARING	DISTANCE
1.1	S 02°17'21" W	12.73'
1.2	N 02°17'21" E	12.34'
1.3	N 02°28'33" E	6.03'
1.4	N 87°31'27" W	21.98'
1.5	S 02°28'33" W	6.03'



PROPOSED PORTION OF UTILITY AND DRAINAGE EASEMENT TO BE VACATED:
 A PORTION OF AN EXISTING UTILITY AND DRAINAGE EASEMENT LOCATED IN LOT NUMBERED ONE (1) OF THE REPLAY OF THE FINAL PLAT OF LOTS ONE (1), BLOCK THREE (3) AND LOTS FOUR (4) AND FIVE (5) OF BLOCK FOUR (4) OF SPRINGDALE INDUSTRIAL PARK NUMBER TWO, PHASE I AND THE FINAL PLAT OF SPRINGDALE INDUSTRIAL PARK II, PHASE II AS PER PLAT FILED IN PLAT BOOK 15 AT PAGE 44 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT A POINT WHICH IS N02°17'21" E 30.00' AND S87°42'06" E 48.66' FROM AN EXISTING REBAR MARKING THE SOUTHWEST CORNER OF SAID LOT ONE (1) AND RUNNING THENCE S87°42'06" E 133.51', THENCE S02°17'21" W 12.73', THENCE N87°31'58" W 75.30', THENCE N02°28'33" E 6.03', THENCE N87°11'27" W 21.98', THENCE S02°28'33" W 6.03', THENCE N87°31'58" W 36.24', THENCE N02°17'21" E 12.34' TO THE POINT OF BEGINNING.

NOTE:
 THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES. ALL UTILITY LINES APPEARING ON THIS PLAN, AS WELL AS THOSE THAT MAY EXIST UNDERGROUND NEED TO BE VERIFIED PRIOR TO DOING ANY TYPE OF EXCAVATION. SOME UTILITY LINES MAY ALSO EXIST THAT WERE NOT SHOWN ON THIS PLAN.

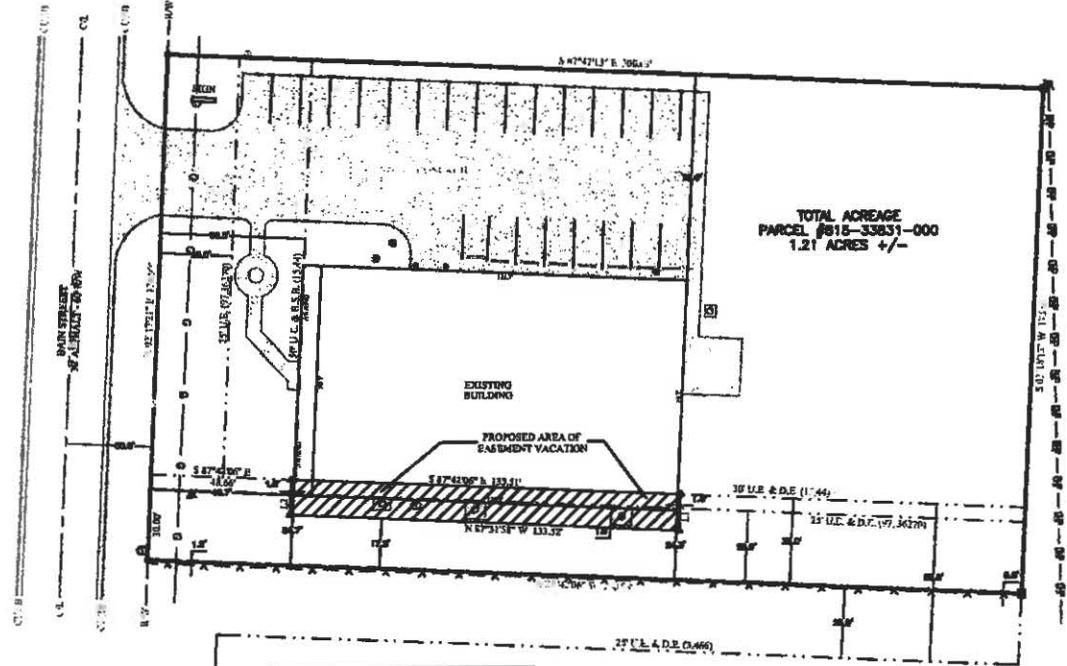


Bates & Associates, Inc.
 Civil Engineering Land Surveying-Landscape Architecture
 2019 Colquhoun Dr. Fayetteville, Arkansas 72703 (479) 402-8332 Fax (479) 471-8338

