

CITY OF SPRINGDALE  
Committee Agendas  
Monday, April 21<sup>st</sup>, 2014  
Multi-Purpose Room #236  
City Administration Building  
Meetings begin at 5:30 p.m.

Ordinance Committee, Chairman Mike Overton:

1. **An Ordinance** amending Chapter 98-63(d) of the Code of Ordinances of the City of Springdale, Arkansas; to declare an emergency; and for other purposes, presented by Ernest Cate, City Attorney. (This will be on the City Council Agenda for Tuesday, April 22, 2014.)  
**Pg.'s 2-4**
2. **A Discussion** concerning the parking of vehicles in "C-6 large product retail sales districts", presented by Rick Evan.

Street & CIP Committee, Chairman Rick Evans:

3. **Tabled from 4-7-14: A Discussion** concerning a letter of request to assume the responsibility of street lights in the Western Trails Estates Subdivision, presented by Shawn Watts/Jim Heifner, Western Trails Property Owners Association Board. **Pg.'s 5-6**
4. **A Resolution** authorizing the purchase of approximately 42 acres of real property located between Lake Springdale and JB Hunt Park, situated in Washington and Benton County, Arkansas, and authorizing the purchase of personal property located thereon, presented by Mayor Doug Sprouse and Ernest Cate, City Attorney. (This will be on the City Council Agenda for Tuesday, April 22, 2014.) **Pg.'s 7-9**
5. **A Resolution** authorizing the City Attorney to settle a condemnation lawsuit wherein Thang Van Nguyen and Xuan Thi Huynh are defendants, presented by Alan Pugh, Director of Engineering. (This will be on the City Council Agenda for Tuesday, April 22, 2014.) **Pg. 10**
6. **A Resolution** authorizing execution of a construction contract for the Don Tyson Parkway and 40<sup>th</sup> Street intersection traffic signal and establishing the budget for said project, presented by Alan Pugh, Director of Engineering. (This will be on the City Council Agenda for Tuesday, April 22, 2014.) **Pg. 11**

Health, Sanitation & Property Maintenance Committee, Chairman Jim Reed:

7. **An Ordinance** ordering the razing (demolition) and removal of a certain structure within the City of Springdale, Arkansas, located at 308 W. Emma Avenue;, to declare an emergency and for other purposes, presented by Mike Chamlee, Chief Building Official, and Ernest Cate, City Attorney. (This will be on the City Council Agenda for Tuesday, April 22, 2014.)  
**Pg.'s 12-16**

Finance Committee, Chairman Brad Bruns:

8. **A Resolution** amending the City of Springdale 2014 Budget, presented by Mike Chamlee, Chief Building Official and Sam Goade, Director of Public Works. (This will be on the City Council Agenda for Tuesday, April 22, 2014.) **Pg.'s 17-19**

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

**AN ORDINANCE AMENDING CHAPTER 98-63(d) OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City Council for the City of Springdale has adopted regulations pertaining to the location of specific sign types in the various zoning districts of the City;

**WHEREAS**, the City Council finds that the regulations pertaining to the location of specific sign types in the various zoning districts of the City need to be clarified;

**WHEREAS**, the City Council recognizes that protection of the City's visual environment and beauty will benefit both residential and commercial property owners and will promote a positive image of the City; and

**WHEREAS**, the City Council desires to promote the reasonable, orderly, and effective display of signs;

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

**SECTION 1:** Chapter 98-63(d) of the Code of Ordinances of the City of Springdale, Arkansas, is hereby amended to read as follows:

**Sec. 98-63. Zone restrictions.**

(d) General commercial (C-2); thoroughfare commercial (C-5), large product retail sales district (C-6). No signs are permitted except those exempt per section 98-36 (subject to section 98-61), and:

