

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

- [Tuesday, September 10th, 5:30 p.m. Police & Fire Committee meeting:](#)
 - [This meeting is concerning Agenda Item 13.](#)

- [Monday, September 16th, 5:30 p.m. is the next Committee meetings.](#)
 - [Committee agendas will be available on Friday, September 13th, 2013.](#)

SPRINGDALE CITY COUNCIL
REGULAR MEETING
TUESDAY, SEPTEMBER 10TH, 2013

- 5:55 p.m. Pre Meeting Activities
Pledge of Allegiance
Invocation – **Mayor Sprouse**
- 6:00 p.m. OFFICIAL AGENDA Pg's 1-2**
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. Recognitions by Mayor Doug Sprouse
Sharon Christian Retiring after 28 Years - Springdale Public Library
 5. Comments from Citizens

The Council will hear brief comments from citizens during this period on issues not on the agenda. No action will be taken tonight. All comments will be taken under advisement.
 6. Approval of Minutes
 - a) August 23rd, 2013 **Pg's 3-5**
August 27th, 2013 minutes will be presented at next meeting
 7. Procedural Motions
 - A. Entertain Motion to read all Ordinances and Resolutions by title only.
 - B. Entertain Motion to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for ordinances listed on this agenda as *item numbers...**8 & 12.*** (Motion must be approved by two-thirds (2/3) of the council members).
 8. Planning Commission Recommendations by Planning Director Patsy Christie:

An Ordinance accepting a Replat to the City of Springdale, Arkansas, to be known as Lots 39, 40, 41, & 42, Replat of Silent Knoll Subdivision, to the City of Springdale, Arkansas, and declaring an emergency. **Pg's 6-8**
 9. **A Resolution** authorizing the City Attorney to settle a condemnation lawsuit wherein Rebecca D. Magee and David Gulliver are defendants, presented by City Attorney Ernest B. Cate. **Pg's 9-11**
 10. **A Resolution** authorizing the City Attorney to settle a condemnation lawsuit wherein Edward Gay, Jr., and Gayle L. Gay, Husband and Wife, are defendants, presented by City Attorney Ernest B. Cate. **Pg's 12-14**

11. Street & CIP Committee Report & Recommendations by Chairman Rick Evans:
 - A. **A Resolution** authorizing the City Attorney to settle a condemnation lawsuit wherein John A. Sisemore and Laura Elizabeth Sisemore, husband and wife, are defendants. **Pg's 15-63**
 - B. **A Resolution** authorizing the City Attorney to settle a condemnation lawsuit wherein Victory Church NWA, Inc. are defendants. **Pg's 64-99**
 - C. **A Resolution** authorizing the City Attorney to settle a condemnation lawsuit wherein 4&P LLC are defendants. **Pg's 100-135**
12. **An Ordinance** authorizing the City Clerk to file a Clean-Up Lien for the removal of overgrown brush and debris on property located within the City of Springdale, Arkansas, presented by City Attorney Ernest B. Cate. **Pg's 136-169**
13. Police and Fire Committee Report & Recommendations by Chairman Eric Ford:
A Resolution authorizing the purchase of property identified as Tracts 1 & 2 north of Cooper Drive and west of Thompson Street, Springdale, Arkansas. **Pg's 170-173**
14. **A Resolution** authorizing the temporary operation of a carnival, presented by Wyman Morgan, Director of Administration & Financial Services. **Pg's 174-177**
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
AUGUST 23, 2013

The City Council of the City of Springdale met in special session on Friday, August 23, 2013, in the City Council Chambers, City Administration Building. Mayor Doug Sprouse called the meeting to order at 1:15 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 (Absent)
Rick Evans	Ward 2
Jim Reed	Ward 1
Kathy Jaycox	Ward 1
Ernest Cate	City Attorney
Denise Pearce	City Clerk/Treasurer

ORDINANCES READ BY TITLE ONLY

Alderman Overton made the motion to read all Ordinances by title only and to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for all items listed on this agenda. Alderman Jaycox made the second.

The vote:

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

No: None

ORDINANCE NO. 4728 – AUTHORIZING THE ISSUANCE OF SALES AND USE TAX REFUNDING BONDS, SERIES 2013 FOR THE PURPOSE OF REFINANCING THE COST OF CAPITAL IMPROVEMENTS; PLEDGING COLLECTIONS OF A 1% SALES AND USE TAX TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY

J. Shepherd Russell III, Attorney with Friday, Eldredge and Clark and Bond Counsel for the City of Springdale, presented an Ordinance authorizing the issuance of Sales and Use Tax Refunding Bonds, Series 2013 for the purpose of refinancing the cost of capital improvements; pledging collections of a 1% Sales and Use Tax to pay the principal of and interest on the bonds.

The City Council of the City of Springdale, Arkansas has determined that in order to receive debt service savings it is in the best interest of the City to refund the City's outstanding Sales and Use Tax Refunding and Improvement Bonds, Series 2006, in the outstanding principal amount of \$88,575,000 authorized by Ordinance No. 3954 of the City, adopted September 21, 2006.

The indebtedness represented by the Bonds Refunded was approved by the voters at the special election held July 11, 2006 in order to (a) refund the City's Sales and Use Tax Bonds, Series 2004, which financed street improvements (the "2004 Street Improvements"); (b) finance certain street improvements (the "2006 Street Improvements"); and (c) to finance certain baseball stadium improvements (the "Baseball Stadium Improvements").

The City can obtain the necessary funds for the refunding of the Bonds Refunded (the "refunding") by the issuance of Sales and Use Tax Refunding Bonds, Series 2013, in the aggregate principal amount of \$84,200,000 (the "Bonds").

SPRINGDALE CITY COUNCIL
AUGUST 23, 2013

The City has made arrangements for the sale of the Bonds to Stephens Inc. and Crews & Associates, Inc. (the "Purchasers"), at a price of \$86,358,347.05 (principal amount plus \$2,874,047.05 of net original issue premium and less \$715,700 of underwriter's discount) plus accrued interest (the "Purchase Price"), pursuant to a Bond Purchase Agreement between the Purchasers and the City (the "Agreement"), which has been presented.

The Preliminary Official Statement, dated August 19, 2013, offering the Bonds for sale was presented.

The Bonds Refunded are secured by a pledge of receipts derived by the City from a 1% sales and use tax levied by the City under Ordinance No. 3895 of the City, adopted May 23, 2006 and which was approved at the special election held on July 11, 2006.

The Continuing Disclosure Agreement between the City and First Security Bank, Searcy, Arkansas, as Dissemination Agent (the "Disclosure Agreement"), providing for the ongoing disclosure obligations of the City with respect to the Bonds, has been presented.

The Bonds shall bear interest at the rates and shall mature on July 1 in the amounts and in the years as follows:

<u>Year</u> <u>(July 1)</u>	<u>Amount</u>	<u>Interest Rate</u>
2014	\$3,475,000	2.000%
2015	4,865,000	3.000
2016	5,015,000	3.000
2017	5,165,000	4.000
2018	5,370,000	4.000
2019	5,585,000	4.000
2020	5,810,000	5.000
2021	6,100,000	5.000
2022	6,405,000	5.000
2025	20,990,000	4.000
2026	7,565,000	3.875
2027	7,855,000	2.600

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

The vote:

Yes: Watson, Overton, Evans, Reed, Jaycox

No: None

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

The vote:

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

No: None

SPRINGDALE CITY COUNCIL
AUGUST 23, 2013

The Ordinance was numbered 4728.

ADJOURNMENT

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

After a voice vote of all ayes and no nays, the meeting adjourned at 1:25 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer

ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING A REPLAT TO THE CITY OF
SPRINGDALE, ARKANSAS TO BE KNOWN AS LOTS 39, 40, 41 & 42, REPLAT OF
SILENT KNOLL SUBDIVISION, TO THE CITY OF SPRINGDALE, ARKANSAS, AND
DECLARING AN EMERGENCY**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE,
ARKANSAS: That whereas, there has been duly presented to the City Planning
Commission of Springdale, Arkansas, a plat of certain lands in the City of Springdale,
Benton County, Arkansas, being more particularly described as follows, to wit:**

Lots 39, 40, 41 & 42, Replat of Silent Knoll, Springdale, Arkansas.

**AND WHEREAS, said Planning Commission after holding a public hearing, has
approved the plat approved by the petitioner, and has approved the dedication of
streets, rights-of-way and utility easements as shown upon said plat and join with said
petitioner in petitioning the City Council to accept the said plat of Lots 39, 40, 41 & 42
Replat of Silent Knoll Subdivision, City of Springdale, Arkansas.**

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, that the plat of Lots 39, 40, 41 & 42 Replat of Silent Knoll Subdivision, City of Springdale, Arkansas, as shown on the 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 the use and benefit of 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 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 _____, 2012.

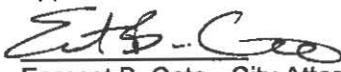
CITY OF SPRINGDALE,
SPRINGDALE, ARKANSAS

BY _____
Doug Sprouse - Mayor

ATTEST:

Denise Pearce - City Clerk

Approved as to form:


Earnest B. Cate - City Attorney

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY
TO SETTLE A CONDEMNATION LAWSUIT WHEREIN
REBECCA D. MAGEE AND DAVID GULLIVER ARE
DEFENDANTS.**

WHEREAS, the City of Springdale filed a lawsuit against Rebecca D. Magee and David Gulliver to condemn a tract of land for the Hylton Road Project, Tract No. 441HR-9;

WHEREAS, the City of Springdale deposited the sum of \$7,900 into the Registry of the Court as estimated just compensation for the property;

WHEREAS, the Ms. Magee and Mr. Gulliver have extended an offer to settle the condemnation lawsuit for the total sum of \$27,782;

WHEREAS, it is the recommendation of the City Attorney that the City Council approve the additional sum of \$19,882 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 Magee/Gulliver condemnation lawsuit for the total sum of \$27,782.

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:

MEMORANDUM

Ernest B. Cate
City Attorney

Taylor Samples
Deputy City Attorney

Sarah Sparkman
Deputy City Attorney

Lynda Belvedere
Case Coordinator

Steve Helms
Investigator

Cindy Horlick
Administrative Asst.

TO: City Council - Mayor Sprouse
FROM: Ernest Cate, City Attorney
RE: City of Springdale v. Rebecca Magee and David Gulliver
DATE: September 10, 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 Rebecca Magee and David Gulliver. 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 \$7,900 was deposited with the court as the City's estimate of just compensation to be paid to the Gays. This amount represented the value of the property to be taken and was determined from an appraisal conducted by Parrish Appraisals, Inc.

Ms. Magee and Mr. Gulliver have indicated that they would accept the total sum of \$27,782 to settle this case. In other words, they are asking for an additional amount of \$19,882 to settle the case. It is my opinion that the City of Springdale should pay this additional amount to settle this case.

Ms. Magee and Mr. Gulliver have produced a tree appraisal indicating an additional amount of just compensation for the dozens of trees that were taken for this project. It is my opinion that a jury would award them this appraised amount for the trees taken in this project, approximately \$12,405.

ErnestCa/2013misc/memoGulliver

In addition, the construction of this project has had more than the anticipated impact on the Magee/Gulliver property. Specifically, a large portion of their fence was removed, and another portion of their fence will need to be relocated to accommodate the property owners.

Furthermore, Ms. Magee and Mr. Gulliver have produced an appraisal done by the Real Estate Consultants indicating an additional amount for the right-of-way and utility easement taking. The requested settlement amount falls somewhere in between the City's appraisal and the property owners' appraisal.

In all, I believe that adequate justification exists for paying Ms. Magee and Mr. Gulliver the additional requested amount of \$19,882. This amount is also consistent with the amounts paid to other landowners on this project. In fact, this amount is actually less than the amount paid to the property owners directly across the street from these land owners. As such, I am requesting that the City approve the proposed settlement in this case. This would avoid the risk of proceeding to trial, which is currently scheduled for September 17, 2013.

I appreciate your consideration of this request.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SETTLE A CONDEMNATION LAWSUIT WHEREIN EDWARD GAY, JR. AND GAYLE L. GAY, HUSBAND AND WIFE, ARE DEFENDANTS.

WHEREAS, the City of Springdale filed a lawsuit against Edward Gay, Jr. and Gayle L. Gay, Husband and Wife, to condemn a tract of land for the Hylton Road Project, Tract No. 441HR-2;

WHEREAS, the City of Springdale deposited the sum of \$22,200 into the Registry of the Court as estimated just compensation for the Gays' property;

WHEREAS, the Gays have extended an offer to settle the condemnation lawsuit for the total sum of \$37,000;

WHEREAS, it is the recommendation of the City Attorney that the City Council approve the additional sum of \$14,800 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 Gay condemnation lawsuit for the total sum of \$37,000.

PASSED AND APPROVED this ____ day of _____, 2013.

Doug Sprouse, Mayor

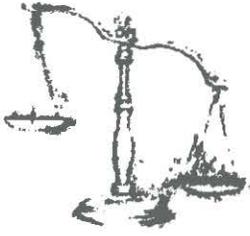
ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:



Ernest B. Cate, CITY ATTORNEY



Office Of The City Attorney

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MEMORANDUM

Ernest B. Cate
City Attorney

Taylor Samples
Deputy City Attorney

Sarah Sparkman
Deputy City Attorney

Lynda Belvedresi
Case Coordinator

Steve Helms
Investigator

Cindy Horlick
Administrative Asst.

TO: City Council - Mayor Sprouse
FROM: Ernest Cate, City Attorney
RE: City of Springdale v. Edward Gay and Gayle Gay
DATE: September 10, 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 Edward Gay and Gayle Gay. 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 \$22,200 was deposited with the court as the City's estimate of just compensation to be paid to the Gays. This amount represented the value of the property to be taken and was determined from an appraisal conducted by Parrish Appraisals, Inc.