FOR USE AND PRINT ONLY BANCORP SOUTH ADDRESS: 608 MAIN BY SPRINGDALE, ARKANSAS	SCALE: 1"=50' SURVEYED: _____ DRAFTED: _____ LOT: _____ INCASE OF PACK: _____ PHASE: B	LEGEND: A EASEMENT B ALLOT C FENCE LINE D CONCRETE FOUNDATION E CURB AND GUTTER F DRIVEWAY G DRIVEWAY H DRIVEWAY I DRIVEWAY J DRIVEWAY K DRIVEWAY L DRIVEWAY M DRIVEWAY N DRIVEWAY O DRIVEWAY P DRIVEWAY Q DRIVEWAY R DRIVEWAY S DRIVEWAY T DRIVEWAY U DRIVEWAY V DRIVEWAY W DRIVEWAY X DRIVEWAY Y DRIVEWAY Z DRIVEWAY AA DRIVEWAY AB DRIVEWAY AC DRIVEWAY AD DRIVEWAY AE DRIVEWAY AF DRIVEWAY AG DRIVEWAY AH DRIVEWAY AI DRIVEWAY AJ DRIVEWAY AK DRIVEWAY AL DRIVEWAY AM DRIVEWAY AN DRIVEWAY AO DRIVEWAY AP DRIVEWAY AQ DRIVEWAY AR DRIVEWAY AS DRIVEWAY AT DRIVEWAY AU DRIVEWAY AV DRIVEWAY AW DRIVEWAY AX DRIVEWAY AY DRIVEWAY AZ DRIVEWAY BA DRIVEWAY BB DRIVEWAY BC DRIVEWAY BD DRIVEWAY BE DRIVEWAY BF DRIVEWAY BG DRIVEWAY BH DRIVEWAY BI DRIVEWAY BJ DRIVEWAY BK DRIVEWAY BL DRIVEWAY BM DRIVEWAY BN DRIVEWAY BO DRIVEWAY BP DRIVEWAY BQ DRIVEWAY BR DRIVEWAY BS DRIVEWAY BT DRIVEWAY BU DRIVEWAY BV DRIVEWAY BW DRIVEWAY BX DRIVEWAY BY DRIVEWAY BZ DRIVEWAY CA DRIVEWAY CB DRIVEWAY CC DRIVEWAY CD DRIVEWAY CE DRIVEWAY CF DRIVEWAY CG DRIVEWAY CH DRIVEWAY CI DRIVEWAY CJ DRIVEWAY CK DRIVEWAY CL DRIVEWAY CM DRIVEWAY CN DRIVEWAY CO DRIVEWAY CP DRIVEWAY CQ DRIVEWAY CR DRIVEWAY CS DRIVEWAY CT DRIVEWAY CU DRIVEWAY CV DRIVEWAY CW DRIVEWAY CX DRIVEWAY CY DRIVEWAY CZ DRIVEWAY DA DRIVEWAY DB DRIVEWAY DC DRIVEWAY DD DRIVEWAY DE DRIVEWAY DF DRIVEWAY DG DRIVEWAY DH DRIVEWAY DI DRIVEWAY DJ DRIVEWAY DK DRIVEWAY DL DRIVEWAY DM DRIVEWAY DN DRIVEWAY DO DRIVEWAY DP DRIVEWAY DQ DRIVEWAY DR DRIVEWAY DS DRIVEWAY DT DRIVEWAY DU DRIVEWAY DV DRIVEWAY DW DRIVEWAY DX DRIVEWAY DY DRIVEWAY DZ DRIVEWAY EA DRIVEWAY EB DRIVEWAY EC DRIVEWAY ED DRIVEWAY EE DRIVEWAY EF DRIVEWAY EG DRIVEWAY EH DRIVEWAY EI DRIVEWAY EJ DRIVEWAY EK DRIVEWAY EL DRIVEWAY EM DRIVEWAY EN DRIVEWAY EO DRIVEWAY EP DRIVEWAY EQ DRIVEWAY ER DRIVEWAY ES DRIVEWAY ET DRIVEWAY EU DRIVEWAY EV DRIVEWAY EW DRIVEWAY EX DRIVEWAY EY DRIVEWAY EZ DRIVEWAY FA DRIVEWAY FB DRIVEWAY FC DRIVEWAY FD DRIVEWAY FE DRIVEWAY FF DRIVEWAY FG DRIVEWAY FH DRIVEWAY FI DRIVEWAY FJ DRIVEWAY FK DRIVEWAY FL DRIVEWAY FM DRIVEWAY FN DRIVEWAY FO DRIVEWAY FP DRIVEWAY FQ DRIVEWAY FR DRIVEWAY FS DRIVEWAY FT DRIVEWAY FU DRIVEWAY FV DRIVEWAY FW DRIVEWAY FX DRIVEWAY FY DRIVEWAY FZ DRIVEWAY GA DRIVEWAY GB DRIVEWAY GC DRIVEWAY GD DRIVEWAY GE DRIVEWAY GF DRIVEWAY GG DRIVEWAY GH DRIVEWAY GI DRIVEWAY GJ DRIVEWAY GK DRIVEWAY GL DRIVEWAY GM DRIVEWAY GN DRIVEWAY GO DRIVEWAY GP DRIVEWAY GQ DRIVEWAY GR DRIVEWAY GS DRIVEWAY GT DRIVEWAY GU DRIVEWAY GV DRIVEWAY GW DRIVEWAY GX DRIVEWAY GY DRIVEWAY GZ DRIVEWAY HA DRIVEWAY HB DRIVEWAY HC DRIVEWAY HD DRIVEWAY HE DRIVEWAY HF DRIVEWAY HG DRIVEWAY HH DRIVEWAY HI DRIVEWAY HJ DRIVEWAY HK DRIVEWAY HL DRIVEWAY HM DRIVEWAY HN DRIVEWAY HO DRIVEWAY HP DRIVEWAY HQ DRIVEWAY HR DRIVEWAY HS DRIVEWAY HT DRIVEWAY HU DRIVEWAY HV DRIVEWAY HW DRIVEWAY HX DRIVEWAY HY DRIVEWAY HZ DRIVEWAY IA DRIVEWAY IB DRIVEWAY IC DRIVEWAY ID DRIVEWAY IE DRIVEWAY IF DRIVEWAY IG DRIVEWAY IH DRIVEWAY II DRIVEWAY IJ DRIVEWAY IK DRIVEWAY IL DRIVEWAY IM DRIVEWAY IN DRIVEWAY IO DRIVEWAY IP DRIVEWAY IQ DRIVEWAY IR DRIVEWAY IS DRIVEWAY IT DRIVEWAY IU DRIVEWAY IV DRIVEWAY IW DRIVEWAY IX DRIVEWAY IY DRIVEWAY IZ DRIVEWAY JA DRIVEWAY JB DRIVEWAY JC DRIVEWAY JD DRIVEWAY JE DRIVEWAY JF DRIVEWAY JG DRIVEWAY JH DRIVEWAY JI DRIVEWAY JJ DRIVEWAY JK DRIVEWAY JL DRIVEWAY JM DRIVEWAY JN DRIVEWAY JO DRIVEWAY JP DRIVEWAY JQ DRIVEWAY JR DRIVEWAY JS DRIVEWAY JT DRIVEWAY JU DRIVEWAY JV DRIVEWAY JW DRIVEWAY JX DRIVEWAY JY DRIVEWAY JZ DRIVEWAY KA DRIVEWAY KB DRIVEWAY KC DRIVEWAY KD DRIVEWAY KE DRIVEWAY KF DRIVEWAY KG DRIVEWAY KH DRIVEWAY KI DRIVEWAY KL DRIVEWAY KM DRIVEWAY KN DRIVEWAY KO DRIVEWAY KP DRIVEWAY KQ DRIVEWAY KR DRIVEWAY KS DRIVEWAY KT DRIVEWAY KU DRIVEWAY KV DRIVEWAY KW DRIVEWAY KX DRIVEWAY KY DRIVEWAY KZ DRIVEWAY LA DRIVEWAY LB DRIVEWAY LC DRIVEWAY LD DRIVEWAY LE DRIVEWAY LF DRIVEWAY LG DRIVEWAY LH DRIVEWAY LI DRIVEWAY LJ DRIVEWAY LK DRIVEWAY LL DRIVEWAY LM DRIVEWAY LN DRIVEWAY LO DRIVEWAY LP DRIVEWAY LQ DRIVEWAY LR DRIVEWAY LS DRIVEWAY LT DRIVEWAY LU DRIVEWAY LV DRIVEWAY LW DRIVEWAY LX DRIVEWAY LY DRIVEWAY LZ DRIVEWAY MA DRIVEWAY MB DRIVEWAY MC DRIVEWAY MD DRIVEWAY ME DRIVEWAY MF DRIVEWAY MG DRIVEWAY MH DRIVEWAY MI DRIVEWAY MJ DRIVEWAY MK DRIVEWAY ML DRIVEWAY MM DRIVEWAY MN DRIVEWAY MO DRIVEWAY MP DRIVEWAY MQ DRIVEWAY MR DRIVEWAY MS DRIVEWAY MT DRIVEWAY MU DRIVEWAY MV DRIVEWAY MW DRIVEWAY MX DRIVEWAY MY DRIVEWAY MZ DRIVEWAY NA DRIVEWAY NB DRIVEWAY NC DRIVEWAY ND DRIVEWAY NE DRIVEWAY NF DRIVEWAY NG DRIVEWAY NH DRIVEWAY NI DRIVEWAY NJ DRIVEWAY NK DRIVEWAY NL DRIVEWAY NM DRIVEWAY NN DRIVEWAY NO DRIVEWAY NP DRIVEWAY NQ DRIVEWAY NR DRIVEWAY NS DRIVEWAY NT DRIVEWAY NU DRIVEWAY NV DRIVEWAY NW DRIVEWAY NX DRIVEWAY NY DRIVEWAY NZ DRIVEWAY OA DRIVEWAY OB DRIVEWAY OC DRIVEWAY OD DRIVEWAY OE DRIVEWAY OF DRIVEWAY OG DRIVEWAY OH DRIVEWAY OI DRIVEWAY OJ DRIVEWAY OK DRIVEWAY OL DRIVEWAY OM DRIVEWAY ON DRIVEWAY OO DRIVEWAY OP DRIVEWAY OQ DRIVEWAY OR DRIVEWAY OS DRIVEWAY OT DRIVEWAY OU DRIVEWAY OV DRIVEWAY OW DRIVEWAY OX DRIVEWAY OY DRIVEWAY OZ DRIVEWAY PA DRIVEWAY PB DRIVEWAY PC DRIVEWAY PD DRIVEWAY PE DRIVEWAY PF DRIVEWAY PG DRIVEWAY PH DRIVEWAY PI DRIVEWAY PJ DRIVEWAY PK DRIVEWAY PL DRIVEWAY PM DRIVEWAY PN DRIVEWAY PO DRIVEWAY PP DRIVEWAY PQ DRIVEWAY PR DRIVEWAY PS DRIVEWAY PT DRIVEWAY PU DRIVEWAY PV DRIVEWAY PW DRIVEWAY PX DRIVEWAY PY DRIVEWAY PZ DRIVEWAY QA DRIVEWAY QB DRIVEWAY QC DRIVEWAY QD DRIVEWAY QE DRIVEWAY QF DRIVEWAY QG DRIVEWAY QH DRIVEWAY QI DRIVEWAY QJ DRIVEWAY QK DRIVEWAY QL DRIVEWAY QM DRIVEWAY QN DRIVEWAY QO DRIVEWAY QP DRIVEWAY QQ DRIVEWAY QR DRIVEWAY QS DRIVEWAY QT DRIVEWAY QU DRIVEWAY QV DRIVEWAY QW DRIVEWAY QX DRIVEWAY QY DRIVEWAY QZ DRIVEWAY RA DRIVEWAY RB DRIVEWAY RC DRIVEWAY RD DRIVEWAY RE DRIVEWAY RF DRIVEWAY RG DRIVEWAY RH DRIVEWAY RI DRIVEWAY RJ DRIVEWAY RK DRIVEWAY RL DRIVEWAY RM DRIVEWAY RN DRIVEWAY RO DRIVEWAY RP DRIVEWAY RQ DRIVEWAY RR DRIVEWAY RS DRIVEWAY RT DRIVEWAY RU DRIVEWAY RV DRIVEWAY RW DRIVEWAY RX DRIVEWAY RY DRIVEWAY RZ DRIVEWAY SA DRIVEWAY SB DRIVEWAY SC DRIVEWAY SD DRIVEWAY SE DRIVEWAY SF DRIVEWAY SG DRIVEWAY SH DRIVEWAY SI DRIVEWAY SJ DRIVEWAY SK DRIVEWAY SL DRIVEWAY SM DRIVEWAY SN DRIVEWAY SO DRIVEWAY SP DRIVEWAY SQ DRIVEWAY SR DRIVEWAY SS DRIVEWAY ST DRIVEWAY SU DRIVEWAY SV DRIVEWAY SW DRIVEWAY SX DRIVEWAY SY DRIVEWAY SZ DRIVEWAY TA DRIVEWAY TB DRIVEWAY TC DRIVEWAY TD DRIVEWAY TE DRIVEWAY TF DRIVEWAY TG DRIVEWAY TH DRIVEWAY TI DRIVEWAY TJ DRIVEWAY TK DRIVEWAY TL DRIVEWAY TM DRIVEWAY TN DRIVEWAY TO DRIVEWAY TP DRIVEWAY TQ DRIVEWAY TR DRIVEWAY TS DRIVEWAY TT DRIVEWAY TU DRIVEWAY TV DRIVEWAY TW DRIVEWAY TX DRIVEWAY TY DRIVEWAY TZ DRIVEWAY UA DRIVEWAY UB DRIVEWAY UC DRIVEWAY UD DRIVEWAY UE DRIVEWAY UF DRIVEWAY UG DRIVEWAY UH DRIVEWAY UI DRIVEWAY UJ DRIVEWAY UK DRIVEWAY UL DRIVEWAY UM DRIVEWAY UN DRIVEWAY UO DRIVEWAY UP DRIVEWAY UQ DRIVEWAY UR DRIVEWAY US DRIVEWAY UT DRIVEWAY UU DRIVEWAY UV DRIVEWAY UW DRIVEWAY UX DRIVEWAY UY DRIVEWAY UZ DRIVEWAY VA DRIVEWAY VB DRIVEWAY VC DRIVEWAY VD DRIVEWAY VE DRIVEWAY VF DRIVEWAY VG DRIVEWAY VH DRIVEWAY VI DRIVEWAY VJ DRIVEWAY VK DRIVEWAY VL DRIVEWAY VM DRIVEWAY VN DRIVEWAY VO DRIVEWAY VP DRIVEWAY VQ DRIVEWAY VR DRIVEWAY VS DRIVEWAY VT DRIVEWAY VU DRIVEWAY VV DRIVEWAY VW DRIVEWAY VX DRIVEWAY VY DRIVEWAY VZ DRIVEWAY WA DRIVEWAY WB DRIVEWAY WC DRIVEWAY WD DRIVEWAY WE DRIVEWAY WF DRIVEWAY WG DRIVEWAY WH DRIVEWAY WI DRIVEWAY WJ DRIVEWAY WK DRIVEWAY WL DRIVEWAY WM DRIVEWAY WN DRIVEWAY WO DRIVEWAY WP DRIVEWAY WQ DRIVEWAY WR DRIVEWAY WS DRIVEWAY WT DRIVEWAY WU DRIVEWAY WV DRIVEWAY WW DRIVEWAY WX DRIVEWAY WY DRIVEWAY WZ DRIVEWAY XA DRIVEWAY XB DRIVEWAY XC DRIVEWAY XD DRIVEWAY XE DRIVEWAY XF DRIVEWAY XG DRIVEWAY XH DRIVEWAY XI DRIVEWAY XJ DRIVEWAY XK DRIVEWAY XL DRIVEWAY XM DRIVEWAY XN DRIVEWAY XO DRIVEWAY XP DRIVEWAY XQ DRIVEWAY XR DRIVEWAY XS DRIVEWAY XT DRIVEWAY XU DRIVEWAY XV DRIVEWAY XW DRIVEWAY XX DRIVEWAY XY DRIVEWAY XZ DRIVEWAY YA DRIVEWAY YB DRIVEWAY YC DRIVEWAY YD DRIVEWAY YE DRIVEWAY YF DRIVEWAY YG DRIVEWAY YH DRIVEWAY YI DRIVEWAY YJ DRIVEWAY YK DRIVEWAY YL DRIVEWAY YM DRIVEWAY YN DRIVEWAY YO DRIVEWAY YP DRIVEWAY YQ DRIVEWAY YR DRIVEWAY YS DRIVEWAY YT DRIVEWAY YU DRIVEWAY YV DRIVEWAY YW DRIVEWAY YX DRIVEWAY YY DRIVEWAY YZ DRIVEWAY ZA DRIVEWAY ZB DRIVEWAY ZC DRIVEWAY ZD DRIVEWAY ZE DRIVEWAY ZF DRIVEWAY ZG DRIVEWAY ZH DRIVEWAY ZI DRIVEWAY ZJ DRIVEWAY ZK DRIVEWAY ZL DRIVEWAY ZM DRIVEWAY ZN DRIVEWAY ZO DRIVEWAY ZP DRIVEWAY ZQ DRIVEWAY ZR DRIVEWAY ZS DRIVEWAY ZT DRIVEWAY ZU DRIVEWAY ZV DRIVEWAY ZW DRIVEWAY ZX DRIVEWAY ZY DRIVEWAY ZZ DRIVEWAY
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DRAWING# (3-1265V)