- (1) Each lot or parcel shall contain, for each separately licensed business located thereon, no more than:
  - a. One nonflashing, projecting or wall sign per building frontage. The sign area shall not exceed 300 square feet. Sign height shall not exceed 60 feet;
  - b. One nonflashing, freestanding sign no larger than 400 square feet per sign face with a maximum height of 60 feet, except:
    - (i) On streets classified as an arterial or major collector or a numbered highway on the adopted Master Street Plan, one sign may be allowed per building frontage for each separately licensed business.
    - (ii) No freestanding signs are allowed within 300 feet of the right-of-way of the "Don Tyson Parkway," except for a monument sign.
    - (iii) No freestanding signs are allowed within 300 feet of the right-of-way of Wagon Wheel Road from 40th Street to Robins Road except for a monument sign.
    - (iv) No freestanding signs are allowed, within 300 feet of the right-of-way of Huntsville Avenue from Harris Street east to Butterfield Coach Road except for a monument sign.
    - (v) No freestanding signs within 300 feet of the right-of-way of Butterfield Coach Road from Huntsville Avenue to the "Don Tyson Parkway," except for a monument sign, and any such monument sign so located on the "Don Tyson Parkway," on Wagon

Wheel Road from 40th Street to Robins Road, on Huntsville Avenue from Harris Street east to Butterfield Coach Road or on Butterfield Coach Road from Huntsville Avenue to the "Don Tyson Parkway shall have a maximum height of eight (8) feet. However, at the intersection of the "Don Tyson Parkway" with the cross streets of 48th Street, Thompson, or Highway 265, an otherwise lawful freestanding sign shall be allowed to be located on property abutting these cross streets as long as the freestanding sign is located a distance of at least 150 feet from the right-of-way of the "Don Tyson Parkway;" at the intersection of Butterfield Coach Road with the cross street of East Robinson (412 East Highway), an otherwise lawful freestanding sign shall be allowed to be located on property abutting East Robinson as long as the freestanding sign is located a distance of at least 150 feet from the right-of-way of Butterfield Coach;

- c. One real estate sign. The sign area shall not exceed 32 square feet. Any billboard, freestanding sign, wall or projecting sign duly permitted hereunder may advertise real estate.
- (2) Each lot or parcel with street frontage may have one nonflashing, freestanding sign no larger than 400 square feet per sign face for use by all businesses located on any adjacent property, provided the adjacent property owner has a separately licensed business and a properly executed and recorded easement or lease agreement, or is the owner of the property on which the sign is to be located.
- (3) Each lot or parcel shall contain no more than one billboard per every 1,320 feet of frontage on a public thoroughfare, or fraction thereof.
- (4) Each lot or parcel shall contain no more than one temporary sign or banner.
- (5) Special visibility district: The special visibility district consists of a district determined by the planning commission and designated on the zoning map by ordinance enacted by the city council, in which signs of a maximum height of 100 feet and maximum sign face area of 300 square feet shall be allowed.

The special visibility district is defined to be 300 feet from the right-of-way on each side of Highway 412 (Sunset Avenue) from the west property line of the Pilot Property, west approximately 2,325 feet from the center of the 1-540 and 412 interchange, and east a distance of 2,225 feet, to the east property line of Braum's, from the same center of the interchange and that special visibility district shall be noted on the official zoning map.

**SECTION 2:** All other provisions of Chapter 98-63 of the Code of Ordinances of the City of Springdale, Arkansas, not specifically amended herein shall remain in full force and effect.

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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

ATTEST:

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

APPROVED AS TO FORM:

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

Doug Sprouse and City Council  
Mayor of Springdale

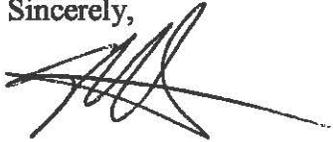
RE: Western Trails Estates Property Owners Association

Dear Doug Sprouse and City Council:

This letter is a request for the City of Springdale to assume the responsibility of the street lights in the Western Trails Estates Subdivision. We were recently annexed into the City of Springdale.