The Gays, through their attorney, have indicated that they would accept the total sum of \$37,000 to settle this case. In other words, the Gays are asking for an additional amount of \$14,800 to settle the case. It is my opinion that the City of Springdale should pay this additional amount to settle this case.

The Gays have produced a tree appraisal indicating an additional amount of just compensation for the dozens of trees that were taken for this project. It is my opinion that a jury would award the Gays this appraised amount for the trees taken in this project, approximately \$14,900.

ErnestCa/2013misc/memoGay

In addition, the Gays have provided documentation to suggest that the construction of the Hylton Road project had an adverse impact on a part of their vineyard, and affected their harvest of grapes. It is my opinion that a jury would award them an additional amount of compensation for this damage to the vineyard.

In all, I believe that adequate justification exists for paying the Gays the additional requested amount of \$14,800. This amount is also consistent with the amounts paid to other landowners on this project. As such, I am requesting that the City approve the proposed settlement in this case. This would avoid the risk of proceeding to trial, which is currently scheduled for September 18, 2013.

I appreciate your consideration of this request.

ErnestCa/2013misc/memoGay

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY
TO SETTLE A CONDEMNATION LAWSUIT WHEREIN
JOHN A. SISEMORE AND LAURA ELIZABETH
SISEMORE, HUSBAND AND WIFE, ARE DEFENDANTS.**

WHEREAS, the City of Springdale filed a lawsuit against John A. Sisemore and Laura Elizabeth Sisemore, husband and Wife, to condemn a tract of land for the I-540/Don Tyson Parkway Interchange Project, AHTD Project No. 040527, Tract 7X;

WHEREAS, the City of Springdale deposited the sum of \$165,000 into the Registry of the Court as estimated just compensation for the Sisemores' property;

WHEREAS, the Sisemores have extended an offer to settle the condemnation lawsuit for the total sum of \$564,000;

WHEREAS, it is the recommendation of the City Attorney that the City Council approve the additional sum of \$399,000 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 Sisemore condemnation lawsuit for the total sum of \$564,000.

PASSED AND APPROVED this ____ day of _____, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:



Ernest B. Cate, CITY ATTORNEY

SISEMORE

- Set for trial October 7th in Judge Bryan's court
- This is a full taking of the property (5083 Dearing Road)
 - 1.85 acres of land (80,630 SF)
 - single family dwelling w/service garage addition
 - warehouse building
 - various site improvements
- Value land at \$0.90 SF (\$73,000)
- Valued residence at \$86,000
- Valued warehouse building at \$24,000 (so total was \$183,000 using cost approach)
- City's estimate of just compensation is \$165,000 (using sales approach)
- Relevant portions of appraisal are attached

TRACT 7X - JOB 040527
I-540 Don Tyson Pkwy.
John and Laura Sisemore

APPRAISAL ANALYSIS ON

ON THE

I-540/DON TYSON PARKWAY INTERCHANGE PROJECT;
AHTD PROJECT NO. 040527,
TRACT 7X;
5083 DEARING ROAD,
SPRINGDALE, ARKANSAS;
WASHINGTON COUNTY

FOR

CITY OF SPRINGDALE, ARKANSAS
PLANNING & COMMUNITY DEVELOPMENT DIVISION
SPRINGDALE, ARKANSAS

BY

REED & ASSOCIATES, INC.
3739 N. STEELE BLVD., SUITE 140
FAYETTEVILLE, ARKANSAS 72703

File No. 4967-7X

AS OF

JUNE 19, 2012

This Document Released
"FOR RIGHT-OF-WAY NEGOTIATION
PURPOSES ONLY"

1

Date: 9-19-12 By: T. LeBlanc

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Reed & Associates, Inc.

Real Estate Appraisers – Consultants

3739 N. Steele Blvd., Suite 140, Fayetteville, AR 72703 • 479-521-6313 • Fax: 479-521-6315 • www.rcedappraisal.biz
Tom Reed, MAI • Barbara Rhoads • Shannon Mueller • Brian Kenworthy • Katie Hampton

August 27, 2012

City of Springdale, Arkansas
Planning & Community Development Division
Attn: Patsy Christie
109 Spring Street
Springdale, AR 72764

RE: I-540/Don Tyson Parkway Interchange Project; AHTD Project No. 040527; Tract 7X; 5083 Dearing Road, Springdale, Arkansas; Washington County

Dear Mrs. Christie:

In compliance with your request and for the purpose of estimating the market value of the above captioned property, we hereby certify that we have examined the subject property and have made a survey of matters pertinent to the estimation of its value.

We further certify that we have no interest, present or contemplated, in the property appraised and that our fee was not contingent upon the value estimate reported.

The following report contains data gathered in our investigation, information from our files, and shows the method of appraisal in detail. This report represents an Appraisal Analysis reported in a Summary Format.

Based upon an analysis of relevant data and contingent upon the Assumptions and Limiting Conditions which follow and appear later in this report, it is our opinion the market value of the fee simple interest in the subject property, as of June 19, 2012, was as follows:

**ONE HUNDRED SIXTY-FIVE THOUSAND DOLLARS
(\$165,000)**

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PURPOSES ONLY"

3

Date: 9-19-12 By: T. LeBlanc

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The preceding value reflects terms equivalent to cash to the owners, and represents that for real property only.

The following Extraordinary Assumptions are utilized in this report:

1. Subject and adjacent properties are in compliance with all applicable EPA regulations;
2. Subject land size is approximately as indicated in this report;
3. The existing use is legal but nonconforming.

If any, or all, of these Extraordinary Assumptions prove to be untrue, the preceding value estimate could be influenced.

Additional Assumptions and Limiting Conditions appear in the Introduction Section of this report.

The appraisers are invoking the Jurisdictional Exception Rule in this appraisal. The Uniform Standards of Professional Appraisal Practice requires, under Standards Rule 1-2 (c), that when the purpose of an assignment is to develop an opinion of market value, the appraiser must also develop an opinion of reasonable exposure time linked to the value of opinion. However, the Uniform Appraisal Standards For Federal Land Acquisitions, under Section A-9, indicates that the appraiser's estimate of market value is not linked to a specific exposure time when conducting appraisals for federal acquisition purposes under these standards.

Sincerely,



Shannon Mueller, CG2302
REED & ASSOCIATES, INC.



Tom Reed, MAI, CRE, CG0217
REED & ASSOCIATES, INC.



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AERIAL MAP



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PURPOSES ONLY"

Date: 9-19-12 By: T. LeBlanc

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PROPERTY DATA

Site

Based upon the legal description provided by the client, the subject site contains approximately 80,630± SF, or 1.85± acres. The site is near rectangular in shape. A Survey of the site has been provided to the appraisers from right-of-way maps of the Arkansas State Highway Commission. The subject site is estimated to front the south side of Dearing Road for near 379.76'±. The frontage is slightly above road grade. There appear to be two access easements on the subject property. Each of these access easements apparently is for the benefit of the adjacent property to the south. A 50' wide access easement is along the east property line, and a 25' wide access easement is along the west property line. The subject property is accessed southerly from Dearing Road via two graveled driveways. The main driveway runs southerly from Dearing Road between the warehouse building and dwelling/service garage, and loops around the dwelling/service garage back to Dearing Road. A small drainage ditch is located along the south side of Dearing Road. Dearing Road is two-lane, asphalt paved. The road dead-ends just east of the subject at what appears to be the west right-of-way of I-540. There is no direct ingress/egress to/from I-540.

The site dimensions are indicated as follows:

379.76' (north boundary) x 210.11' (east boundary) x 386.64' (south boundary) x 210.83' (west boundary).

The north boundary of the site appears to be located in the middle of Dearing Road. As a result, usable acreage is likely less than 1.85± acres. The east property line abuts the west right-of-way of I-540.

The overall topography of the subject site is gently sloping. The slope is downward from south to north. Soil & subsoil conditions are not believed to be adverse to building construction; however, a soil test report on the site has not been examined. Overall site drainage is assumed to be adequate. The site is not located in the 100-Year Flood Zone. Please see the Flood Zone Map appearing in the Addenda.

Utilities available to the subject site include electricity, telephone service, natural gas, cable communications, and city water. The subject homesite is served by a private septic system.

No adverse encroachments were observed on the property inspection. Overhead electric lines are located along the north boundary of subject. As previously stated, there are two access easements on the site. A 50' wide easement along the east property line, and a 25' wide easement along the west property line.

Subject site is cleared, with a few scattered trees. The site includes a semi-circle gravel drive, and some landscaping.

Subject site relates reasonably well to its surroundings, and is considered functionally adequate for the present mixed residential/commercial service use.

Improvements

Subject site is improved with a single-family dwelling with metal service garage addition, warehouse building, and various site improvements.

The dwelling is a one-story structure containing approximately 1,822± square feet (SF). The dwelling has an attached front porch containing approximately 29± SF, and a 120± SF rear porch. The dwelling is Class "D" construction, with frame siding exterior. The service garage attaches to the south side of the dwelling, and is also one-story. The service garage represents Class "S" construction, with metal exterior. The foundation of the dwelling/service garage is concrete, and the roof cover is metal. Exterior sidewall height is estimated to be approximately 9'± to 10'±. The dwelling has two through-the-wall heat/air units, while the service garage has overhead heat. The interior layout of the dwelling includes a living room, kitchen, 2 bedrooms, and 1-three fixture bathroom. There are 2, two-fixture restrooms in the service garage. The tenant noted only one of these restrooms was in working order. There are no kitchen appliances, or washer/dryer hookups in the dwelling. Interior finish in the dwelling consists of tile and wood flooring; and drywall. The service garage is basically unfinished. There is some former office area along the west side of the building. The service garage has an overhead door at the southeast corner.

The dwelling, as of the effective date of this report, was indicated to be approximately 37± years in age. The condition was fair. Peeling paint and dryrot were observed. The age of the service garage appears reasonably similar. The dwelling/service garage suffers from physical deterioration, functional obsolescence (construction/layout), and external obsolescence (market conditions). The effective age of the structure is estimated to be 25± years, while the remaining economic life is projected to be 15± years. One tenant occupies the dwelling service/garage.

The subject property also includes a 1,521± SF warehouse building. The building is Class "S" construction, with pre-finished metal exterior walls. Exterior sidewall height is estimated to be 10'± to 11'±. The foundation is concrete, and the floor structure is a concrete slab. The roof structure is steel joists, and the roof cover is metal. Roof insulation was noted. The building has an overhead door on the east, as well as a regular door. The structure has no interior finish, and does not have heat/air. The building does have electricity. The building appeared to be in average condition as of the effective date of this report. The building is estimated to have a 5± year effective age, while the remaining economic life is projected to be 25± years. The actual age of the structure is not known. The warehouse is occupied by a separate tenant.

Site improvements include: landscaping and gravel drives. The site improvements were considered in average condition as of the effective date of this report.

Use History

Subject property appears to have been utilized for mixed-use residential/commercial purposes for some time.

Sales History

Our examination of Washington County Public Records revealed three recorded transactions pertaining to the subject property within the 10-year period of time preceding the effective date of value in this report. The first occurred on February 15, 2006. The indicated consideration based on revenue stamps was \$275,000; however, Assessment Records support a sales price of \$276,000. The Grantor was indicated to be Donna Swaffer, while the Grantees were indicated to be John Sisemore and Laura Sisemore. The Warranty Deed is recorded in Book 2006 at Page 6910. The second occurred on February 21, 2006. This was indicated to be for a Survey. The Survey is recorded in Book 2006 at Page 6909. The third occurred on July 11, 2006. This was also indicated to be for a Survey. The Survey is recorded in Book 2006 at Page 27900.

To our knowledge, the subject property is not currently listed for sale.

Rental History

Subject property was rented at the date of the inspection. The dwelling/service garage were indicated to be leased for \$800/month. This is based on data provided by the tenant of the property. The warehouse building is also leased. The tenant would not reveal the lease amount; however, did state that the lease was month to month.

Assessed Value And Annual Tax Load

The subject property was appraised for property tax purposes in 2010 at \$94,500. The 2011 Taxable Value is indicated to be \$18,900. The indicated 2011 taxes are \$1,033.83. A voluntary tax of \$47.25 is included. Subject is located in the Springdale School District. The applicable millage rate is reported at 52.2. The 2011 taxes are due by October 15, 2012.

No special assessments were noted.

Zoning And Other Land Use Regulations

Subject site is currently zoned, C-2, General Commercial District. However, the Springdale Future Land Use Plan indicates the likelihood of commercial zoning.

The General Commercial District is established in order to be a broader range of retail uses, which comprise the commercial function of the city including groupings of freestanding commercial structures. Permitted uses include most types of retail activity except those involving open displays of merchandise and those which generate large volumes of vehicular traffic or are otherwise incompatible with the purpose and intent of the C-2 general commercial

district. Retail areas zoned C-2 shall be generally concentrated as to geographical configuration. It is anticipated, however, that in some situations, change to another commercial or office classification may be appropriate to permit the transition of strip retail areas to other productive forms of land use. It is the intent of these regulations that the C-2 district be concentrated at the intersections of arterial streets. Extension of the district along major arterial streets in linear fashion shall be discouraged.

An Extraordinary Assumption in this report is that the existing use (residential/commercial) is legal, but nonconforming.

**PART III – DATA ANALYSIS AND CONCLUSIONS - BEFORE
ACQUISITION**

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Date: 9-19-12 By: T. LeBlanc

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ANALYSIS OF HIGHEST AND BEST USE

The definition of highest and best use is as follows:

"The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum profitability."³

In estimating Highest and Best Use, the appraiser goes through essentially four stages of analysis:

- a. **Possible Use** - To what uses is it physically possible to put the site in question?
- b. **Permissible Use (legal)** - What uses are permitted by zoning and deed restrictions on the site in question?
- c. **Feasible Use** - Which possible and permissible uses will produce any net return to the owner of the site?
- d. **Highest And Best Use** - Among the Feasible Uses, which Use will produce the highest net return or the highest present worth?