EASEMENT VACATION EXHIBIT



LINE	BEARING	DISTANCE
L1	S 02°17'21" W	12.73
L2	N 02°17'21" E	12.34



PROPOSED PORTION OF UTILITY AND DRAINAGE EASEMENT TO BE VACATED:
 A PORTION OF AN EXISTING UTILITY AND DRAINAGE EASEMENT LOCATED IN LOT NUMBERED ONE (1) OF THE REPLAT OF THE FINAL PLAT OF LOTS ONE (1), BLOCK THREE (3) AND LOTS FOUR (4) AND FIVE (5) OF BLOCK FOUR (4) OF SPRINGDALE INDUSTRIAL PARK NUMBER TWO, PHASE I AND THE FINAL PLAT OF SPRINGDALE INDUSTRIAL PARK II, PHASE III AS PER PLAT FILED IN PLAT BOOK 15 AT PAGE 44 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N02°17'21"E 30.00' AND S87°42'06"E 48.66' FROM AN EXISTING REBAR MARKING THE SOUTHWEST CORNER OF SAID LOT ONE (1) AND RUNNING THENCE S87°42'06"E 133.51', THENCE S02°17'21"W 12.73', THENCE N87°31'58"W 133.52', THENCE N02°17'21"E 12.34' TO THE POINT OF BEGINNING.

NOTE:
 THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES. ALL UTILITY LINES APPEARING ON THIS PLAT, AS WELL AS THOSE THAT MAY EXIST UNDERGROUND NEED TO BE VERIFIED PRIOR TO DOING ANY TYPE OF EXCAVATION. SOME UTILITY LINES MAY ALSO EXIST THAT WERE NOT SHOWN ON THIS PLAT.