Please advise me what other information if any that you might need. I can be reached at 479-530-4368 or [swatts@ymail.com](mailto:swatts@ymail.com) or mailing: PO BOX 10351, Fayetteville AR 72703

Sincerely,



Shawn Watts/Jim Heifner  
C/O Western Trails Property Owners Association Board  
6700 Western Trails Dr  
Springdale AR 72762  
Mailing: PO BOX 10351, Fayetteville AR 72703

**From:** Patsy Christie <pchristie@springdalear.gov>  
**To:** Shawn Watts <swatts@ymail.com>  
**Sent:** Monday, January 27, 2014 8:21 AM  
**Subject:** RE: Subdivision lights

The City has taken over the cost of street lights in subdivisions that have been annexed into the City. There are a few issues that will need to be addressed before it can be moved forward to the City Council for approval.

How many lights and are they billed separately? **We have 10 lights and it is billed separately.**

Are the street lights in a common area of the subdivision or are they in a utility easement? **Utility Easement**

Are they standard street lights or custom lights? **Standard**

Who has been maintaining them? **Western Trails Property Owners Association**

Once we have this type of information it can be moved forward. If you have any questions please let me know.

Patsy Christie, Director  
Planning & Community Development  
201 Spring Street  
Springdale, AR 72764  
(479) 750-8588

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

**A RESOLUTION AUTHORIZING THE PURCHASE OF APPROXIMATELY 42 ACRES OF REAL PROPERTY LOCATED BETWEEN LAKE SPRINGDALE AND JB HUNT PARK, SITUATED IN WASHINGTON AND BENTON COUNTY, ARKANSAS, AND AUTHORIZING THE PURCHASE OF PERSONAL PROPERTY LOCATED THEREON.**

**WHEREAS**, the City of Springdale has the opportunity to purchase approximately 42 acres of real property located in Washington and Benton County, Arkansas, located between Springdale Lake and JB Hunt Park, including the "Rabbit's Foot Lodge" structure located thereon, and other personal property located thereon (collectively "the Property"), and

**WHEREAS**, the legal description of the Property and a map of the Property are attached hereto as Exhibit "A" and are hereby incorporated by reference; and

**WHEREAS**, the owner has agreed to sell the Property to the City of Springdale for the total sum of \$1,050,000.00; and

**WHEREAS**, the acquisition of the Property would be of great benefit to the citizens of the City of Springdale, Arkansas, in that it would provide additional park land for use by all citizens, and would provide the City of Springdale, Arkansas, a unique opportunity to preserve a structure of historical significance in Northwest Arkansas.

**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 for the Property, for a total purchase price of \$1,050,000.00, plus associated closing costs.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2014.

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

ATTEST:

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

APPROVED AS TO FORM:

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

## EXHIBIT "A": Property Description

A part of the SE ¼ of Section 22, Township 18 North, Range 30 West, Benton County, Arkansas and a part of the NE ¼ of the NE ¼ of Section 27, Township 18 North, Range 30 West, Washington County, Arkansas, more particularly described as follows: Beginning at the railroad spike that marks the Southwest corner of said SE ¼ of the SE ¼ of Section 22, and run thence along the West line of said SE ¼ of the SE ¼ N 1°49'35" E 662.35 feet to a steel rebar pin; thence S 87°05'31" E 422.22 feet to a steel rebar pin; thence S 04°30'00" E 181.69 feet to a steel rebar pin; thence S 13°00'00" W 163.19 feet to a steel rebar pin; thence S 20°30'00" W 132.18 feet to a steel pin; thence S 10°30'00" W 197.54 feet to a steel rebar pin; thence N 87°01'22" E 16.64 feet to a steel rebar pin; thence N 10°30'00" E 193.91 feet to a steel rebar pin; thence N 20°30'00" E 131.82 feet to a steel rebar pin; thence N 13°00'00" E 166.81 feet to a steel rebar pin; thence N 04°30'00" W 182.09 feet to a steel rebar pin; thence S 87°05'31" E 530.69 feet to a steel rebar pin; thence S 25°53'49" E 225.14 feet to a steel rebar pin; thence S 63°50'27" E 277.51 feet to a steel rebar pin on the East line of said SE ¼ of the SE ¼; thence along said East line S 1°39'39" W 357.09 feet to a four way fence corner at the Southeast corner of said SE ¼ of the SE ¼; thence S 2°29'09" W along the East line of said NE ¼ of the NE ¼ of Section 27, 959.63 feet to a steel rebar pin; thence N 87°34'59" W 1330.30 feet to a steel rebar pin on the West line of said NE ¼ of the NE ¼; thence N 2°36'30" E 164.93 feet to a steel rebar pin; thence S 87°02'36" E 16.50 to the centerline of Silent Grove Rd; thence along said centerline N 00°15'33" E 55.44 feet; thence along said centerline N 01°46'26" E 154.73 feet; thence along said centerline N 3°30'02" E 428.32 feet, thence along said centerline N 00°48'49" E 100.39 feet; thence along said centerline N 2°17'31" W 69.28 feet to the North line of said NE ¼ of the NE ¼; thence along said North line N 87°01'22" W 9.5 feet to the point of beginning, containing 47.456 acres more or less. Subject to the right-of-way of Silent Grove Road and all easements of record.