Highest And Best Use As Vacant

Physically Possible: Subject site is located along the south side of Dearing Road in the southwest part of Springdale, Arkansas. The location is adjacent to the west of the I-540 right-of-way. The site has no direct ingress/egress to/from I-540.

Subject site contains an indicated 80,630± SF, or 1.85± acres. The site is near rectangular in shape.

The topography of the site, overall, is gently sloping. The site is not located in the 100-Year Flood Zone.

Utilities available to the subject site include electricity, telephone service, cable communications, natural gas, and city water. Sewage disposal is by private septic system.

Physically possible uses of the subject site include those within size limitations.

Legally Permissible: Subject site is indicated to be zoned C-2, General Commercial District. Permitted uses within this District include the following:

- Unit 1: Citywide Public Uses By Right
- Unit 4: Cultural, Recreational & Health Facilities

³ Appraisal Institute, *The Dictionary of Real Estate Appraisal - Fourth Edition*, (Chicago: Appraisal Institute, 2002), P. 135.

- Unit 16: Offices, Studios & Related Services
- Unit 17: Eating Places
- Unit 19: Neighborhood Shopping Goods
- Unit 20: Shopping Goods
- Unit 21: Trades & Services
- Unit 22: Automotive Services
- Unit 27: Parking Lot
- Unit 35: Transportation Services
- Unit 45: Health Care Clinic

Physically possible and legally permissible uses of the subject site include those within size limitations and that comply with zoning regulations.

Financially Feasible: Subject site is located along the south side of Dearing Road, just west of I-540.

Property uses in close proximity to subject include: vacant acreage to the south; residential use to the west, with vacant acreage further to the west; residential and service garage use to the northwest, across Dearing Road; and residential use to the north, across Dearing Road. Dearing Road dead-ends at the I-540 right-of-way adjacent subject to the east. Subject has only average visibility to/from I-540. Arvest Ballpark is not far removed to the northwest of subject, at the southwest corner of the intersection of Watkins Avenue and South 56th Street.

The immediate area of subject is primarily residential/agricultural in nature. A few properties were noted for sale in the immediate area. Development of the Arvest Ballpark a few years ago led to speculation that commercial development would occur in the immediate area; however, this has yet to occur. The Springdale Chamber of Commerce had a land study prepared for properties around the Arvest Ballpark, showing projections for future property use. The study reflects commercial, single-family, residential, and multi-family residential uses are likely in close proximity to the ballpark. The study extends to the north side of Dearing Road; however, does not reflect projected property usage south of Dearing Road. The study indicates Garden Office Park use is reflected for the north side of Dearing Road.

The physically possible, legally permissible, and financially feasible use of the subject site is considered single-family residential, or possibly special-purpose in nature. Without a zoning change to residential, this will require a variance. If a variance or zoning change cannot be obtained, the property will need to be held for future commercial development.

Maximally Productive: In our opinion, the highest and best use of the subject site as vacant is development for single-family or possibly special-purpose use. Without a zoning change to residential, this will require a variance. If a variance or zoning change cannot be obtained, the property will need to be held for future commercial development. Commercial development does not appear feasible at the present time.

Highest And Best Use As Improved

Subject site is improved with a single-family dwelling containing approximately 1,822± SF, with a 3,044± SF metal service garage addition. There is also a 1,521± SF warehouse building. The dwelling/service garage building was in fair condition as of the effective date of this report, while the warehouse building was in average condition. There are also various site improvements.

The subject improvements suffer from substantial Accrued Depreciation; however, have are considered to have remaining economic life. It should be noted that the dwelling/service garage and warehouse building were leased to separate tenants as of the effective date of this report.

In our opinion, the highest and best use of the subject property is continued mixed residential and commercial service use.

LAND VALUE

In the valuation model, land value estimate is a separate step. The most reliable way to estimate land value is by sales comparison. When few sales are available, however, or when the value indications produced through sales comparison need additional support, other procedures may be applied. The procedures used to obtain land value indications are sales comparison, allocation, extraction, subdivision development, land residual, and ground rent capitalization. These techniques are described as follows:

1. *Sales Comparison.* Sales of similar, vacant parcels are analyzed, compared, and adjusted to provide a value indication for the land being appraised.
2. *Allocation.* Either sales of improved properties are analyzed and the prices paid are allocated between the land and the improvements, or comparable sites under development are analyzed and the costs of the finished properties are allocated between the land and improvements. Allocation can be used in two ways: To establish a typical ratio of land value to total value, which may be applicable to the property being appraised, or to isolate the value contribution of either the land or the building from the sale for use in comparison analysis.
3. *Extraction.* Land value is estimated by subtracting the estimated value of the depreciated improvements from the known sale price of the property. This procedure is frequently used when the value of the improvements is relatively low or easily estimated.
4. *Subdivision Development.* The total value of undeveloped land is estimated as if the land were subdivided, developed, and sold. Development costs, incentive costs, and carrying charges are subtracted from the estimated proceeds of sale, and the net income projection is discounted over the estimated period required for market absorption of the developed sites.
5. *Land Residual Technique.* The land is assumed to be improved to its highest and best use. The income attributable to the return *on* and *of* the capital invested in the improvement(s) is deducted from the Net Operating Income. The result is the income attributable to the land. This income is capitalized to derive an estimate of land value.
6. *Ground Rent Capitalization.* This procedure is used when land rents and Land Capitalization Rates are readily available, e.g., for appraisals in well-developed areas. Net ground rent, the net amount paid for the right to use and occupy the land, is estimated and divided by a Land Capitalization Rate. Either actual or estimated rents can be capitalized using rates that can be supported in the market.

For this appraisal, the subject land value has been estimated with consideration given to the following comparable land sales. A summary of the appraisers' analysis of these sales is then presented. Detailed sales narratives are presented in the Addenda of this report.

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SUMMARY OF COMPARABLE LAND SALES & LISTING

Comparable No.	1	2	3	4
Date/Sale	06/13/2011	05/30/2012	02/18/2011	
Consideration/List Price	\$35,000	\$65,000	\$88,000	\$40,000
Site Size: Sq Ft	43,358	43,750	41,382	26,572
Price Per Sq Ft	\$.81	\$1.49	\$2.13	\$1.51
Location	1038 Elway Drive; Springdale	East side of N. Ruppel Road, just south of W. Weir Road/Ruppel Road Intersection; Washington County	SEC of Township & Crossover; Fayetteville	Located along the south side of New Hope Rd., just east of AR Hwy. 112; Springdale
Zoning	A-1	Ag/SF Res.	RSP-4	A-1

ANALYSIS OF COMPARABLES

The unit of comparison is price per square foot (SF) of land area. The elements of comparison are property rights, conditions of sale, market conditions, location/zoning, and physical characteristics.

The preceding comparables indicate an unadjusted per square foot price range of \$.64 to \$2.13.

Comparables One – Three and Five each reflect the transfer of the fee simple estate. Comparable Four is a current listing that is expected to involve the transfer of the fee simple estate upon consummation of a sale. Each of the comparables is considered similar to subject with respect to property rights.

Each of Comparables One, Two, Three and Five is believed to have been an arms-length transaction, with no special financing considerations. Each of these four comparables is considered similar to subject with respect to conditions of sale. Comparable Four is a current listing. The mean sales price per acre to list price per acre ratio for residential sites 2 acres or less in size in Springdale for the time period June 20, 2011, to June 20, 2012, was indicated to be near 90%, based on Multiple Listing Service Records. In comparison to subject, Comparable Four requires a 10% downward adjustment for conditions of sale.

Comparable One sold in June 2011, Comparable Two in May 2012, Comparable Three in February 2011, and Comparable Five in November 2010. Comparable Four represents a current listing. Each of the comparables is considered to reflect similar market conditions as subject.

Comparable One is located east of subject, north of Elway Drive (via access easement) and north of the Don Tyson Parkway, in Springdale. Comparable Two is located southwest of subject, along the east side of North Ruppel Road just south of the intersection of West Weir Road and North Ruppel Road, in Washington County. Comparable Three is located southeast of subject, at the southeast corner of Township Street and Crossover Road, in Fayetteville. Comparable Four

is located a short distance southwest of subject, along the south side of New Hope Road just east of AR Highway 112, in Springdale. Finally Comparable Five is located west of subject, east of the southeast corner of Kelly Avenue and Pinalto Road, in Tontitown. Comparables One and Four each reflect A-1, Agricultural, zoning, while Comparable Two reflects Agricultural/Single-Family Residential zoning. Comparable Three was zoned RSF-4, Residential Single Family-4 Units/Acre, at the date of sale, while Comparable Five was zoned R-3, Residential. In comparison to subject, Comparable Four is considered reasonably similar with respect to location/zoning, even though subject is zoned C-2. Subject is situated in a primarily residential/agricultural area. Comparable One is considered inferior in location as the site is accessed by an easement off Elway Drive. Comparable Two's location along Ruppel Road near the Fayetteville City Limits is considered somewhat superior. Comparable Three is considered superior to subject with respect to location/zoning. This sale is located at the southeast corner of Township and Crossover in the east part of Fayetteville, and is zoned RSF-4. Finally, Comparable Five is considered. As indicated, this comparable is zoned R-3. Comparable Five is situated further from heavier development; however, is located in a reasonably good residential area. Overall, this comparable is considered slightly inferior to subject with respect to location. Paired Comparable Analysis using Comparable Four with each of Comparables, One, Two, and Three indicates, after adjusting for other differences, the following adjustments for location/zoning: upward 60% to Comparable One; downward 15% to Comparable Two; and, downward 25% to Comparable Three. Pairing Comparables Four and Five, after adjusting for other differences, supports an upward adjustment of 10% to Comparable Five for location/zoning.

Lastly, physical characteristics are considered. It appears that the necessary categories of adjustment are land size and utility availability. The comparables are each reasonably similar to subject with respect to topography. First, land size is considered. The tendency in the market is that as land size increases for residential sites, price per SF typically decreases and vice versa. This is for other-wise similar properties that are at least large enough for functional utilization. Sales Analysis supports that as land size approximates doubling price per SF decreases approximately 10%. This is for properties within a relatively close size range. Comparables One-Four are basically within a size range of .61± acre to 1± acre. However, Comparable Five, and subject are much larger at 2± acres and 1.85± acres, respectively. Paired Comparables Analysis using the smallest comparable (#4) and the largest comparable (#5) indicates, after adjusting for other differences, a size multiplier of .00001/SF. This latter analysis will be utilized in arriving at the applicable size adjustment rather than the analysis reflecting a 10% adjustment for land size doubling. In comparison to subject, the indicated size adjustments are as follows: minus \$.37 to Comparable One; minus \$.37 to Comparable Two; minus \$.39 to Comparable Three; minus \$.54 to Comparable Four; and, upward \$.06 to Comparable Five. With respect to utility availability, only one comparable requires an adjustment. Comparable Three is indicated to have sewer availability. Based on Sales Analysis, Comparable Three is adjusted downward 15% for sewer availability. No adjustments for utility availability can be supported to the other comparables.

It should be noted that Comparable Two has a narrow and deep shape; however, no adjustment could be supported for this. Also, Comparable One includes an older manufactured home and

some site improvements, while Comparable Four included an old drive and shed. Again, no adjustments could be supported.

In conclusion, the following adjustment grid is indicated:

Price Per SF	\$.81	\$1.49	\$2.13	\$1.51	.64
Property Rights	0	0	0	0	0
Conditions of Sale	0	0	0	-.15	0
Market Conditions	0	0	0	0	0
After Market Conditions	\$.81	\$1.49	\$2.13	\$1.36	\$.64
Location/Zoning	+.49	-.22	-.53	0	+.06
Physical Characteristics Size	-.37	-.37	-.39	.54	+.06
Utility Availability	0	0	-.32	0	0
Indicated Per SF Value	\$.93	\$.90	\$.89	\$.82	\$.76

The mean of the comparables is \$.86 per SF, while the median is \$.89 per SF. Each of the comparables is given consideration. There appears to be good support for a value near \$.90 per SF.

In our opinion, the indicated per SF value of subject is:

\$.90

80,630± SF @ \$.90 = \$72,567

Say \$73,000

Please see the Extraordinary Assumptions previously presented.

VALUE ESTIMATE BY COST APPROACH

In the Cost Approach, an estimated reproduction or replacement cost of the building and land improvements as of the date of the appraisal is developed, together with the losses in value that have taken place due to wear and tear, design and plan, or neighborhood influences. To the depreciated building cost estimate is added the estimated value of the land. The total represents the indicated value by the Cost Approach. The following terms utilized in the Cost Approach require defining:

"Reproduction Cost is the estimated cost to construct, at current prices as of the effective date of the appraisal, an exact duplicate or replica of the building being appraised, using the same materials, construction standards, design, layout, and quality of workmanship and embodying all the deficiencies, superadequacies, and obsolescence of the subject building."⁴

"Replacement Cost is the estimated cost to construct, at current prices as of the effective appraisal date, a building with utility equivalent to the building being appraised, using modern materials and current standards, design, and layout."⁵

"Accrued Depreciation is the difference between the reproduction or replacement cost of the improvements on the effective date of the appraisal and the market value of the improvements on the same date."⁶

"Effective Age is the age of property that is based on the amount of observed deterioration and obsolescence it has sustained, which may be different from its chronological age."⁷

"Economic Life is the period over which improvements to real property contribute to property value."⁸

"Age-Life Method is the method of estimating depreciation in which the ratio between the effective age of a building and its total economic life is applied to the current cost of the improvements to obtain a lump-sum deduction."⁹

Subject land value has previously been estimated in the Land Section.

In this section of the report, Replacement Cost New of the subject improvements is estimated, as well as any Accrued Depreciation attributable to the improvements. The Cost Approach then adds estimated land value to Depreciated Replacement Cost New to arrive at the indicated market value of the subject.