Bates & Associates, Inc.
 Civil Engineering-Land Surveying-Landscape Architecture

91 W. Oak Square Dr. - Fayetteville, Arkansas 72703 - (479) 442-1997 - Fax (479) 241-8998

FOR USE AND BENEFIT OF:
BANCORP SOUTH

ADDRESS:
**688 BARK ST
 SPRINGDALE, ARKANSAS**

DATE: **6/8/13** SCALE: **1"=60'**

DATE SURVEYED: **JRCS** DATE DRAFTED: **TW**

DATE REVISED: **TW**

LOCATION:
**LOT 1
 INDUSTRIAL PARK II
 PHASE II**

- LEGEND:**
- GROUND SURVEY REBAR
 - S.W. REBAR CAP
 - CONCRETE MONUMENT
 - ⊕ TELEPHONE PEDESTAL
 - ⊙ COMPUTED POINT
 - BOUNDARY LINE
 - CENTERLINE OF ROAD
 - RIGHT-OF-WAY
 - OVERHEAD POWER LINE
 - FENCE
 - DRAINAGE EASEMENT (D.E.)
 - BUILDING SETBACK (S.B.)
 - UTILITY EASEMENT (U.E.)
 - NATURAL GAS MAIN

DRAWING# 13-1262V

ORDINANCE NO. _____

AN ORDINANCE ORDERING THE RAZING (DEMOLITION) AND REMOVAL OF A CERTAIN COMMERCIAL STRUCTURE WITHIN THE CITY OF SPRINGDALE, ARKANSAS, LOCATED AT 317 EAST EMMA AVENUE; TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, James D. Cypert and Gaye A. Cypert are the owners of certain real property situated in Springdale, Washington County, Arkansas, more particularly described as follows:

Lots Numbered Ten (10) and Eleven (11) in Block Numbered One (1) in Brooks Addition to the City of Springdale, Arkansas, as per plat of said addition on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

Commonly known as 317 East Emma Avenue, Springdale, Washington County, Arkansas
Tax Parcel No. 815-20754-000

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

WHEREAS, the owner has been notified by the City of Springdale prior to the consideration of this ordinance, that the structure on the property is in violation of various ordinances of the City of Springdale, as well as the Property Maintenance Code of the City of Springdale;

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

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

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

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

Section 1. That the structure located at 317 East Emma Avenue, Springdale, Arkansas, is dilapidated, unsightly, and unsafe; and it is in the best interests of the City of Springdale to proceed with the removal of this dilapidated, unsightly, and unsafe structure.

Section 2. That the owner is hereby ordered to raze (demolish) and remove the dilapidated, unsightly and unsafe structure located on the aforesaid property; and, is further ordered to abate the unsightly conditions on the property. Said work shall be commenced within ten (10) days and shall be completed within thirty (30) days from the passage of this ordinance. The manner of razing (demolishing) and removing said structure shall be to dismantle by hand or bulldoze and then dispose of all debris, completely cleaning up the property to alleviate any

unsightly conditions, in a manner consistent with the Property Maintenance Code, and all other state laws and regulations pertaining to the demolition or removal of commercial structures.

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

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

PASSED AND APPROVED this _____ day of _____, 2013.

Doug Sprouse, MAYOR

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:



Ernest B. Cate, CITY ATTORNEY

ORDINANCE NO. _____

AN ORDINANCE ORDERING THE RAZING (DEMOLITION) AND REMOVAL OF A CERTAIN RESIDENTIAL STRUCTURE WITHIN THE CITY OF SPRINGDALE, ARKANSAS, LOCATED AT 104 1/2 PIERCE; TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, Jeff Davis, are the owners of certain real property situated in Springdale, Washington County, Arkansas, more particularly described as follows:

Part of Lot Seventeen (17) and part of Lot Eighteen (18) in Block 1, Sunny Slope Addition to the City of Springdale, Washington County, Arkansas, and being more particularly described as follows: Beginning at the Northeast corner of the above mentioned Lot 18, and running thence South 63 feet, thence West 81.35 feet, thence North 63 feet, thence East 81.35 feet to the point of beginning.

ALSO:

73 feet taken of equal and uniform width off the West side of Lot 19, Block 1 of Sunny Slope Addition to the City of Springdale, Washington County, Arkansas, as shown on the recorded plat of said addition on file in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

Commonly known as 104 1/2 Pierce Avenue, Springdale, Washington County, Arkansas
Tax Parcel No. 815-26012-000

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

WHEREAS, the owner has been notified by the City of Springdale prior to the consideration of this ordinance, that the structure on the property is in violation of various ordinances of the City of Springdale, as well as the Property Maintenance Code of the City of Springdale;

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

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

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

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

Section 1. That the structure located at 104 1/2 Pierce Avenue, Springdale, Arkansas, is dilapidated, unsightly, and unsafe; and it is in the best interests of the City

of Springdale to proceed with the removal of this dilapidated, unsightly, and unsafe structure.

Section 2. That the owner is hereby ordered to raze (demolish) and remove the dilapidated, unsightly and unsafe structure located on the aforesaid property; and, is further ordered to abate the unsightly conditions on the property. Said work shall be commenced within ten (10) days and shall be completed within thirty (30) days from the passage of this ordinance. The manner of razing (demolishing) and removing said structure shall be to dismantle by hand or bulldoze and then dispose of all debris, completely cleaning up the property to alleviate any unsightly conditions, in a manner consistent with the Property Maintenance Code, and all other state laws and regulations pertaining to the demolition or removal of residential structures.

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

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

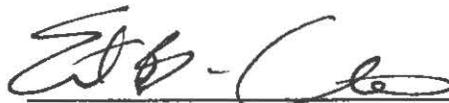
PASSED AND APPROVED this _____ day of _____, 2013.

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:

ecate@springdalear.gov

Ernest B. Cate
City Attorney

Brooke Lockhart
Deputy City Attorney

Jonathan D. Nelson
Deputy City Attorney

Taylor Samples
Deputy City Attorney

Lynda Belvedresi
Case Coordinator

Steve Helms
Investigator

Cindy Horlick
Administrative Asst.

April 8, 2013

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mr. Jeff Davis
443 Madison 7150
Fayetteville, AR 72703

RE: Property located at 104 1/2 Pierce Avenue, Springdale,
Washington County, Arkansas,
Tax Parcel No. 815-26012-000

Dear Mr. Davis:

The Chief Building Inspector for the City of Springdale, Arkansas, has posted notice at 104 Pierce and has mailed notice in writing to you, via certified mail, that a structure located on property owned by you at 104 1/2 Pierce Avenue, Springdale, Arkansas, was unsafe and could not be occupied until the property had been repaired. Furthermore, the owner was instructed to obtain a demolition or repair permit within thirty (30) days and to begin work within ten (10) days of obtaining the permit.

As of this date, you have taken no efforts to demolish or repair the structure on this property. As such, please be advised that the City Council for the City of Springdale will be considering the enclosed ordinance at a meeting that will take place at 6:00 p.m. on Tuesday, June 11, 2013, in the council chambers located at 201 N. Spring Street, Springdale, Arkansas. I strongly encourage you to attend this meeting.

Should the City adopt the enclosed ordinance, you will be given a final opportunity to repair or remove the structure. Should you not take advantage of this opportunity, the City of Springdale will have the right to raze and remove the structure, and then charge the costs of such as a lien against the property. The amount of any such lien would be determined by the City Council, and you would

have the opportunity to be notified and be heard at this meeting. If you should have any questions, please let me know. I am also sending this letter to you via regular mail as well.