### **LESS AND EXCEPT:**

One acre (1 acre) taken squarely out of the Northwest corner of the above-described tract of land.

### **ALSO LESS AND EXCEPT:**

A part of the SE ¼ of Section 22, Township 18 North, Range 30 West, Benton County, Arkansas, more particularly described as follows: Commencing at the railroad spike that marks the Southwest corner of said SE ¼ of the SE ¼ of Section 22, and run thence N 1°49'35" E 662.35 feet; thence S 87°5'31" E 208.71 feet to the point of beginning; thence continuing S 87°5'31" E 313.07 feet; thence S 1°49'35" W 208.71 feet; thence N 87°5'31" W 313.07 feet; thence N 1°49'35" E 208.71 feet to the point of beginning containing 1.5 acres more or less.

### **ALSO LESS AND EXCEPT:**

A part of the SE ¼ of Section 22, Township 18 North, Range 30 West, Benton County, Arkansas, more particularly described as follows: Commencing at the railroad spike that marks the Southwest corner of said SE ¼ of the SE ¼ of Section 22, and run thence N 1°49'35" E 453.64 feet to the point of beginning; thence S 87°5'31" E 521.78 feet; thence S 1°49'35" W 83.48 feet; thence N 87°5'31" W 521.78 feet; thence N 1°49'35" E 83.48 feet to the point of beginning, containing 1 acre more or less.

### **ALSO LESS AND EXCEPT:**

Beginning at a point 280 feet North of the Southwest Corner of the SE ¼ of the SE ¼ of Section 22, Township 18 North, Range 30 West, thence North to a point which is S 1°49'35" W 292.19 feet from the Northwest Corner of the S ½ of the SE ¼ of the SE ¼ of Section 22, Township 18 North, Range 30 West, thence S 87°5'31" E 521.78 feet, thence South to the South line of an easement for a sewer transmission line as described by an easement document filed in Benton County, Arkansas, at Book 423, Page 414, thence Northwesterly along said easement to the point of beginning, containing 1.93 acres more or less.



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

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SETTLE A CONDEMNATION LAWSUIT WHEREIN THANG VAN NGUYEN AND XUAN THI HUYNH ARE DEFENDANTS.**

WHEREAS, the City Council of the City of Springdale has authorized the City Attorney to file a lawsuit against Thang Van Nguyen and Xuan Thi Huynh to condemn a tract of land for the 56<sup>th</sup> Street Widening Project No. 12BPS4, Tract 3;

WHEREAS, the City of Springdale estimate the amount of just compensation in this case to be \$1,600.00;

WHEREAS, Thang Van Nguyen and Xuan Thi Huynh have extended an offer to settle this case for the total sum of \$3,000.00;

WHEREAS, it is the recommendation of the City Attorney that the City Council approve the additional sum of \$1,400.00 to settle this lawsuit, as this amount is reasonable, is justified, and will avoid the cost, expense, and risk of a trial;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City Attorney is hereby authorized to settle the Thang Van Nguyen and Xuan Thi Huynh condemnation lawsuit for the total sum of \$3,000.00.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2014.