⁴ Appraisal Institute, *The Dictionary of Real Estate Appraisal - Fourth Edition*, (Chicago: Appraisal Institute, 2002), P. 244.

⁵ *Ibid.*, P. 244.

⁶ *Ibid.*, P. 4.

⁷ *Ibid.*, P. 93.

⁸ *Ibid.*, P. 92.

⁹ *Ibid.*, P. 8.

IMPROVEMENTS

Marshall & Swift Residential Handbook and Marshall Valuation Service are utilized to estimate Replacement Cost New of the subject improvements, with an adjustment for entrepreneurial incentive. Accrued Depreciation is estimated by the Age-Life Method.

Dwelling		
Base Price Per SF (M&S,Fair)	=	\$63.83
Heat/Air		-.40
Floor Cover		+2.44
Plumbing		<u>-.77</u>
		\$65.10
Multipliers		
Cost	1.01	
Area	.92	
		<u>.929</u>
Adjusted Price Per SF	=	\$ 60.48
X 1,822± SF	=	\$ 110,195
Plus: Porches, Etc.	=	<u>1,862</u>
Subtotal	=	\$ 112,057
Metal Addition (MVS-Section 14)		
	=	\$ 31.31
Multipliers		
Perimeter	1.077	
Height	.921	
Cost	1.000	
Area	.92	
		<u>.913</u>
Adjusted Price Per SF	=	\$ 28.59
X 3,044± SF	=	<u>87,028</u>
Subtotal	=	\$ 199,085
Plus Entrepreneurial Incentive @ 10%	=	<u>19,909</u>
Replacement Cost New	=	\$ 218,994
Less: 62.5% Accrued Depreciation (25± yr Eff. Age /40± Yr. Ec. Life)	=	<u>(136,871)</u>
Depreciated Replacement Cost New	=	\$ 82,123
Plus: Contributory Value of Site Improvements; Gravel Drives, Landscaping Septic System, Etc.	=	<u>4,000</u>
Estimated Value of Dwelling/Service Garage Improvements	=	\$ 86,123
Say	=	\$ 86,000

Warehouse (MVS-Section 14)		
Base Price Per Square Foot (SF)		\$ 15.58
Multipliers		
Perimeter	1.323	
Height	.921	
Cost	1.000	
Area	.92	
		<u>1.121</u>
Adjusted Price Per SF	=	\$ 17.47
X 1,521± SF	=	\$ 26,572
Plus: Entrepreneurial Incentive @10%	=	<u>2,657</u>
Replacement Cost New	=	\$ 29,229
Less: 16.67% Accrued Depreciation (5± Yr. Eff. Age/30± Yr. Ec. Life)	=	\$ (4,872)
Depreciated Replacement Cost New	=	\$ 24,357
Say	\$	24,000

COST APPROACH SUMMARY

Estimated Value of Dwelling/Service	=	
Garage Improvements	=	\$ 86,000
Estimated Value of Warehouse Improvement	=	\$ 24,000
Estimated Land Value	=	\$ <u>73,000</u>
Indicated Value By Cost Approach	=	\$ 183,000

Please see the Extraordinary Assumptions previously presented.

VALUE ESTIMATE BY SALES COMPARISON APPROACH

In the Sales Comparison Approach, the subject property is compared to similar properties that have been sold recently or for which listing prices or offering figures are known. Data for generally comparable sale properties are used, and comparisons are made to demonstrate a probable price at which the subject property would sell if offered on the market.

"To apply the Sales Comparison Approach, an appraiser follows a systematic procedure:

- 1. Research the market for information on sales transactions, listings, and offers to purchase or sell involving properties that are similar to the subject property in terms of characteristics such as property type, date of sale, size, physical conditions, location, and land use constraints. The goal is to find a set of comparable sales as similar as possible to the subject property.*
- 2. Verify the information by confirming that the data obtained are factually accurate and that the transactions reflect arm's-length market considerations. Verification may elicit additional information about the market.*
- 3. Select relevant units of comparison (e.g., price per acre, price per square foot, price per front foot) and develop a comparative analysis for each unit. The goal here is to define and identify a unit of comparison that explains market behavior.*
- 4. Look for differences between the comparable sale properties and the subject property using the elements of comparison. Then adjust the price of each sale property to reflect how it differs from the subject property or eliminate that property as a comparable. This step typically involves using the most comparable sale properties and then adjusting for any remaining differences.*
- 5. Reconcile the various value indications produced from the analysis of comparables into a single value indication or a range of values."¹⁰*

The comparable improved sales utilized in this report are summarized on the following page. Sale narratives appear in the Addenda of this report.

¹⁰ Appraisal Institute, *The Appraisal of Real Estate Appraisal* – Twelfth Edition, (Chicago: Appraisal Institute, 2001), P. 422.

SUMMARY OF IMPROVED SALES

Address	1849 South Garland; Fayetteville	287 County Line Road #B; Springdale	2944 N. 48 th Street; Springdale
Date/Sale	08-02-11	04-02-12	04-09-10
Consideration	\$100,000	\$175,000	\$190,000
Land Size ± Acres	4.383	1.65	5.00
Dwelling/Building Size ± SF	6,946	6,080	6,408
Price/SF of Dwelling/Building Area	\$14.40	\$28.78	\$29.65
Construction	Frame Dwelling/Metal Siding WH	Pre-finished Metal Warehouse	Frame Dwelling/Pre-finished Metal Warehouses
Age± Years	1969; 1920	1990	Dwelling older, WH-2003
Central Heat/Air	Yes	Partial	Yes-Dwelling
Condition	Fair	Average	Average
Other	Dwelling – 1,946± SF, Warehouse – 5,000± SF, Railroad Spur, Wood Fencing	Warehouse – 6,080± SF	Dwelling – 2,088± SF; 2 Warehouses – 2,400± SF & 1,920± SF

ANALYSIS OF SALES

The unit of comparison is whole property. The elements of comparison are property rights, conditions of sale, market conditions, location, and physical characteristics. Due to the nature of the subject property, residential/commercial improvements on small acreage homesite, the availability of comparables was limited.

Property Rights: Each of the sales involved the transfer of the fee simple interest. No adjustments for property rights can be supported.

Conditions of Sale: Each of the sales appears to have been an arms-length transaction, and no financing adjustments can be supported. It should be noted that Comparable One appears to have sold below market. There is insufficient data to quantify an adjustment; however, this will be considered in the correction of the sales. No adjustments are made for conditions of sale.

Market Conditions: Comparable One sold in August 2011, Comparable Two in April 2012, and Comparable Three in April 2010. Sales One and Two occurred during a time period when market conditions were reasonably similar to those as of the effective date of this report. No adjustments for market conditions can be supported to Comparables One and Two. Sale Three occurred during a time period that was slightly superior in market conditions to the effective date of this report. Based on Sales Analysis, a 5% downward adjustment is applied for Sale Three.

Location: The subject property is located along the south side of Dearing Road in the southwest part of Springdale. Comparable Sale One is located along the west side of South Garland Avenue, in the south part of in Fayetteville. This location is south of subject. Comparable Sale Two is located northeast of subject, along the south side of County

Line Road via an access easement, in Springdale. Finally, Comparable Sale Three is located along the west side of North 48th Street, north of subject, in Springdale. Each of the sales is considered to have an adequate location for the respective use. Subject is also considered to have an adequate location for its use. No separate location adjustments can be supported above site value differences.

Physical Characteristics: Lastly, physical characteristics are considered. Sale One includes a 1,946± SF dwelling and a 5,000± SF warehouse. The total building square footage is 6,946± SF. The dwelling includes small porches. The dwelling is Class "D" construction, with frame exterior. The structure was constructed in 1969±, and was in fair condition at the date of sale. The site size is 4.383± acres. The site includes some privacy fencing. There is also a railroad spur along the side. The 5,000± SF warehouse was constructed in 1920±. In comparison to subject, the sale property is larger in land size and slightly larger in overall building size; however, is considered inferior to subject with respect to physical characteristics due to site contribution and to the age/condition of the improvements. Overall, based on Sales Analysis, Comparable One requires a 35% upward adjustment due to inferior physical characteristics.

Sale Two includes a warehouse containing approximately 6,080± SF. The building has partial central heat/air. The building is Class "S" construction, with pre-finished metal exterior. The structure was constructed in 1990, and was in average condition at the date of sale. The site size is 1.65± acres, and includes a 35' wide access easement southerly from County Line Road. The comparable is slightly smaller in land size and slightly smaller in building size, in comparison to subject. The sale property is slightly inferior to subject in site contribution, and is somewhat superior in improvement contribution. Overall, based on Sales Analysis, Sale Two requires a 5% downward adjustment for superior physical characteristics.

Sale Three includes a dwelling containing approximately 2,088± SF, and two warehouses containing 2400± SF and 1920± SF, respectively. The dwelling includes porches, central heat/air, etc. The dwelling is Class "D" construction, with frame exterior. It is unknown when the dwelling was constructed but the structure appears older and in average condition. The site size is 5± acres. The warehouse buildings were constructed in 2003 and are in average condition. The warehouses represent Class "S" construction. In comparison to subject, the sale property is larger in land size and reasonably similar in overall building size. The site contribution is reasonably similar to subject; however, the improvement contribution is somewhat superior due to age/condition and quality. Overall, based on Sales Analysis, Sale Three requires a 10% downward adjustment for superior physical characteristics.

Conclusions: The following adjustment grid is indicated:

Sale No.	1	2	3
Sales Price	\$100,000	\$175,000	\$190,000
Property Rights	0	0	0
Conditions of Sale	0	0	0
Market Conditions	0	0	-9,500
After Market Conditions	\$100,000	\$175,000	\$180,500
Location	0	0	0
Physical Characteristics	+35,000	-8,750	-18,050
Indicated Value of Subject	\$135,000	\$166,250	\$162,450

The mean of the sales is \$154,567, while the median is \$162,450. Each of the sales is given some consideration; however, overall, Sales Two and Three are considered the best value indicators. As indicated earlier in this section of the report, Comparable One appears to have sold low.

In our opinion, the Sales Comparison Approach supports a value for the Whole Property of:

\$165,000

Please see the Extraordinary Assumptions previously presented.

VALUE ESTIMATE BY INCOME CAPITALIZATION APPROACH

In the Income Capitalization Approach, the current rental income is shown with deductions for vacancy and credit loss and operating expenses. A conclusion about the prospective net operating income of the property is developed. In support of this net operating income estimate, operating statements for the previous years may be reviewed, together with available operating-cost estimates. An applicable capitalization method and appropriate capitalization rate are developed for use in computations that lead to an indication of value by the Income Capitalization Approach.

The following definitions are necessary before applying the income capitalization approach to the subject property:

"Potential Gross Income (PGI) is the total income attributable to real property at full occupancy before vacancy and operating expenses are deducted."¹¹

"Effective Gross Income (EGI) is the anticipated income from all operations of the real property after an allowance is made for vacancy and collection losses. Effective gross income includes items constituting other income, i.e., income generated from the operation of the real property that is not derived from space rental (e.g., parking rental or income from vending machines)."¹²

"Net Operating Income (NOI) is the actual or anticipated net income that remains after all operating expenses are deducted from effective gross income, but before mortgage debt service and book depreciation are deducted; may be calculated before or after deducting replacement reserves."¹³

"Overall Capitalization Rate (R_0) is an income rate for a total real property that reflects the relationship between a single year's net operating income expectancy and the total property price or value; used to convert net operating income into an indication of overall property value. ($R_0 = I_0/V_0$)"¹⁴

"Direct Capitalization

- 1. A method used to convert an estimate of a single year's income expectancy into an indication of value in one direct step, either by dividing the income estimate by an appropriate rate or by multiplying the income estimate by an appropriate factor.*
- 2. A capitalization technique that employs capitalization rates and multipliers extracted from sales. Only the first year's income is considered. Yield and value change are implied, but not identified."¹⁵*

Application of the Income Capitalization Approach is not considered necessary to produce credible appraisal results for the subject property. Therefore, the Income Capitalization Approach is not utilized in this valuation assignment.

¹¹ Appraisal Institute, *The Dictionary of Real Estate Appraisal - Fourth Edition*, (Chicago: Appraisal Institute, 2002), P. 216.

¹² *Ibid.*, P. 93.

¹³ *Ibid.*, P. 195.

¹⁴ *Ibid.*, P. 204.

¹⁵ *Ibid.*, P. 83.

CORRELATION AND FINAL VALUE ESTIMATE

Reconciliation is the part of the valuation process in which the appraiser attempts to resolve differences among the value indications derived from the application of the approaches. The conclusion drawn in the reconciliation is based on the appropriateness, the accuracy, and the quantity of the evidence in the entire appraisal.

The following values for the subject property were indicated:

Cost Approach	=	\$183,000
Sales Comparison Approach	=	\$165,000
Income Capitalization Approach	=	Not Utilized

The Cost Approach is based, in part, upon the principle of substitution. The principle is basic to the Cost Approach and holds that no prudent investor would pay more for an existing property without undue delay. Other appraisal principles that relate to the Cost Approach are: Supply and demand; balance; externalities; and, highest and best use.

The strength of the Cost Approach is the availability of applicable Replacement Cost New data pertaining to the subject improvements through Marshall & Swift Residential Cost Handbook and Marshall Valuation Service. However, the improvements are older and suffer from Accrued Depreciation. Accurately estimating Accrued Depreciation in a property of this nature is difficult. An adequate number of land comparables was available to utilize in estimating the market value of the subject site. Overall, the reliability of the Cost Approach is considered to be above average in estimating the market value of the Whole Property.

Certain principles are also basic to the Sales Comparison Approach: Substitution; supply and demand; balance; and, externalities. Again, the principle of substitution is very important. This principle states that the value of a specific property generally is set by the price necessary to acquire a substitute property of equivalent utility.