Sincerely,



Ernest B. Cate
City Attorney

enclosure
EBC:ch

cc: Mike Chamlee, Chief Building Official

ORDINANCE NO. _____

AN ORDINANCE ORDERING THE RAZING (DEMOLITION) AND REMOVAL OF A CERTAIN RESIDENTIAL STRUCTURE WITHIN THE CITY OF SPRINGDALE, ARKANSAS, LOCATED AT 104 PIERCE; TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, Jeff Davis, is the owner of certain real property situated in Springdale, Washington County, Arkansas, more particularly described as follows:

Part of Lot Seventeen (17) and part of Lot Eighteen (18) in Block One (1), Sunny Slope Addition to the City of Springdale, Washington County, Arkansas, and being more particularly described as follows: Beginning at the Southeast corner of the above mentioned Lot Eighteen (18), and running thence North 106.50 feet; thence West 81.35 feet, thence South 106.50 feet, thence East 81.35 feet to the point of beginning and containing 8663 square feet or 0.198 acres, more or less.

Commonly known as 104 Pierce Avenue, Springdale, Washington County, Arkansas
Tax Parcel No. 815-26011-000

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

WHEREAS, the owner has been notified by the City of Springdale prior to the consideration of this ordinance, that the structure on the property is in violation of various ordinances of the City of Springdale, as well as the Property Maintenance Code of the City of Springdale;

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

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

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

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

Section 1. That the structure located at 104 Pierce Avenue, Springdale, Arkansas, is dilapidated, unsightly, and unsafe; and it is in the best interests of the City of Springdale to proceed with the removal of this dilapidated, unsightly, and unsafe structure.

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

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

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

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

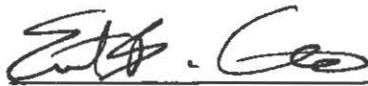
PASSED AND APPROVED this _____ day of _____, 2013.

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
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Lynda Belvedresi
Case Coordinator

Steve Helms
Investigator

Cindy Horlick
Administrative Asst.

April 8, 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jeff Davis
443 Madison 7150
Fayetteville, AR 72703

RE: Property located at 104 Pierce Avenue, Springdale, Washington
County, Arkansas,
Tax Parcel No. 815-26011-000

Dear Mr. Davis:

The Chief Building Inspector for the City of Springdale, Arkansas, has posted notice at 104 Pierce and has mailed notice in writing to you, via certified mail, that a structure located on property owned by you at 104 Pierce Avenue, Springdale, Arkansas, was unsafe and could not be occupied until the property had been repaired. Furthermore, the owner was instructed to obtain a demolition or repair permit within thirty (30) days and to begin work within ten (10) days of obtaining the permit.

As of this date, you have taken no efforts to demolish or repair the structure on this property. As such, please be advised that the City Council for the City of Springdale will be considering the enclosed ordinance at a meeting that will take place at 6:00 p.m. on Tuesday, June 11, 2013, in the council chambers located at 201 N. Spring Street, Springdale, Arkansas. I strongly encourage you to attend this meeting.

Should the City adopt the enclosed ordinance, you will be given a final opportunity to repair or remove the structure. Should you not take advantage of this opportunity, the City of Springdale will have the right to raze and remove the structure, and then charge the costs of such as a lien against the property. The amount of any such lien would be determined by the City Council, and you would

have the opportunity to be notified and be heard at this meeting. If you should have any questions, please let me know. I am also sending this letter to you via regular mail as well.

Sincerely,



Ernest B. Cate
City Attorney

enclosure
EBC:ch

cc: Mike Chamlee, Chief Building Official

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Jeff Davis
 443 Madison 7150
 Fayetteville, AR 72703

2. Article Number
 (Transfer from service label)

7011 1570 0000 8219 7328

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X 

Agent

Addressee

B. Received by (Printed Name)

JEFF DAVIS

C. Date of Delivery

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

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING AN INCREASE IN
THE SPRINGDALE POLICE DEPARTMENT
SCHOOL RESOURCE OFFICERS**

WHEREAS, the Springdale Police Department currently has six (6) school resource officers, and

WHEREAS, the Springdale School District has requested four (4) additional school resource officers, and

WHEREAS, the Springdale School District currently shares in the costs of the present six officers and has agreed to provide like funding for the four additional officers requested;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS that the Springdale Police Department's authorization of six school resource officers is hereby increased to ten (10).

PASSED AND APPROVED this 11th day of June, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest B. Cate, City Attorney

MEMO

Date: 5/22/13
To: Wyman Morgan
From: Chief Kathy O'Kelley
Re: 4 additional School Resource Officer positions

Wyman:

I met with Dr. Rollins on 5/20/13 regarding the addition of 4 School Resource Officers (SRO) to work in the Springdale Middle Schools. Dr. Rollins has agreed to assume the cost of those officers as per our current agreement, in which the School District pays 10 months of the salary and benefits for each SRO position (August thru May).

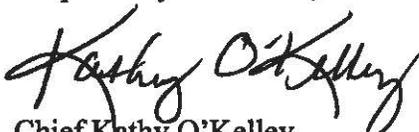
Clearly, in light of the recent tragedy in Newtown Connecticut, families and communities have raised great concern about the safety and security for their children while attending school. The presence of SROs is an important step in increasing school safety and calming community fear. Keeping our children safe should be a prime motivator for us all.

In order to increase the number of SROs the Police Department will need to add 4 positions to replace officers being assigned to the School District. The proposed hire date is June 23, 2013. The 2013 Police Department budget has surplus funding in the salary line item, due to unfilled positions, to cover the cost associated with hiring these 4 officers.

The increase to the 2014 Police Department Budget is expected to be approximately \$70,000.00. It should be noted that no additional vehicles are required; we will keep 4 vehicles in service that were scheduled to be replaced. This will suffice as SROs do not drive under the conditions of normal patrol units.

A summary of the cost related to the expansion of the SRO program is included in this memo. I have attached a spreadsheet which displays the current and future cost of the SRO program for both the City and the School District and the cost associated with hiring 4 additional officers.

Respectfully Submitted,


Chief Kathy O'Kelley

Wyman Morgan

From: Laura Favorite [lfavorite@springdalear.gov]

Sent: Monday, May 20, 2013 8:51 AM

To: 'Wyman Morgan'; 'Kathy O'Kelley'

Subject: Police dept salary savings

I estimate current salary savings to be \$475,000.

Laura Favorite, CPA

Finance Director

City of Springdale

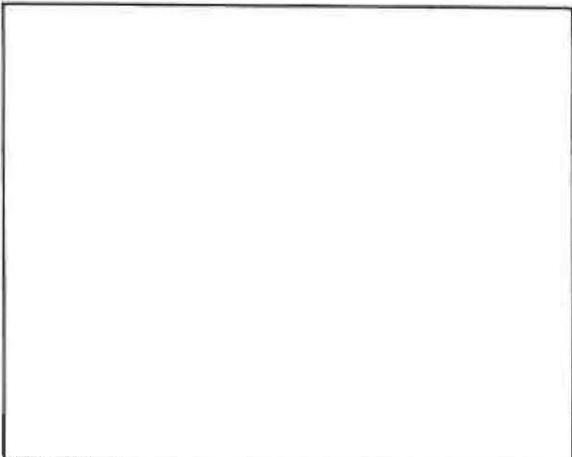
201 Spring St.