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

ATTEST:

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

APPROVED AS TO FORM:

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

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

**A RESOLUTION AUTHORIZING EXECUTION OF A  
CONSTRUCTION CONTRACT FOR THE DON TYSON  
PARKWAY AND 40<sup>TH</sup> STREET INTERSECTION TRAFFIC  
SIGNAL AND ESTABLISHING THE BUDGET FOR SAID  
PROJECT**

**WHEREAS**, sealed competitive construction bids were received and opened for said project on April 8, 2014;

**WHEREAS**, the low bid of \$148,042.50 was submitted by All Service Electric, Inc., of Hot Springs, AR;

**WHEREAS**, it is necessary to formally establish a budget for this project, said budget to be as follows:

Design Engineering (Signal)	45,590.00
Construction Engineering (Signal)	9,500.00
Materials (Poles, Mast Arms; Luminaire Arms)	38,765.00
Construction (Bid Amount)	148,042.50
Material Testing Services (Estimated)	3,500.00
Construction Contingency	<u>14,804.25</u>
Total Project Budget	\$260,201.75

**WHEREAS**, the budget for design and construction engineering listed above include an allowance for reimbursable expenses;

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

- 1) The Mayor and City Clerk are hereby authorized to execute a construction contract with All Service Electric, Inc. in the amount of \$148,042.50.
- 2) The total construction project cost shall not exceed \$260,201.75 without Council approval.

**PASSED AND APPROVED** this \_\_\_\_\_ day of April, 2014

\_\_\_\_\_  
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:

sparkman@springdalear.gov

Ernest B. Cate
City Attorney

Taylor Samples
Deputy City Attorney

Sarah Sparkman
Deputy City Attorney

David D. Phillips
Deputy City Attorney

Lynda Belvedere
Case Coordinator/
Victim Advocate

Steve Helms
Investigator

Cindy Horlick
Administrative Legal
Assistant/Paralegal

March 19, 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James R. Ritchey
308 W. Emma Ave.
Springdale, AR 72764

Kashan Property, LLC
c/o Hormoz Ghomghani
845 Nicholson Ave
Springdale, AR 72764

RE: Property located at 308 W. Emma Ave., Springdale, Washington
County, Arkansas,
Tax Parcel No. 815-30007-000

Dear Mr. Ritchey:

The Chief Building Inspector for the City of Springdale, Arkansas, has posted
notice at 308 W. Emma Ave., Springdale, Washington County, Arkansas, and has
mailed notice in writing to you, via certified mail, that a structure located on
property owned by you at 308 W. Emma Ave., 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, April 22, 2014, in the council chambers located at
201 Spring Street, Springdale, Arkansas. I strongly encourage you to attend this
meeting.

Kashan Property, LLC, is receiving this notice because of their interest in the
property at 306 W. Emma.

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,



Sarah Sparkman  
Deputy City Attorney

enclosure  
SS

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

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery Hormoz Ghomghani 3/20/14</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">Kashan Property, LLC c/o Hormoz Ghomghani 845 Nicholson Ave. Springdale, AR 72764</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>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.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) 7011 1570 0000 8221 1888</p>	

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"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery OK 4-3-14</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">Mr. James R. Ritchey 308 W. Emma Ave. Springdale, AR 72764</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>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.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) 7011 1570 0000 8221 1895</p>	

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

**AN ORDINANCE ORDERING THE RAZING (DEMOLITION) AND REMOVAL OF A CERTAIN STRUCTURE WITHIN THE CITY OF SPRINGDALE, ARKANSAS, LOCATED AT 308 W. EMMA AVE.; TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES.**

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

Part of Lot 5 in Block 10 in the original town (now city) of Springdale, Arkansas, described as follows: Beginning at a point 140 feet East of the Southwest corner of said Lot 5 and running thence North parallel with the West line of said lot to the North line thereof; thence East 36 feet; thence South parallel with the West line to the South line of said Lot; thence West 36 feet to the point of beginning.