The strength of the Sales Comparison Approach is the availability of comparable improved sales on which reliable and accurate data could be obtained. However, given the mixed residential/commercial use of subject, there was a lack of recent, truly comparable sales. The sales utilized were considered adequate value indicators. In the comparison process with subject, the sales required adjustments; however, the adjustments are believed market supported. The overall reliability of the Sales Comparison Approach is considered to be reasonably good in estimating the market value of the Whole Property.

The application of the Income Capitalization Approach is based on the operation of value influences and appraisal principles. The appraisal principles considered are: Anticipation and

change; supply and demand; substitution; balance; and, externalities. Anticipation and change are very important. The principle of anticipation states that value is created by the expectation of benefits to be derived in the future. Income Capitalization methods attempt to forecast future benefits and estimates their present value. The Income Capitalization Approach also focuses on how change affects the value of income-producing properties.

The Income Capitalization Approach was not utilized in this valuation assignment. Application of the Income Capitalization Approach was not considered necessary to produce credible appraisal results for the subject property.

Final Value

In the final value analysis, each of the two valuation methods was given consideration, with most weight placed in the Sales Comparison Approach.

The estimated market value of the fee simple estate of the Whole Property, as of June 20, 2012, was as follows:

\$165,000

Please see the Extraordinary Assumptions previously presented.

PART IV – EXHIBITS AND ADDENDA

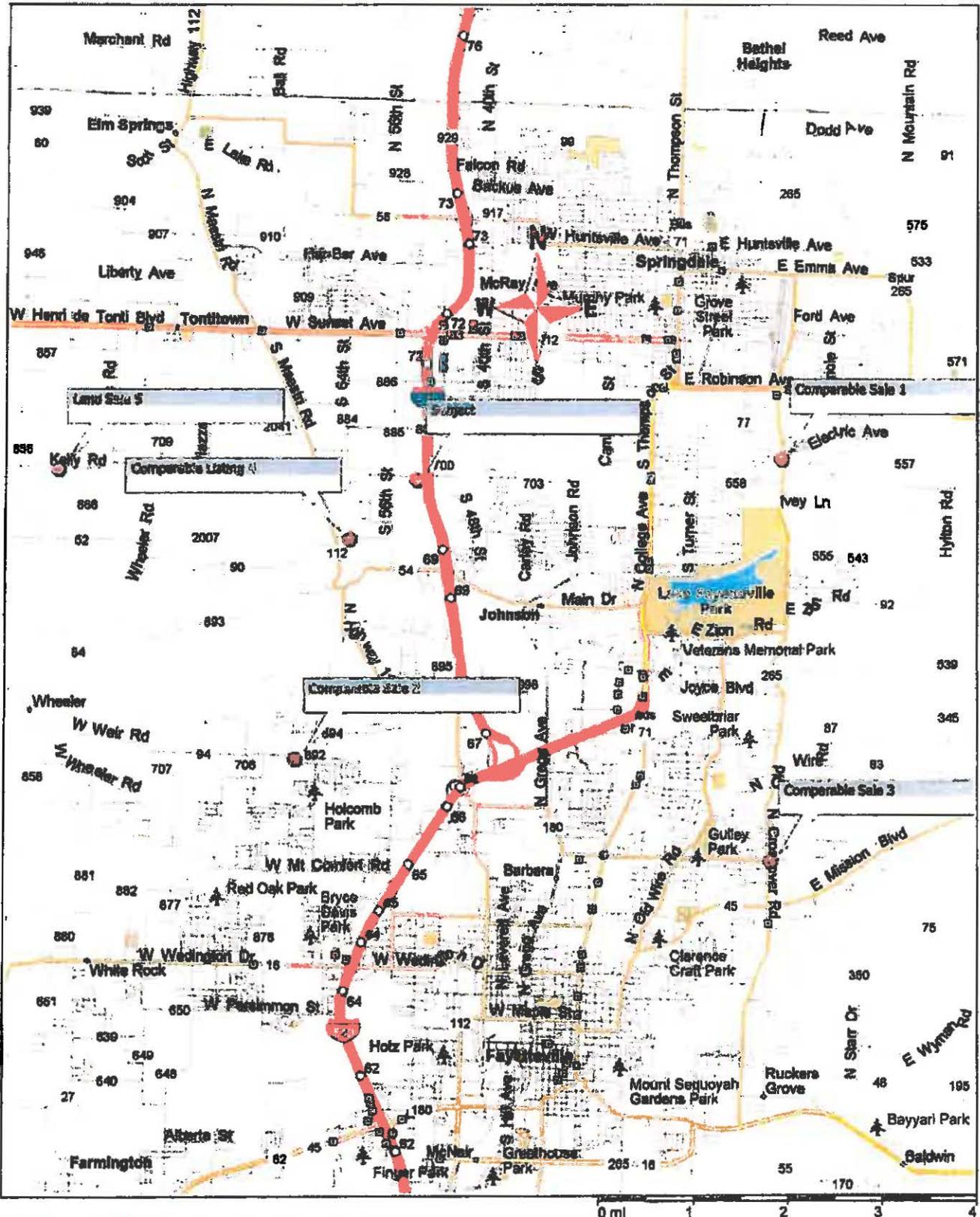
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Date: 9-19-12 By: T. LeBlanc

COPY

COMPARABLE LAND SALES & LISTING MAP



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Date: 9-19-12 By: T. LeBlanc

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LAND SALE 1



GENERAL INFORMATION

General/Specific Type: Residential
Location: 1038 Elway Drive
City: Springdale
Parcel(s): 815-28649-350
S-T-R: 07-17-29
Legal: Part SW SW

County: Washington
Lot/Block:

Record #: 1062
Book/Page: 2011/16516
State: AR
Subdivision:

SALE INFORMATION

Sale Date: June 13, 2011
Sale Price: \$35,000
Adjusted Sale Price: \$35,000
Grantor: Thomas E. & Erma June Maze & Thomas L. Maze
Grantee: Karina & Ignacio Martinez

Financing: Believed to be Market Terms
Exposure Time: 160± Days
Rights Conveyed: Fee Simple
Verification: Listing Agent-Robin Cook

PROPERTY INFORMATION

Gross Land Size: 0.995± Acres or 43,358.00008± SF
Total Frontage: Elway (easement)
Zoning: A-1, Agricultural
Topography: Gently Sloping
Utilities: Typical City. Sewer near

Indicators
Sale Price/Gross Acre: \$35,163
Sale Price/Gross SF: \$0.81
Adjusted Sale Price/Gross Acre: \$35,163
Adjusted Sale Price/Gross SF: \$0.81

Remarks: Near level, vacant site. The site also includes a 30' X 230' access easement off of Elway Drive to the property. It should also be noted that the Springdale Future Land Use Plan indicates a mixture of commercial/residential is a possibility for this property. There was an old manufactured home on the site and some site improvements that appeared to provide no contributory value.

LAND SALE 2



GENERAL INFORMATION

General/Specific Type: Residential **Record #:** 1061
Location: East Side of North Ruppel Road, just south of West Weir Road **Book/Page:** 2012/15492
City: Rural **County:** Washington **State:** AR
Parcel(s): 001-16822-001 **Lot/Block:** **Subdivision:**
S-T-R: 32-17-30
Legal: Part NW NW

SALE INFORMATION

Sale Date: May 30, 2012 **Financing:** Believed to be Market Terms
Sale Price: \$65,000 **Exposure Time:** 427± Days
Adjusted Sale Price: \$65,000 **Rights Conveyed:** Fee Simple
Grantor: Michael Andrews, Trustee of the Michael Andrews Revocable Trust **Verification:** Margie Modenhauer-Listing Agent
Grantee: Burckart Construction, Inc.

PROPERTY INFORMATION

Gross Land Size: 1.004± Acres or 43,750.00001± SF **Indicators**
Total Frontage: Ruppel Road **Sale Price/Gross Acre:** \$64,718
Zoning: Ag/SF, Ag/SF Residential 1 unit/acre **Sale Price/Gross SF:** \$1.49
Topography: Gently Sloping **Adjusted Sale Price/Gross Acre:** \$64,718
Utilities: Typical city except sewer **Adjusted Sale Price/Gross SF:** \$1.49
Remarks: Near level, rectangular site with some tree-covered area. The property is located within the Fayetteville School District. Site is narrow and deep.

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LAND SALE 3



GENERAL INFORMATION

General/Specific Type: Residential
Location: SEC of Township & Crossover
City: Fayetteville
Parcel(s): 765-25909-000
S-T-R: 01-16-30
County: Washington
Lot/Block: 1
Record #: 488
Book/Page: 2011/5435
State: AR
Subdivision: Crossroads East (Replat)

Legal: Lot 1 of the replat of Lots Numbered 1 and 2 in Block numbered 1 of Crossroads East Subdivision, a Subdivision to the City of Fayetteville, Arkansas in Plat Book 23A at page 243.

SALE INFORMATION

Sale Date: February 18, 2011
Sale Price: \$88,000
Adjusted Sale Price: \$88,000
Grantor: J. Andrew & Rebecca Baxter
Grantee: Joe C. Shrum Trust
Financing: Believed to be cash to seller
Exposure Time: Unknown
Rights Conveyed: Fee Simple
Verification: Seller

PROPERTY INFORMATION

Gross Land Size: 0.950± Acres or 41,382± SF
Total Frontage: 440, Crossover Township
Zoning: RSF-4, Residential Single Family- 4 units per acre
Topography: Gently sloping
Utilities: Typical City
Indicators
Sale Price/Gross Acre: \$92,632
Sale Price/Gross SF: \$2.13
Adjusted Sale Price/Gross Acre: \$92,632
Adjusted Sale Price/Gross SF: \$2.13

Remarks: This lot previously sold for \$79,000 on June 30, 2008, and had an exposure time of 131 days, and on May 29, 2009, sold for \$85,000. The exposure time for the last sale is unknown.

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LISTING (COMPARABLE 4)



GENERAL INFORMATION

General/Specific Type: Residential **Record #:** 1065
Location: South side of New Hope Road, just east of AR Hwy. 112 **Book/Page:**
City: Springdale **County:** Washington **State:** AR
Parcel(s): 815-30901-500
S-T-R: 17-17-30 **Lot/Block:** **Subdivision:**
Legal: Part NE SW

SALE INFORMATION

Sale Date: **Financing:**
Sale Price: \$40,000 – List Price **Exposure Time:** 281± Days
Adjusted Sale Price: \$40,000 – List Price **Rights Conveyed:** Fee Simple
Grantor: John W. Turner Trustee, John W. Turner **Verification:** Listing Agent- Angie Laney Trust
Grantee:

PROPERTY INFORMATION

Gross Land Size: 0.610± Acres or 26,571.6± SF **Indicators**
Total Frontage: New Hope Road **Sale Price/Gross Acre:** \$65,574
Zoning: A-1, Agricultural **Sale Price/Gross SF:** \$1.51
Topography: Gently Sloping **Adjusted Sale Price/Gross Acre:** \$65,574
Utilities: Typical except sewer **Adjusted Sale Price/Gross SF:** \$1.51

Remarks: Listing is near level with, scattered trees and older paved drive. The Listing is zoned A-1; however, the Springdale Future Land Use Plan indicates low density residential use is a possibility. Site includes an old paved drive and small outbuildings.

LAND SALE 5



GENERAL INFORMATION

General/Specific Type: Agricultural/Residential
Location: East of SEC of Kelly Ave. and Pianalto Rd.
City: Tontitown **County:** Washington
Parcel(s): 830-38335-000
S-T-R: 14-17-31 **Lot/Block:** **Subdivision:** Tontitown Outlots
Legal:

Record #: 839
Book/Page: 2010/35244
State: AR

SALE INFORMATION

Sale Date: November 24, 2010
Sale Price: \$56,000
Adjusted Sale Price: \$56,000
Grantor: John D. Bixler & Shirley R. Bixler
Grantee: Eric Lawrence Pellin & Abby Nicole Pellin

Financing: Cash to Sellers
Exposure Time: 71 Days
Rights Conveyed: Fee Simple
Verification: Seller