Springdale, AR 72764

Direct line: 479-750-8177

Email: lfavorite@springdalear.gov

5/31/2013



ORDINANCE NO. _____

AN ORDINANCE ACCEPTING THE RE-PLAT OF K.C. PROPERTIES OF NORTHWEST ARKANSAS SUBDIVISION PHASE II, 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, County, Arkansas, being more particularly described as follows, to-wit:

COMBINED PARCELS #815-35614-000 & 815-29876-220:
LOT 4 OF THE REPLAT OF LOT 4, K.C. PROPERTIES OF NORTHWEST ARKANSAS SUBDIVISION PHASE II TO THE CITY OF SPRINGDALE, ARKANSAS, AS PER REPLAT FILED FOR RECORD IN PLAT BOOK 23A AT PAGE 263 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS AND A PART OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, TOGETHER BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING REBAR WHICH IS N87°25'33"W 679.95' FROM THE SOUTHWEST CORNER OF SAID NORTH HALF AND RUNNING THENCE N02°18'51"E 165.03' TO THE SOUTHWEST CORNER OF SAID LOT 4, THENCE ALONG THE WEST LINE OF SAID LOT 4 THE FOLLOWING: N11°49'15"W 163.26', ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 45.00' FOR A CHORD BEARING AND DISTANCE OF S77°30'51"W 22.23' TO AN EXISTING REBAR, N02°17'59"E 45.27' TO AN EXISTING P/K NAIL MARKING THE NORTHWEST CORNER OF SAID LOT 4, THENCE ALONG THE NORTH LINE OF SAID LOT 4 S87°42'19"E 210.48' TO AN EXISTING PIPE MARKING THE NORTHEAST CORNER OF SAID LOT 4, THENCE ALONG THE EAST LINE OF SAID LOT 4 S48°04'54"E 313.76' TO AN EXISTING REBAR MARKING THE SOUTHEAST CORNER OF SAID LOT 4, THENCE S87°23'17"E 253.20 TO AN EXISTING REBAR, THENCE S02°24'28"W 164.61' TO AN EXISTING REBAR, THENCE N87°25'33"W 643.79' TO THE POINT OF BEGINNING, CONTAINING 3.80 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

AND WHEREAS, said Planning Commission after conducting a public hearing, has approved the re-plat as presented by petitioner, and has approved the dedication of streets, rights-of-way and utility easements as shown upon said re-plat and join with the said petitioner in petitioning the City Council to accept the said RE-PLAT OF K.C. PROPERTIES OF NORTHWEST ARKANSAS SUBDIVISION PHASE II to the City of Springdale, Arkansas.

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

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

PASSED AND APPROVED this _____ day of _____, 2013.

Doug Sprouse, Mayor

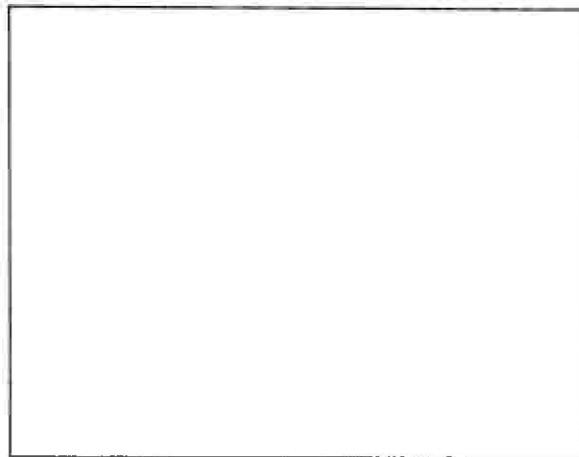
ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:



Ernest Cate, CITY ATTORNEY



ORDINANCE NO. _____

AN ORDINANCE ACCEPTING THE REPLAT OF LOTS 16 AND 17, BLOCK 32, OF THE HAR-BER MEADOWS, PHASE XX, 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:

Replat of Lots 16 & 17, Block 32, Har-Ber Meadows, Phase XX, Subdivision.

AND WHEREAS, said Planning Commission after conducting a public hearing, has approved the replat as presented by petitioner, and has approved the dedication of streets, rights-of-way and utility easements as shown upon said replat and join with the said petitioner in petitioning the City Council to accept the said Replat of Lots 16 & 17, Block 32, Har-Ber Meadows, Phase XX, Subdivision to the City of Springdale, Arkansas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, that the Replat of Lots 16 & 17, Block 32, Har-Ber Meadows, Phase XX, Subdivision to the City of Springdale, Arkansas, as shown on the replat 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 _____, 2013.

Doug Sprouse, Mayor

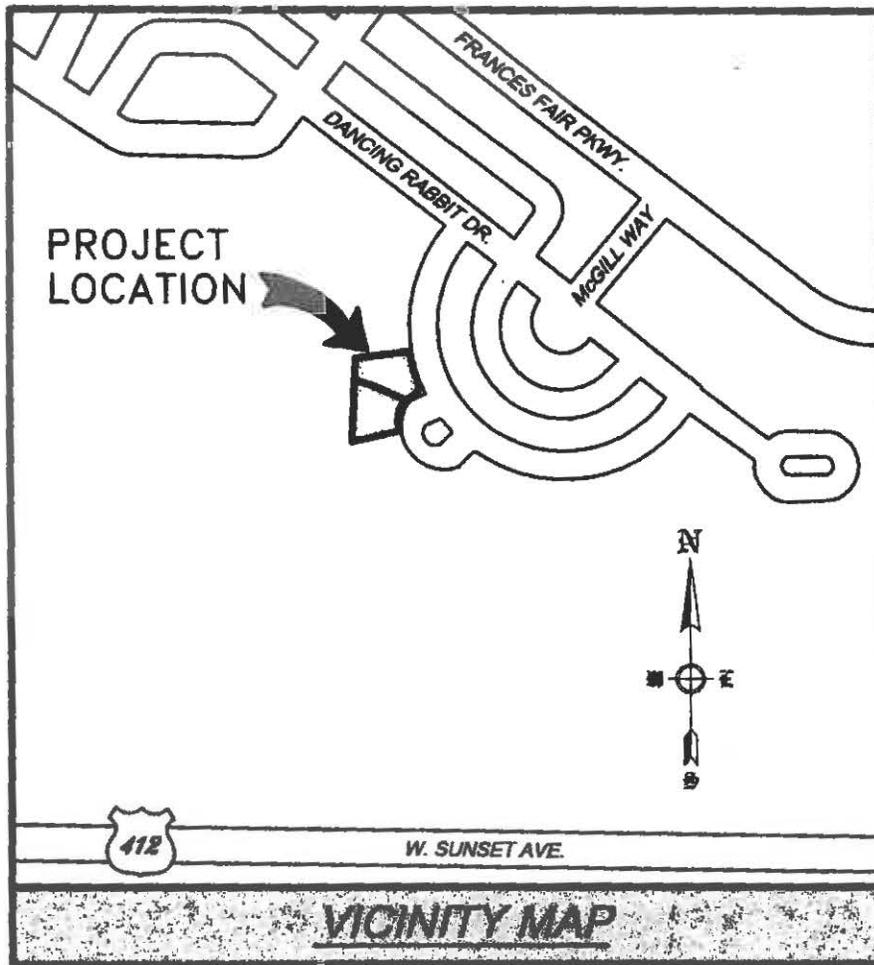
ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:



Earnest B. Cate, CITY ATTORNEY



**Vicinity Map
for Lots 17 & 18 of
Block 32 of Har-Ber Meadows
Phase II**

SW corner of Doris Hunt Court and Clinton Circle

RESOLUTION NO. _____

**A RESOLUTION EXPRESSING THE SUPPORT FOR FUNDING
FOR THE LAKE SPRINGDALE TRAILHEAD ON THE
RAZORBACK GREENWAY THROUGH THE CARE
FOUNDATION**

WHEREAS, the City of Springdale has received a Request for Proposal for further information regarding the Lake Springdale Trailhead project on the Razorback Greenway by the Care Foundation; and

WHEREAS, it is the desire of the City of Springdale to respond to the request and seek funding approval for the construction of the Lake Springdale Trailhead on the Razorback Greenway through this source of funding.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, that the Council fully supports the development of the Lake Springdale Trailhead and appreciates the opportunity provided by the Care Foundation for funding assistance on the project and the Mayor and/or his designated representative is authorized to provide detailed information as requested by the Care Foundation for the project.

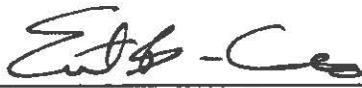
PASSED AND APPROVED THIS ___ DAY OF _____, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

Approved as to form:



Ernest Cate, City Attorney

RESOLUTION NO. _____

A RESOLUTION APPROVING AN AGREEMENT WITH THE CITY OF TONTITOWN, ARKANSAS, AND WASHINGTON COUNTY, ARKANSAS, REGARDING THE OPERATIONAL EXPENSES OF THE SPRINGDALE DISTRICT COURT.