Commonly known as 308 W. Emma Ave., Springdale, Washington County, Arkansas  
Tax Parcel No. 815-30007-000

**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 308 W. Emma Ave., Springdale, Arkansas, is dilapidated, unsightly, and unsafe; and it is in the best interests of the City of Springdale to proceed with the removal of this dilapidated, unsightly, and unsafe structure.

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

completely cleaning up the property to alleviate any unsightly conditions, in a manner consistent with the Property Maintenance Code, and all other state laws and regulations pertaining to the demolition or removal of residential structures.

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

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

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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

ATTEST:

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

APPROVED AS TO FORM:

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

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

**A RESOLUTION AMENDING THE CITY OF  
SPRINGDALE 2014 BUDGET**

**WHEREAS**, the Mayor and City Council desire to demolish and remove the unsafe structures located at 317 E. Emma Ave., and

**WHEREAS**, the Buildings Department budget does not include sufficient funds to cover the estimated cost of \$50,000 to demolish and remove the structures at 317 E. Emma Ave., and

**WHEREAS**, the Community Engagement Division spent \$30,673 of their \$40,000 appropriation for property cleanup during February and March and needs additional funds to continue their program;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that the 2014 budget is hereby amended as follows:

<u>Department</u>	<u>Account No.</u>	<u>Description</u>	<u>Present Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Proposed Budget</u>
Buildings	10104034237035	Contract Labor	15,000	50,000		65,000
Co Engagement	10102114427035	Contract Labor	40,000		40,000	
Co Engagement	10102114427050	Public Works Cleanup		60,000		60,000

**PASSED AND APPROVED** this 22<sup>nd</sup> day of April, 2014.

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

ATTEST:

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

APPROVED AS TO FORM:

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

**From:** Laura Favorite <lfavorite@springdalear.gov>  
**Sent:** Friday, April 04, 2014 2:47 PM  
**To:** Wyman Morgan; Doug Sprouse  
**Cc:** Sam Goade; Missha Wagoner  
**Subject:** City abatement costs  
**Attachments:** Community Engagement abatement - 2013.xlsx

Wyman,

You had asked me how much were the costs of city abatement performed using Public Works employees and equipment. The total for February and March was \$30,673.58. I have attached my summary spreadsheet showing the breakdown by date and property.

I have created a new account in the Community Engagement division entitled Public Works Property Cleanup – account # 101-0211-442.70-50. I will transfer all costs for work performed by Public Works to this account, and thereby reimburse the Street Fund for all of these costs.

Please let me know if you have any questions.

*Laura Favorite*

Finance Director  
City of Springdale  
201 Spring St  
Springdale, AR 72764  
Direct line: 479-750-8177  
Email: [lfavorite@springdalear.gov](mailto:lfavorite@springdalear.gov)

City of Springdale  
 Community Engagement - Code Enforcement  
 City Abatement - Summary of Charges to be Reimbursed by the General Fund  
 FEBRUARY AND MARCH 2014

PROPERTY ADDRESS	DATE OF ABATEMENT	TEMPORARY LABOR	EMPLOYEE COSTS	EQUIPMENT COSTS	MOBILIZATION FEE	TOTAL
1403 DALINE	2/14/14	-	456.72	210.00	-	666.72
1714 HORSESHOE DR	2/24/14	-	123.42	250.00	-	373.42
2063 W MAPLE AVE	3/7/14	48.00	41.48	270.00	-	359.48
4003 S THOMPSON	3/10/14	-	1,884.96	5,810.00	200.00	7,894.96
4003 S THOMPSON	3/11/14	-	2,233.35	7,980.00	200.00	10,413.35
4003 S THOMPSON	3/12/14	-	1,405.74	7,630.00	200.00	9,235.74
2628 OLD MISSOURI RD	3/19/14	-	68.78	235.00	200.00	503.78
307 RUBY	3/24/14	-	21.66	-	150.00	171.66
1000 DALINE	3/26/14	144.00	82.96	74.00	200.00	500.96
1307 YOUNG ST	3/31/14	144.00	69.51	140.00	200.00	553.51
		<u>336.00</u>	<u>6,388.58</u>	<u>22,599.00</u>	<u>1,350.00</u>	<u>30,673.58</u>