PROPERTY INFORMATION

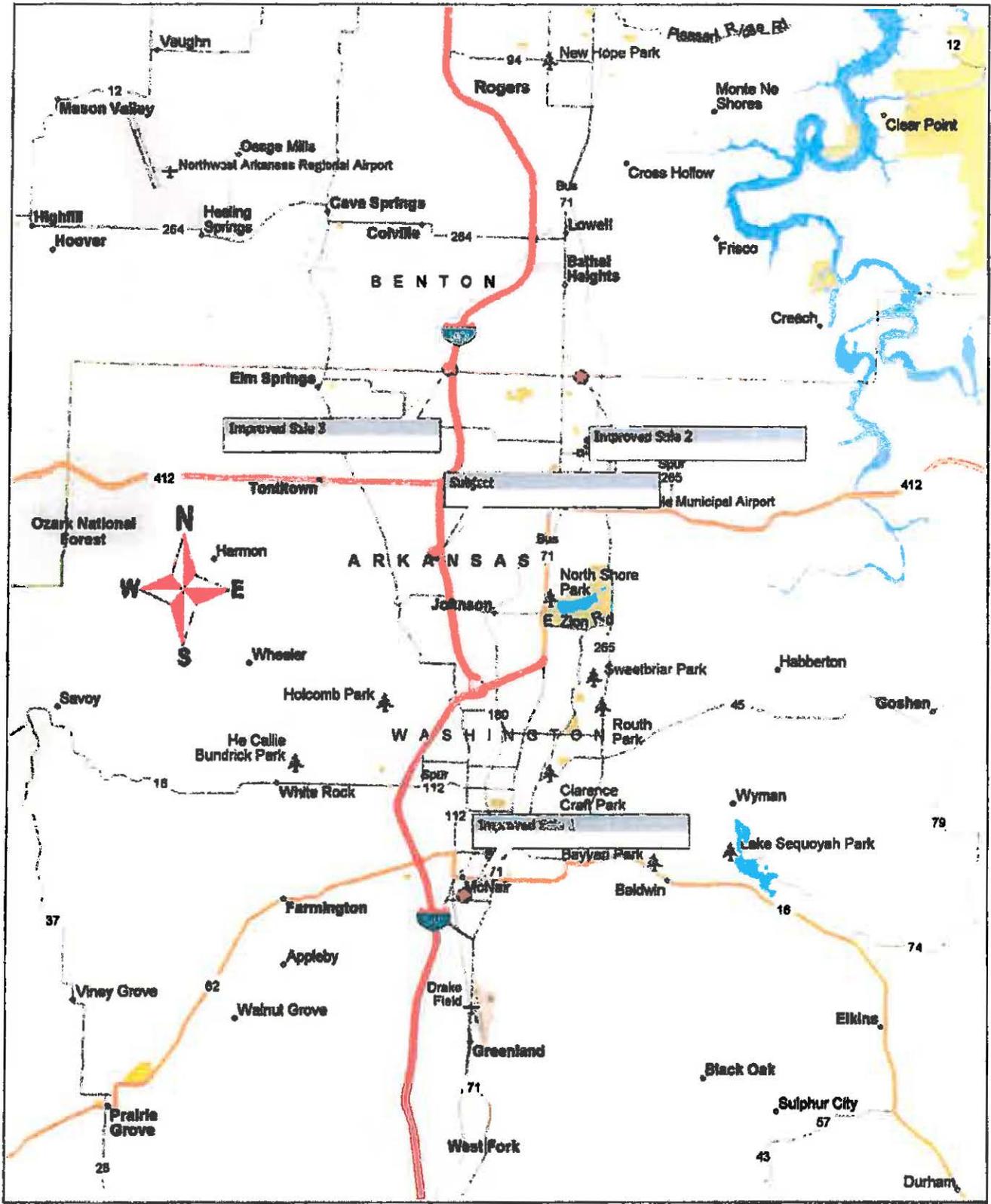
Gross Land Size: 2.000± Acres or 87,120± SF
Total Frontage: Kelly Ave
Zoning: R-3, Residential
Topography: Undulating
Utilities: Typical City. Except Sewer

Indicators
Sale Price/Gross Acre: \$28,000
Sale Price/Gross SF: \$0.64
Adjusted Sale Price/Gross Acre: \$28,000
Adjusted Sale Price/Gross SF: \$0.64

Remarks: This sale represents a 2± acre lot split off a 31.56± acre parent tract. Kelly Ave. and Pianalto Road are each paved roads. This property was originally listed on September 14, 2010, for \$56,000.

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COMPARABLE IMPROVED SALES MAP



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Date: 9-19-12 By: T. LeBlanc

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IMPROVED SALE 1



GENERAL INFORMATION

Property Name: Industrial Rentals **Book/Page:** 2011/24337 **Record #:** 663
Location: West side of Garland Ave, just north of Cato Springs Road
Address: 1849 South Garland Avenue **General/Specific Type:** Mixed-Use, Res/WH
City: Fayetteville **County:** Washington **State:** AR
Parcel(s): 765-14878-010
S-T-R: 20-16-30 **Lot/Block:** **Subdivision:**
Legal: Part of the SE SE

SALE INFORMATION

Sale Date: August 02, 2011 **Financing:** Believed to be Market Terms
Sale Price: \$100,000 **Exposure Time:** 459± Days
Adjusted Price: \$100,000 **Verification:** Larry Robbins/Robbins Realty
Grantor: Gerald D. Cates **Property Rights:** Fee Simple
Grantee: Industrial Rentals, LLC

LAND INFORMATION

Land Size: 4.383 Acres or 190,916 SF **Zoning:** I-1, Heavy Commercial & Light Industrial

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Utilities: Typical City
Topography: Undulating

Total Frontage Feet: 284, West side of Garland Avenue

PHYSICAL INFORMATION

Gross SF: 6,946±
Stories: 1

Quality: Fair
Condition: Fair

Year Built: 1920 (warehouse)1969 (dwelling)

Site Improvements: Gravel Drive

Indicators

Wall Height: Typical

Price Per SF: \$14.40±

Construction Type: Class "D" & Class "S"

Adjusted Price Per SF: \$14.40±

Roof: Comp. & Metal

Average Rent Per SF: ±

Remarks: The property has a single-family dwelling on the site, as well as a warehouse. The property is zoned I-1, Heavy Commercial & Light industrial. The dwelling is indicated to contain 1,946± SF and the warehouse 5,000± SF. The site indicated to have some wood fencing, and has a railroad spur on the side.
The property was listed for sale at \$100,000. Assessment Records indicate an appraised value of \$160,150.

IMPROVED SALE 2



GENERAL INFORMATION

Property Name: Kimrey Properties **Book/Page:** 2012/9793 **Record #:** 664
Location: South side of County Line Road, east of U.S. Hwy. 71B
Address: 287 County Line Road #B **General/Specific Type:** Commercial, Warehouse
City: Springdale **County:** Washington **State:** AR
Parcel(s): 815-29584-002
S-T-R: 25-18-30 **Lot/Block:** **Subdivision:**
Legal: Part of the NE NW

SALE INFORMATION

Sale Date: April 02, 2012 **Financing:** Believed to be Market Terms
Sale Price: \$175,000 **Exposure Time:** 283± Days
Adjusted Price: \$175,000 **Verification:** Jerry Horton-Listing Agent
Grantor: Mike J. Graham and Britt Graham **Property Rights:** Fee Simple
Grantee: Kimrey Properties, LLC

LAND INFORMATION

Land Size: 1.650 Acres or 71,874 SF **Zoning:** C-2, General Commercial
Utilities: Typical City **Total Frontage Feet:** 35', Easement to County Line Road
Topography: Undulating

PHYSICAL INFORMATION

Gross SF: 6,080± **Quality:** Average
Stories: 1 **Condition:** Average
Year Built: 1990
Site Improvements: Adequate **Indicators**
Wall Height: 11-16 **Price Per SF:** \$28.78±
Construction Type: Class "S" **Adjusted Price Per SF:** \$28.78±
Roof: Metal **Average Rent Per SF:** ±

Remarks: The property is warehouse use along the south side of County Line Road. The property is accessed via a 35' wide access easement. The property is zoned C-2, General Commercial.

IMPROVED SALE 3



GENERAL INFORMATION

Property Name: Wright **Book/Page:** 2010-17055&58 **Record #:** 337
Location: West side of N. 48th, W of I-540, South of Wagon Wheel Rd., and South of Looney Dr.
Address: 2944 N. 48th St. **General/Specific Type:** Mixed-Use, Res/WH
City: Springdale **County:** Benton **State:** AR
Parcel(s): 21-00167-844 & 21-00167-842
S-T-R: 21-18-30 **Lot/Block:** **Subdivision:**
Legal: Part of the SE 1/4 of the SW 1/4 in 21-18-30

SALE INFORMATION

Sale Date: April 09, 2010 **Financing:** Believed to be Market Terms
Sale Price: \$190,000 **Exposure Time:** 409± Days
Adjusted Price: \$190,000 **Verification:** Selling Agent-Gavin Edwards
Grantor: Steven & Tonia Graves, Craig Graves & Jerry Don Graves, Trustee of the Jerry Don Graves Rev. Trust **Property Rights:** Fee Simple
Grantee: Ashley L. Wright

LAND INFORMATION

Land Size: 5.000 Acres or 217,800 SF **Zoning:** A-1, Agricultural
Utilities: Typical City except sewer **Total Frontage Feet:** 467, N. 48th St.
Topography: Sloping up from 48th St.

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PHYSICAL INFORMATION

Gross SF: 6,408±

Stories: 1

Year Built: Warehouse 2003, Dwelling Older

Site Improvements: Gravel Drive

Wall Height: 10-12± ft

Construction Type: Class "S" & "D"

Roof: Corrugated Metal

Quality: Average

Condition: Average

Indicators

Price Per SF: \$29.65±

Adjusted Price Per SF: \$29.65±

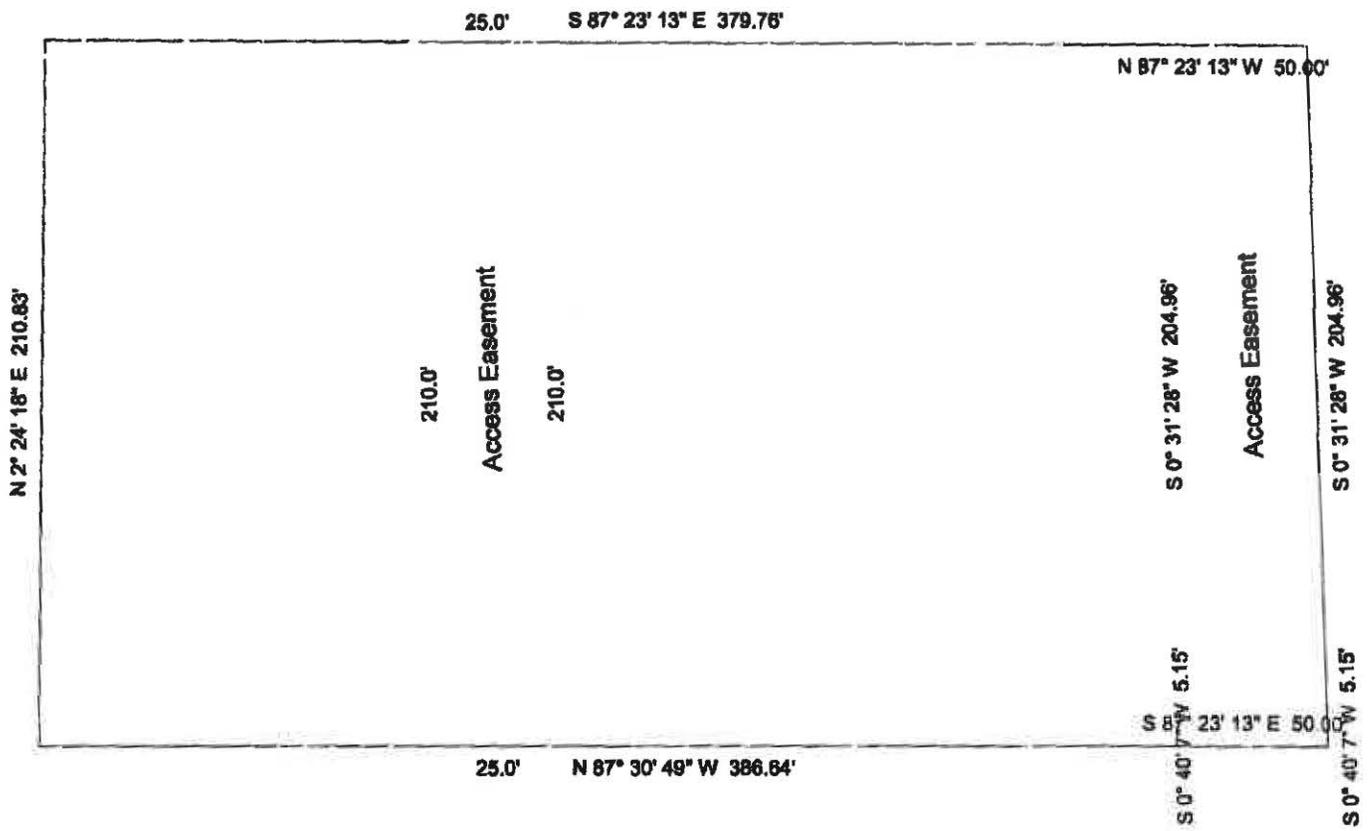
Average Rent Per SF: ±

Remarks: This sale consisted of two warehouses built in 2003± and an older residential dwelling. The warehouses contain 2400± SF and 1920± SF, respectively. Location is within close proximity to I-540. The dwelling contains 2,088± SF. The dwelling has central heat and air.

A new listing expired for this property in June 2012 for \$295,000.

SITE SKETCH

1.85± Acres

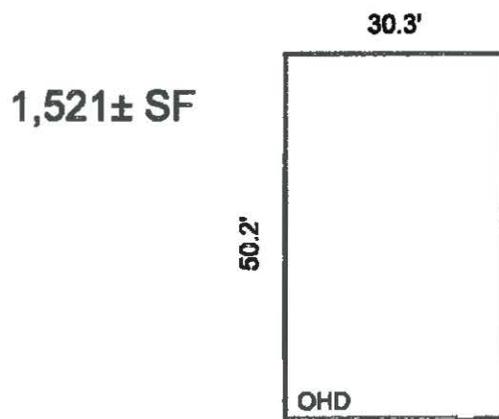


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BUILDING SKETCH



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SETTLEMENT PROPOSAL SUBMITTED BY THE SISEMORES' ATTORNEY

City of Springdale v. Sisemore
Case No. CV 2013-221-5

Date of Taking: 1/24/2013
Deposit: **\$165,000** (\$.90 land value)
Size before taking:
Area of taking:
Size After taking: None
Severance Damages: No
Landowners' Appraisals: Thurman: **\$740,000** (\$8.81 s/f) Carlson: **\$564,000** (\$7.00 s/f)

Facts: The Sisemores purchased this property in 2006 in anticipation of growth on the West side of I-540 following the announcement of the bond issue and the plans to build Arvest Ballpark. It should be noted that the Springdale City officials and Chamber of Commerce representatives who supported the development of the ballpark made numerous public predictions about the boon that it would be for real estate development in the area. The property appraised for \$340,000 at the time of purchase.

Just before plans for the interchange were announced, Mark Grant offered to buy this property from the Sisemores for \$575,000 (\$7.13 per s/f). At that time, the Sisemores also had a back-up offer from another person who wanted to lease the property with an option to buy it. When these buyers learned of the City's undefined plan to build an interchange that would affect this property, they withdrew their interest. The Sisemores could not sell the property after the interchange plan was announced because there was no certainty regarding its location.