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 contribution to the operational expenses of the Springdale District Court by the City of Tontitown, Arkansas;

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

WHEREAS, the City of Tontitown, 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 enter into an agreement with the City of Tontitown, Arkansas, and Washington County, Arkansas, concerning the contribution to the operational expenses of the Springdale District Court by the City of Tontitown, Arkansas, pursuant to Ark. Code Ann. §16-17-1203.

PASSED AND APPROVED this _____ day of _____, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:



Ernest B. Cate, CITY ATTORNEY

AGREEMENT

This agreement is made and entered into between the City of Tontitown, Arkansas ("Tontitown"), the City of Springdale, Arkansas, and Washington County, Arkansas.

WITNESSETH:

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 contribution to the operational expenses of the Springdale District Court by the City of Tontitown, Arkansas;

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

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

NOW THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereby agree that the Springdale District Court shall allow Tontitown to process its cases in said district court, and Tontitown shall contribute to the operational expenses of the court on a prorated amount of all cases filed in the district court from Tontitown during the preceding calendar year. For purposes of the calendar year 2013, said contribution shall consist of a one-time contribution of \$1,500.00 to the Springdale District Court to integrate Tontitown into the Springdale District Court. This resolution shall be considered the written agreement pursuant to Ark. Code Ann. §16-17-1203, and the Mayor of the City of Tontitown is hereby authorized and directed to execute said resolution on behalf of the City of Tontitown, which shall then be submitted to the governing bodies of the City of Springdale, Arkansas, and Washington County, Arkansas, for their respective approval.

IN WITNESS WHEREOF, the parties have hereunto set their hands this _____ day of _____, 2013.

City of Tontitown, Arkansas

By _____

City of Springdale, Arkansas

By _____
Doug Sprouse, Mayor

By _____
Denise Pearce, City Clerk

Washington County, Arkansas

By _____
Marilyn Edwards, County Judge

ACNOWLEDGMENT

STATE OF ARKANSAS)
)SS
COUNTY OF WASHINGTON)

Before me, a Notary Public, duly commissioned, qualified and acting within and for the aforesaid County, on this day personally appeared _____, well known to me to be the person whose name is subscribed to the foregoing instrument and stated to me that he/she executed the same for the consideration and purposes therein mentioned and set forth.

In testimony whereof, I have hereunto set my hand and official seal this _____ day of _____, 20__.

My Commission Expires:

Notary Public

ACNOWLEDGMENT

STATE OF ARKANSAS)
)SS
COUNTY OF WASHINGTON)

Before me, a Notary Public, duly commissioned, qualified and acting within and for the aforesaid County, on this day personally appeared Doug Sprouse and Denise Pearce, Mayor and City Clerk, respectively, for the City of Springdale, Arkansas, well known to me to be the persons whose names are subscribed to the foregoing instrument and stated to me that they executed the same for the consideration and purposes therein mentioned and set forth.

In testimony whereof, I have hereunto set my hand and official seal this _____ day of _____, 20__.

My Commission Expires:

Notary Public

ACNOWLEDGMENT

STATE OF ARKANSAS)
)SS
COUNTY OF WASHINGTON)

Before me, a Notary Public, duly commissioned, qualified and acting within and for the aforesaid County, on this day personally appeared Doug Sprouse and Denise Pearce, Mayor and City Clerk, respectively, for the City of Springdale, Arkansas, well known to me to be the persons whose names are subscribed to the foregoing instrument and stated to me that they executed the same for the consideration and purposes therein mentioned and set forth.

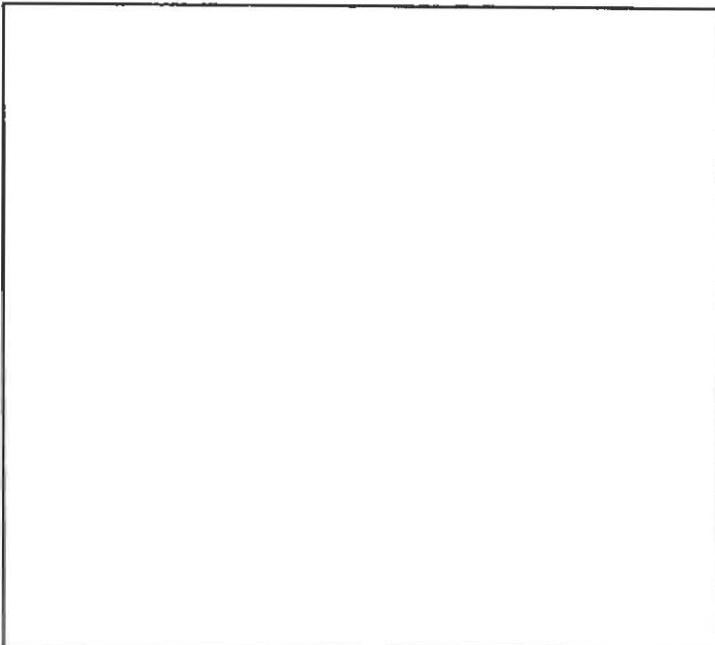
In testimony whereof, I have hereunto set my hand and official seal this _____ day of _____, 20__.

My Commission Expires:

Notary Public

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF OVERGROWN BRUSH AND DEBRIS WITHIN THE CITY OF SPRINGDALE, ARKANSAS, LOCATED AT 1001 WILKINSON LANE, 2148 WOODFORD STREET AND 3304 LUVENE AVENUE.



WHEREAS, Jessie Howard is the owner of certain real property situated in Springdale, Washington County, Arkansas, more particularly described as follows:

Part of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section Thirty-Five (35) Township Eighteen (18) North, Range Thirty (30) West, described as beginning at the Southeast corner of said forty acre tract, thence running 540 feet North 00° 54' East; thence 327 feet North 88° 16' West, thence South 00° 54' West 100 feet for the point of beginning of the lands herein intended to be conveyed, thence South 00° 54' West 7 feet; thence North 88° 16' West 100 feet; thence North 00° 54' East 7 feet; thence South 88° 16' East 100 feet to the point of beginning.

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

WHEREAS, Federal Home Loan Mortgage Corporation is the owner of certain real property situated in Springdale, Washington County, Arkansas, more particularly described as follows:

Lot 11, Valley View Subdivision to the City of Springdale, Arkansas, as shown on plat of record in Plat Baook 23A at Page 23, plat records of Washington County, Arkansas.

LAYMAN'S DESCRIPTION: 2148 Woodford St.
Springdale, Arkansas
PARCEL NO.: 815-35726-000

WHEREAS, James Mark Nelson and Janet Marie Nelson (Christman) are the owners of certain real property situated in Springdale, Washington County, Arkansas, more particularly described as follows:

Lot 4, Block 5, Peaceful Valley, Phase I, a Subdivision to 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: 3304 Luvenc Avenue
Springdale, Arkansas
PARCEL NO.: 815-24494-000

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:

\$500.00 clean-up costs and \$21.11 administrative costs – 1001 Wilkinson Lane
\$150.00 clean-up costs and \$21.11 administrative costs – 2148 Woodford St.
\$225.00 clean-up costs and \$39.44 administrative costs – 3304 Luvenc Avenue

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:

\$521.11, plus 10% for collection, to the Washington County Tax Collector to be placed on the tax books as delinquent taxes on property known as 1001 Wilkinson Lane, Springdale, Washington County, Arkansas as described above, and collected accordingly;

\$171.11, plus 10% for collection, to the Washington County Tax Collector to be placed on the tax books as delinquent taxes on property known as 2148 Woodford Street, Springdale, Washington County, Arkansas as described above, and collected accordingly;

\$264.44, plus 10% for collection, to the Washington County Tax Collector to be placed on the tax books as delinquent taxes on property known as 3304 Luvenc Avenue, Springdale, Washington County, Arkansas as described above, and collected accordingly;

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 _____, 2013.