After suit was filed, the Sisemores obtained an appraisal from Ted Thurman that showed a property value of \$740,000. In anticipation of trial, the attorney for the Sisemores obtained a second appraisal of the property from Glen Carlson that determined a value of \$564,000.

Tom Reed's appraisal did not use any C-2 comparable sales, even though the property is zoned C-2. It is hard to imagine a jury accepting an argument from the City that the highest and best use of the property is anything other than Commercial in light of the fact that the City rezoned the property to C-2. Reed's own appraisal indicates the commercial potential of this property. He used inferior comparable sales, A-1 properties without highway frontage or even street frontage, and cannot explain why his value is a fraction of that supported in the financing appraisal and those of the other two appraisers.

This is the only condemnation case that attorney for the landowners has ever seen in which the offer of just compensation was not even enough to pay offer the purchase-money mortgage. About 8 months before the taking, someone involved in the acquisition process told the Sisemores' tenants that they had to move. At that point, the Sisemores no longer had an income stream to make their mortgage payments. When the land was taken, the Sisemores no longer had

any collateral for their unsatisfied note for the purchase of the property and they were required to enter into a new loan at a higher interest rate using other property for collateral. At this time, they are still making payments, plus interest, for this land that they no longer own. They have been forced to finance the interchange project.

Exposure at trial:

We believe that a jury will award something between the \$564,000 determined by Carlson and the \$740,000 determined by Thurman. There is strong support for a value of \$575,000 based on the Grant offer that is supported by these two appraisals. We do not feel that the jury will consider the Reed appraisal that is a fraction of the other appraisals, including the financing appraisal. The Sisemores will be entitled to attorneys' fees and costs, which are likely to exceed six figures. They are willing to settle for the amount of the Carlson appraisal, \$564,000, which could potentially save the City more than \$300,000.

Potential Exposure: \$900,000 +

Settlement offer: \$564,000

AFFIDAVIT OF MARK GRANT

Name: Mark Grant

Occupation: Owner Porky Chicks BBQ and Catering

I, Mark Grant, swear or affirm:

I entered into an agreement to purchase the property at 5083 Dearing Rd. in Springdale for the negotiated price of \$575,000.00. During this time, the City became interested in the said property and surrounding properties to extend the Don Tyson Parkway. Since the city was not for certain at the beginning where exactly the interchange was going to be placed, I decided that I didn't want to take the chance and purchase the property at that time.

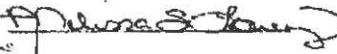
7-25-13
Date


Mark Grant

STATE OF ARKANSAS
COUNTY OF ARKANSAS

I, the undersigned Notary Public, do hereby affirm that Mark Grant personally appeared before me on the 25 day of July 2013, and signed the above Affidavit as his free and voluntary act and deed.

OFFICIAL SEAL
MELISSA SUE LOWERY
NOTARY PUBLIC ARKANSAS
WASHINGTON COUNTY
COMMISSION EXPIRES 10/10/2013


Notary Public

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY
TO SETTLE A CONDEMNATION LAWSUIT WHEREIN
VICTORY CHURCH NWA, INC. ARE DEFENDANTS.**

WHEREAS, the City of Springdale filed a lawsuit against Victory Church NWA, Inc., to condemn a tract of land for the I-540/Don Tyson Parkway Interchange Project, AHTD Project No. 040527, Tracts 17 and 17E-1;

WHEREAS, the City of Springdale deposited the sum of \$74,700 into the Registry of the Court as estimated just compensation for Victory Church's property;

WHEREAS, Victory Church has extended an offer to settle the condemnation lawsuit for the total sum of \$325,000;

WHEREAS, it is the recommendation of the City Attorney that the City Council approve the additional sum of \$250,300 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 Victory Church (West) condemnation lawsuit for the total sum of \$325,000.

PASSED AND APPROVED this _____ day of _____, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:



Ernest B. Cate, CITY ATTORNEY

Victory Church (west of I-540)

- Set for trial January 7th and 8th in Judge Beaumont's court
- This is a partial taking, we are taking:
 - 1.22 acres (53,037 SF), and
 - .19 acre TCE (8,286 SF), and
 - .27 acre water easement (11,726 SF)
- 15.00 acres before, 13.78 acres after (but encumbered with .27 acre water easement)
- Our estimate of just compensation is \$74,700 (\$73,000 for new + \$1,700 for TCE)
- Valued at \$1.30 SF before (\$850,000) and \$1.29 SF after (\$777,000)
- No severance damages

APPRAISAL ANALYSIS ON

ON THE

**I-540/DON TYSON PARKWAY INTERCHANGE PROJECT;
AHTD PROJECT NO. 040527,
TRACTS 17 & 17E-1; PROPERTY LOCATED AT THE SOUTHEAST CORNER
OF DEARING ROAD & 56TH STREET;
SPRINGDALE, ARKANSAS;
WASHINGTON COUNTY,**

FOR

**CITY OF SPRINGDALE, ARKANSAS
PLANNING & COMMUNITY DEVELOPMENT DIVISION
SPRINGDALE, ARKANSAS**

BY

**REED & ASSOCIATES, INC.
3739 N. STEELE BLVD., SUITE 140
FAYETTEVILLE, ARKANSAS 72703**

File No. 4967-17

AS OF

JULY 12, 2012

Reed & Associates, Inc.

Real Estate Appraisers – Consultants

3739 N. Steele Blvd., Suite 140, Fayetteville, AR 72703 * 479-521-6313 * Fax: 479-521-6315 * www.reedappraisal.biz
Tom Reed, MAI • Barbara Rhoads • Shannon Mueller • Brian Kenworthy • Katie Hampton

October 10, 2012

City of Springdale, Arkansas
Planning & Community Development Division
Attn: Patsy Christie
109 Spring Street
Springdale, AR 72764

RE: I-540/Don Tyson Parkway Interchange Project; AHTD Project No. 040527; Tracts 17 & 17E-1; Property Located At The Southeast Corner of Dearing Road & 56th Street; Springdale, Arkansas; Washington County

Dear Mrs. Christie:

In compliance with your request and for the purpose of estimating the market value of the above captioned property, I hereby certify that I have examined the subject property and have made a survey of matters pertinent to the estimation of its value.

I further certify that I have no interest, present or contemplated, in the property appraised and that my fee was not contingent upon the value estimate reported.

The following report contains data gathered in my investigation, information from my files, and shows the method of appraisal in detail. This report represents an Appraisal Analysis reported in a Summary Format.

Based upon an analysis of relevant data and contingent upon the Assumptions and Limiting Conditions which follow and appear later in this report, it is my opinion the market value of the fee simple interest in the subject property, as of July 12, 2012, was as follows:

Estimated Value of Whole Property		
Before Acquisition	=	\$850,000
Estimated Value Of Remainder Property		
After Acquisition	=	<u>\$777,000</u>
Subtotal	=	\$ 73,000
Plus: Temporary Construction Easement	=	<u> 1,700</u>
Total Estimated Damage To Market Value	=	\$ 74,700

The preceding values reflect terms equivalent to cash to the owner, and represent that for land only.

The following Extraordinary Assumptions are utilized in this report:

1. Subject and adjacent properties are in compliance with all applicable EPA regulations;
2. Subject land size is approximately as indicated in this report;
3. The City of Springdale will put the land located within the permanent water easement back to as near original condition as possible.

If any, or all of these Extraordinary Assumptions prove to be untrue, the preceding value estimates could be influenced.

Additional Assumptions and Limiting Conditions appear in the Introduction of this report.

The appraiser is invoking the Jurisdictional Exception Rule in this appraisal. The Uniform Standards of Professional Appraisal Practice requires, under Standards Rule 1-2 (c), that when the purpose of an assignment is to develop an opinion of market value, the appraiser must also develop an opinion of reasonable exposure time linked to the value of opinion. However, the Uniform Appraisal Standards For Federal Land Acquisitions, under Section A-9, indicates that the appraiser's estimate of market value is not linked to a specific exposure time when conducting appraisals for federal acquisition purposes under these standards.

Sincerely,



Shannon Mueller, CG2302
REED & ASSOCIATES, INC.



SUMMARY OF SALIENT FACTS AND CONCLUSIONS

IDENTIFICATION OF PROPERTY: Subject property consists of a 15.00± acre site, with older residential improvements that appear to have reached the end of their economic life. The property is located at the southeast corner of Dearing Road and 56th Street.

The subject acreage is primarily cleared and in improved grasses. The site does include a single-family dwelling in poor condition in the central part of the site. The size of the subject site is indicated to be approximately 653,431 ± square feet (SF), or 15.00± acres. The site is near rectangular in shape. The topography is undulating to gently sloping. Subject is indicated to front the east side of 56th Street for 659.99'±, and the south side of Dearing Road for 991.21'±. Primary access is southerly from Dearing Road and easterly from 56th Street. Dearing Road frontage is slightly below grade to the road, while 56th Street is at, or near road grade.

Soil and subsoil conditions are not believed adverse to building construction; however, a soil test report on the site has not been examined. The subject site is not located within the 100-Year Flood Zone. Please see the Flood Zone Map which appears in the Addenda.

Utilities available to the subject site include electricity, telephone service, natural gas, cable, T.V., and public water. Typical city easements were observed. Subject site is zoned C-2, Commercial. The existing improvements and use are assumed to be legal and permissible.

The City of Springdale is proposing to acquire approximately 1.22± acres of the subject property in connection with the I-540/Don Tyson Parkway Interchange Project. The acquisition area is located in the north part of the overall site, and includes land area. The Remainder Site will include approximately 13.78± acres. The City of Springdale is also proposing to acquire .19± acre of subject in Temporary Construction Easement (TCE). The TCE is located in the area of the existing driveway, and is of variable width.

The Springdale Water and Sewer Commission are proposing to acquire approximately .27± acre of the subject property in connection with the I-540/Don Tyson Parkway Interchange Project. This area is located along a portion of the new south right-of-way of Dearing Road in the north part of the site.

HIGHEST AND BEST USE: The highest and best use of the subject property, "before" and "after" the acquisition, in my opinion, is to hold for future commercial service/retail development, as demand dictates. Multifamily residential development is also a consideration if zoning or conditional use can be obtained. In addition, special-purpose development is also a consideration.

VALUE INDICATED BY COST APPROACH:

Not Utilized

SUBJECT PHOTOGRAPHS



SUBJECT PROPERTY - LOOKING SOUTHWESTERLY



SUBJECT PROPERTY & ACQUISITION AREA - LOOKING WESTERLY



SUBJECT PROPERTY – LOOKING SOUTHERLY



SUBJECT DRIVE & TCE ACQUISITION AREA – LOOKING SOUTHERLY



FRONTAGE & ACQUISITION AREA ALONG DEARING ROAD –
LOOKING EASTERLY



FRONTAGE & ACQUISITION AREA ALONG 56TH STREET – LOOKING
SOUTHERLY

SUMMARY OF APPRAISAL PROBLEM

The appraisal problem in this assignment is to estimate the Total Damage to the Market Value of the subject property as a result of the acquisition of 1.22± acres of subject in right-of-way by the City of Springdale, Arkansas.

The proposed acquisition (Tract 17) is in the north part of the Whole Property, and lies adjacent the existing north and west property boundary lines. The acquisition is irregularly shaped. The dimensions of the acquisition area are 991.21' on the north, 18.24' on the east, 712.79' on the south, 225.72' on the southwest, 23.33' on the south, and 91.79' on the west. The acquisition area encompasses primarily land area. The proposed acquisition of Tract 17E-1 is located in the area of the existing drive on Dearing Road. The TCE is of variable width, and is only present during the construction period. The dimensions of the TCE are 118.29' on the east, 72.77' on the southwest, 66.66' on the west, and 120.56' on the north.

The permanent water easement is located along a portion of the new south right-of-way line of Dearing Road. The permanent water easement is of variable width and contains approximately 11,726± SF, or .27± acre.

The Remainder Property will consist of a 13.78± acre site, and will be encumbered with .27± acre in new water line easement.

PROPERTY DATA

Site

Based upon the legal description obtained through Deed Records, the subject site contains approximately 15.00± acres. The square footage of the site, based on data provided by the client through the Arkansas Highway and Transportation Department, is 653,431± SF. The site is rectangular in shape. A Survey of the site has been provided to the appraisers from right-of-way maps of the Arkansas State Highway Commission. Subject is indicated to front the east side of 56th Street for 659.99'±, and the south side of Dearing Road for 991.21'±. Dearing Road and 56th Street are two-lane, asphalt paved in this area. Road frontage is slightly below grade to Dearing Road, while 56th Street frontage is at, or near road grade. I-540 is located a short distance to the east. I-540 is the major north-south traffic corridor in Northwest Arkansas, and is a divided highway. I-540 connects the Northwest Arkansas area with I-40, which is located some 40± miles south of Fayetteville at Alma, Arkansas. The nearest interchanges to subject are at U.S. 412 to the north and at Great House Springs Road to the south. Access onto the subject property is southerly from Dearing Road and easterly from 56th Street.

The topography is undulating to gently sloping/gently rolling, for the most part. The soil and subsoil conditions are unknown, as a soil test report on the site has not been examined. The subject site is not located within the 100-Year Flood Zone. Please see the Flood Zone Map which appears in the Addenda.

Utilities available to the subject site include electricity, natural gas, telephone service, cable T.V., and public water. No adverse easements or encroachments were noted on the property inspection.

Improvements

As previously stated, the subject site is improved with residential improvements that appear to have reached the end of their economic life. A 1,828± SF single-family dwelling, and various site improvements are located on the site. At the time of inspection, the improvements appeared to have been vacant for some time. The improvements appeared to be in very poor condition. Assessment Records indicate the dwelling was constructed in 1896. Assessment Records also indicate a 960± SF barn, two outbuildings, carport, and a wellhouse to be located on the site.