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

tsamples@springdalear.gov

May 8, 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ernest B. Cate
City Attorney

Brooke Lockhart
Deputy City Attorney

Taylor Samples
Deputy City Attorney

Lynda Belvedresi
Case Coordinator

Steve Helms
Investigator

Cindy Horlick
Administrative Asst.

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 Property Owner:

On November 2, 2012, 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 42-78, and needed to be remedied within seven (7) days.
Notice was mailed to the owner of record on November 2, 2012, 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. 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.

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 April 28, 2013. As of this date, the total costs incurred and paid by the City
of Springdale to clean this property are \$500.00. I have enclosed an 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 June 18, 2013, 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, June 25, 2013, 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 \$506.11, which includes \$500.00 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.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Taylor Samples". The signature is written in a cursive, flowing style.

Taylor Samples
Deputy City Attorney

enclosures
TS:ch

Invoice

Green Pastures Lawn Care
19007 Bug Scuffle Rd.
West Fork AR, 72774

(479)903-2696

mike@gp-lc.com

Bill To:

City Of Springdale
201 Spring St.
Springdale AR. 72764

Invoice No: 182
Date: 28 Apr 2013

Description	Quantity	Rate	Amount
Secure rear of house with OSB. Labor and materials	1.00	\$225.00	\$225.00*
Haul off a disposal of junk. Labor and disposal fee.	1.00	\$135.00	\$135.00*
Initial mowing of tall grass.	1.00	\$140.00	\$140.00*
All work performed at: 1001 Wilkinson Officer T. Haden	1.00	\$0.00	\$0.00*

Transaction # _____
Date _____
Account # 101-0403-423-70-35
Project # _____
Invoice # 182
Amount \$500.⁰⁰
Description Secure house, haul, remove junk
@ 1001 Wilkinson
Approved By Mike U...
4/19/13

Total	\$500.00
Paid	\$0.00
Balance Due	\$500.00

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

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)

7011 1570 0000 8219 7441

PS Form 3811, February 2004

Domestic Return Receipt

102999-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
J. Kramer

B. Received by (Printed Name) C. Date of Delivery
Jessie Kramer 5-9-13

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

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail G.O.D.

4. Restricted Delivery? (Extra Fee) Yes



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:
tsamples@springdalear.gov

Ernest B. Cate
City Attorney

Brooke Lockhart
Deputy City Attorney

Jonathan D. Nelson
Deputy City Attorney

Taylor Samples
Deputy City Attorney

Lynda Belvedere
Case Coordinator

Steve Helms
Investigator

Cindy Horlick
Administrative Asst.

May 7, 2013

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Federal Home Loan Mortgage Corp.
5000 Plano Pkwy.
Carrollton, TX 75010

RE: Notice of clean-up lien on property located at 2148 Woodford St.,
Springdale, Washington County, Arkansas, Tax Parcel No. 815-
35726-000

Dear Property Owner:

On April 5, 2013, notice was posted on property located at 2148 Woodford St., Springdale, Arkansas, that the property was in violation of Springdale City Ordinance 42-77 and 42-78, and needed to be remedied within seven (7) days. Notice was mailed to the owner of record on April 8, 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. The owner received said letter on April 10, 2013.

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 April 22, 2013. As of this date, the total costs incurred and paid by the City of Springdale to clean this property are \$150.00. I have enclosed an 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 June 4, 2013, 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, June 11, 2013, 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 \$156.11, which includes \$150.00 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.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Taylor Samples". The signature is written in a cursive, flowing style.

Taylor Samples
Deputy City Attorney

enclosures
TS:ch

Invoice

Green Pastures Lawn Care
19007 Bug Scuffle Rd.
West Fork AR, 72774

(479)903-2696

mike@gp-lc.com

Bill To:

City Of Springdale
201 Spring St.
Springdale AR. 72764

Invoice No: 176
Date: 22 Apr 2013

Description	Quantity	Rate	Amount
Initial mow of tall grass and weeds and trash removal at: 2148 Woodford Officer T. Hayden	1.00	\$150.00	\$150.00*

Transaction # _____
Date _____
Account # 101-0403-423.70-35
Project # _____
Invoice # 176
Amount 8/50.00
Description resum debit & mow @
2148 Woodford
Approved By Mike Chamber
4/22/13

Total	\$150.00
Paid	\$0.00
Balance Due	\$150.00

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Federal Home Loan Mortgage Corp.
5000 Plano Pkwy.
Carrollton, TX 75010

2. Article Number
(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Timothy Fridia

Agent
 Addressee

B. Recipient's Name
Timothy Fridia

C. Date of Delivery

5-9-13

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

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

1 1570 0000 8219 7335



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:
blockhart@springdalear.gov

Ernest B. Cate
City Attorney

Brooke Lockhart
Deputy City Attorney

Jonathan D. Nelson
Deputy City Attorney

Taylor Samples
Deputy City Attorney

Lynda Belvedresi
Case Coordinator

Steve Helms
Investigator

Cindy Horlick
Administrative Asst.

May 7, 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James Mark Nelson
1562 Thistle Wood Place
Springdale, AR 72764-3003

Janet Marie (Nelson) Christman
20438 E. Hwy. 412
Springdale, AR 72764-8995

Encore Credit Corp.
1833 Alton Pkwy.
Irvine, CA 92606

J.P. Morgan Chase
Corporate Accounts Payable, TX2-C361
712 Main Street, 4E
Houston, TX 77002

RE: Notice of clean-up lien on property located at 3304 Luvane Ave.,
Springdale, Washington County, Arkansas, Tax Parcel No. 815-
24494-000

Dear Property Owner/Lienholder:

On February 11, 2013, notice was posted on property located at 2204 Luvane
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 March 25, 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.

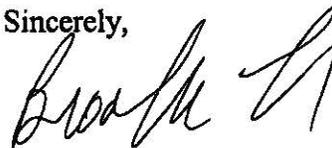
No action was taken by the owner to clean up the property within seven (7)
business days. As a result, the City of Springdale took action to remedy the
violations on the property, as is allowed by Ark. Code Ann. §14-54-903, on or
about April 22, 2013. As of this date, the total costs incurred and paid by the City
of Springdale to clean this property are \$225.00. I have enclosed an 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 June 4, 2013, 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, June 11, 2013, 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 \$249.00, which includes \$225.00 for cleaning up the property and \$24.44 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,



Brooke Lockhart
Deputy City Attorney

enclosures
BL:ch

Invoice

Green Pastures Lawn Care
19007 Bug Scuffle Rd.
West Fork AR, 72774

(479)903-2696

mike@gp-lc.com

Bill To:

City Of Springdale
201 Spring St.
Springdale AR. 72764

Invoice No: 177
Date: 22 Apr 2013

Description	Quantity	Rate	Amount
Cut up, removal & disposal of large metal awning plus disposal fee at: 3304 Luvene Ave. Officer T. Hayden	1.00	\$225.00	\$225.00*

Transaction # _____
Date _____
Account # 101-0403-423,70-35
Project # _____
Invoice # 177
Amount \$225.⁰⁰
Description Removal junk & trash @
3304 Luvene
Approved By M. W.
4/23/13

Total	\$225.00
Paid	\$0.00
Balance Due	\$225.00

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>Mark Nelson</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
	B. Received by (Printed Name) MARK NELSON	C. Date of Delivery 5/23/13
1. Article Addressed to: <p style="text-align: center;">James Mark Nelson 1562 Thistle Wood Place Springdale, AR 72764-3003</p>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label) 7011 1570 0000 8219 7380		
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540		

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>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
	B. Received by (Printed Name)	C. Date of Delivery 5/9/13
1. Article Addressed to: <p style="text-align: center;">J.P. Morgan Chase Corporate Accounts Payable, TX2-C361 712 Main Street, 4E Houston, TX 77002</p>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label) 7011 1570 0000 8219 7359		
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540		

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>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
	B. Received by (Printed Name)	C. Date of Delivery MAY 10 2013
1. Article Addressed to: <p style="text-align: center;">Encore Credit Corp. 1833 Alton Pkwy. Irvine, CA 92606</p>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label) 7011 1570 0000 8219 7366		
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540		