Use History

Subject property has been utilized for agricultural purposes in years past.

Sales History

My examination of Washington County Public Records revealed four transactions involving the subject property within the 10-year period of time preceding the effective date of value in this report. The first transaction occurred on July 1, 2003. The indicated sales price was \$275,000 for an indicated 5 acres. It should be noted that the 5 acres is located on the adjacent property to the east. The Grantor was indicated to be Richlynn Enterprises, LLC, while the Grantee was indicated to be The Church of Northwest Arkansas. The Warranty Deed is recorded in Book 2003 at Page 35307. The second transaction occurred on November 17, 2007. This transaction was indicated to be for a Survey. The Survey is recorded in Book 2007 at Page 45380. The third transaction occurred on April 14, 2011. The Grantor was indicated to be Richlynn Enterprises, LLC, while the Grantee was indicated to be First State Bank of NWA. The Commissioner's Deed is recorded in Book 2011 at page 10283. It should be noted that the Commissioner's Deed included other land not included in this appraisal. The fourth transaction occurred on December 30, 2011. The indicated sales price was \$1,180,000. The Grantor was indicated to be First State Bank of NWA, while the Grantee was indicated to be Victory Church NWA, Inc. The Warranty Deed is recorded in Book 2011 at Page 293. The Warranty Deed included other land not included in this appraisal.

The subject property is currently being marketed "For Sale". It is unknown what the marketing price is at this time.

Rental History

Subject property does not appear to be currently rented.

Assessed Value And Annual Tax Load

Assessment Records reflect an appraised value of \$59,300, a taxable value of \$11,576, and a 2011 property tax of \$633.21. An indicated \$28.94 of the total tax is a voluntary tax. The 2011 tax is due by October 15, 2012. The 2011 millage rate is .05220.

Zoning And Other Land Use Regulations

Subject site is zoned C-2, Commercial.

The C-2 General Commercial District is established in order to be a broader range of retail uses, which comprise the commercial function of the city including groupings of freestanding commercial structures. Permitted uses include most types of retail activity except those involving open displays of merchandise and those which generate large volumes of vehicular traffic or are otherwise incompatible with the purpose and intent of the C-2 general commercial district. Retail areas zoned C-2 shall be generally concentrated as to geographical configuration. It is anticipated, however, that in some situations, change to another commercial or office classification may be appropriate to permit the transition of strip retail areas to other productive forms of land use. It is the intent of these regulations that the C-2 district be concentrated at the

intersections of arterial streets. Extension of the district along major arterial streets in linear fashion shall be discouraged.

**PART III - DATA ANALYSIS AND CONCLUSIONS
BEFORE ACQUISITION**

ANALYSIS OF HIGHEST AND BEST USE

The definition of highest and best use is as follows:

"The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum profitability."⁴

In estimating Highest and Best Use, the appraiser goes through essentially four stages of analysis:

- a. **Possible Use** - To what uses is it physically possible to put the site in question?
- b. **Permissible Use (legal)** - What uses are permitted by zoning and deed restrictions on the site in question?
- c. **Feasible Use** - Which possible and permissible uses will produce any net return to the owner of the site?
- d. **Highest And Best Use** - Among the Feasible Uses, which Use will produce the highest net return or the highest present worth?

Highest And Best Use

In my opinion, the highest and best use of the subject site is to hold for future commercial service/retail development, as demand dictates. Multifamily residential development is also a consideration if zoning or conditional use can be obtained. In addition, special-purpose development is also a consideration. The residential improvements located on the site, in my opinion, have reached the end of their economic life.

⁴ Appraisal Institute, *The Dictionary of Real Estate Appraisal* – Fourth Edition, (Chicago: Appraisal Institute, 2002), P. 135.

VALUE ESTIMATION BY SALES COMPARISON APPROACH

In the Sales Comparison Approach, the subject property is compared to similar properties that have been sold recently or for which listing prices or offering figures are known. Data for generally comparable sale properties are used, and comparisons are made to demonstrate a probable price at which the subject property would sell if offered on the market.

"To apply the Sales Comparison Approach, an appraiser follows a systematic procedure:

- 1. Research the market for information on sales transactions, listings, and offers to purchase or sell involving properties that are similar to the subject property in terms of characteristics such as property type, date of sale, size, physical conditions, location, and land use constraints. The goal is to find a set of comparable sales as similar as possible to the subject property.*
- 2. Verify the information by confirming that the data obtained are factually accurate and that the transactions reflect arm's-length market considerations. Verification may elicit additional information about the market.*
- 3. Select relevant units of comparison (e.g., price per acre, price per square foot, price per front foot) and develop a comparative analysis for each unit. The goal here is to define and identify a unit of comparison that explains market behavior.*
- 4. Look for differences between the comparable sale properties and the subject property using the elements of comparison. Then adjust the price of each sale property to reflect how it differs from the subject property or eliminate that property as a comparable. This step typically involves using the most comparable sale properties and then adjusting for any remaining differences.*
- 5. Reconcile the various value indications produced from the analysis of comparables into a single value indication or a range of values."¹¹*

The comparable land sales utilized in this report are summarized on the following page. Sale narratives appear in the Addenda of this report.

¹¹ Appraisal Institute, *The Appraisal of Real Estate Appraisal* – Twelfth Edition, (Chicago: Appraisal Institute, 2001), P. 422.

SUMMARY OF COMPARABLE LAND SALES

Comparable No.	1	2	3	4
Date/Sale	08/11/2009	08/21/2009	05/06/2010	05/27/2010
Consideration/List Price	\$1,281,390	\$1,200,000	\$396,000	\$600,000
Site Size - Sq Ft	1,742,400	1,344,262	131,987	265,280
Price Per Sq Ft	\$.74	\$.89	\$3.00	\$2.26
Location	SEC of Don Tyson Parkway/George Anderson Road; Springdale	209 North Crossover Road; Fayetteville	East side of Dixieland; south of Pleasant Crossing, Rogers	NWC of N. Crossover Rd. & E. Randal Place; Fayetteville
Zoning	P-1	P-1	R-O	R-A

ANALYSIS OF COMPARABLES

The unit of comparison is price per square foot (SF) of land area. The elements of comparison are property rights, conditions of sale, market conditions, location/zoning, and physical characteristics.

The preceding comparables indicate an unadjusted per square foot price range of \$.74 to \$3.00.

Comparables One – Four each reflect the transfer of the fee simple estate. Each of the comparables is considered similar to subject with respect to property rights.

Each of Comparables One, Two, Three, and Four are believed to have been an arms-length transaction, with no special financing considerations. Each of these four comparables are considered similar to subject with respect to conditions of sale.

Comparable One sold in August 2009, Comparable Two in August 2009, and Comparables Three and Four in May 2010. Comparables One and Two occurred during a time period of superior Market Conditions than subject. Based on Sales Analysis Comparables One and Two are each adjusted downward 10%. Comparables Three and Four are considered to reflect current Market Conditions.

Comparable One is located east/northeast of subject at the southeast corner of the Don Tyson Parkway and George Anderson Road in Springdale. Comparable Two is located southeast of subject, along the west side of Crossover Road, a short distance north of AR Highway 16 in Fayetteville. Comparable Three is located northeast of subject, along the east side of Dixieland Road, south of Pleasant Crossing in Rogers. This location is a short distance east of I-540. Finally, Comparable Four is located southeast of subject, at the northwest corner of North Crossover Road and East Randal Place in Fayetteville. Comparables One and Two each reflect P-1, Public, zoning, while Comparable Three reflects R-O, Residential Office zoning. Comparable Four is zoned R-A, Residential Agricultural. In comparison to subject, Comparables One and Two are considered to have inferior locations, Sale Three has a superior

location to subject, and Comparable Four is slightly superior in location. Based on Sales Analysis each of Sales One and Two indicate upward adjustments of 20%, while Sales Three and Four warrant downward adjustments of 25% and 15%, respectively.

Lastly, physical characteristics are considered. It appears that the necessary categories of adjustment are land size and utility availability. The comparables are each reasonably similar to subject with respect to topography. First, land size is considered. The tendency in the market is that as land size increases for larger sites, price per SF typically decreases and vice versa. This is for other-wise similar properties that are at least large enough for functional utilization. Sales Analysis supports that as land size appreciates doubling price per SF decreases approximately 10%. This is for properties within a relatively close size range. Subject comparables have a larger size range. Paired Comparables Analysis using the smallest comparable (#3) and the largest comparable (#1) indicates after adjusting for other differences, a size multiplier of .000005/SF. This latter analysis will be utilized in arriving at the applicable size adjustment rather than the analysis reflecting a 10% adjustment for land size doubling. In comparison to subject, the indicated size adjustments are as follows: plus .53 to Comparable One, plus .33 to Comparable Two, minus .25 to Sale Three, and minus .19 to Comparable Four. With respect to utility availability, all of the sales have access to public sewer, while subject does not have access to public sewer. Based on Sales Analysis, a downward adjustment of 15% is applied to each of Sales One through Four.

In conclusion, the following adjustment grid is indicated:

Price Per SF	\$.74	\$.89	\$3.00	\$2.26
Property Rights	0	0	0	0
Conditions of Sale	0	0	0	0
Market Conditions	-.07	-.09	0	0
After Market Conditions	\$.67	\$.80	\$3.00	\$2.26
Location/Zoning	+.13	+.16	-.75	-.34
Physical Characteristics/Size	+.53	+.33	-.25	-.19
Utility Availability	-.10	-.12	-.45	-.34
Indicated Per SF Value	\$1.23	\$1.17	\$1.55	\$1.39

The mean of the comparables is \$1.34 per SF, while the median is \$1.31 per SF. Each of the comparables is given consideration. There appears to be good support for a value near \$1.30 per SF.

In my opinion, the indicated per SF value of subject is:

\$1.30

653,431± SF @ \$1.30 = \$849,460

Say \$850,000

Please see the Extraordinary Assumptions previously presented.

PART IV – FACTUAL DATA – AFTER ACQUISITION

LEGAL DESCRIPTION

The legal description of the fee simple acquisition of subject by the City of Springdale appears on the following page. The indicated fee acquisition is to consist of Tracts 17 containing 1.22± acre, or 53,037± SF.

The legal description of the permanent water easement acquisition of subject by the Springdale Water and Sewer Commission also appears on the following pages. The acquisition is to consist of .27± acre, and is an encumbrance upon the Remainder.

The legal description of the Remainder Property will be the legal description of the Whole Property less the legal descriptions of the Acquisition Properties.

The Remainder Property will contain approximately 13.78± acres, or approximately 600,394± SF. The Remainder will be encumbered with .27± acre in new permanent water easement. The Remainder Property will consist of one site.

PROPERTY DATA

The Remainder Property will consist of approximately 13.78± acres. As previously stated, subject is basically unimproved land. The site contains residential improvements that, in my opinion, no longer contribute value to the land.

The proposed acquisition (17) is in the north part of the Whole Property, and lies adjacent the existing north and west property boundary lines. The acquisition is irregularly shaped. The dimensions of the acquisition area are 991.21' on the north, 18.24' on the east, 712.79' on the south, 225.72' on the southwest, 23.33' on the south, and 91.79' on the west. The acquisition area encompasses primarily land area. The proposed acquisition of Tract 17E-1 is located in the area of an existing drive on Dearing Road. The TCE is of variable width, and is only present during the construction period. The dimensions of the TCE are 118.29' on the east, 72.77' on the southwest, 66.66' on the west, and 120.56' on the north.

The permanent water easement is located along a portion of the new south right-of-way line. This location is in the north part of the site. The permanent water easement is of variable width, and contains 11,726± SF, or .27± acre.

The Remainder Site will front the south right-of-way of Dearing Road for an indicated 938.51'± and the east side of 56th Street for an indicated 568.20'±. There appears to be approximately 68.55'± in the corner.

The Remainder Site will have similar topography, accessibility, and utility availability to the Whole Property.

The Remainder Property is considered functionally adequate for future commercial service/retail development, as demand dictates. Multifamily residential development is also a consideration if zoning, or conditional use can be obtained. In addition, special-purpose development is also a consideration.

PART V – DATA ANALYSIS AND CONCLUSIONS –
AFTER ACQUISITION

ANALYSIS OF HIGHEST AND BEST USE

The highest and best use of the Remainder Property, in my opinion, is the same as for the Whole Property

In my opinion, the highest and best use of the subject site is for development for future commercial service/retail development, as demand dictates. Multifamily residential development is also a consideration if zoning or conditional use can be obtained. Special-purpose use is also a consideration.

VALUE ESTIMATED BY SALES COMPARISON APPROACH

The same comparable sales utilized in estimating the market value of the Whole Property (land only) are also utilized in estimating the market value of the Remainder Property (land only).

SUMMARY OF COMPARABLE LAND SALES

Comparable No.	1	2	3	4
Date/Sale	08/11/2009	08/21/2009	05/06/2010	05/27/2010
Consideration/List Price	\$1,281,390	\$1,200,000	\$396,000	\$600,000
Site Size: Sq Ft	1,742,400	1,344,262	131,987	265,280
Price Per Sq. Ft.	\$.74	\$.89	\$3.00	\$2.26
Location	SEC of Don Tyson Parkway/George Anderson Road; Springdale	209 North Crossover Road; Fayetteville	East side of Dixieland; south of Pleasant Crossing, Rogers	NWC of N. Crossover Rd. & E. Randal Place; Fayetteville
Zoning	P-1	P-1	R-O	R-A

ANALYSIS OF COMPARABLES

The Remainder Property includes 13.78± acres located easterly from 56th Street or southerly from Dearing Road.

After completion of the I-540/Don Tyson Parkway Interchange Project, subject will be located near the southwest quadrant of the interchange. This obviously raises the question as to whether the Remainder Property has received a special benefit due to improved access, upward shift in highest and best use, etc. The Uniform Appraisal Standards For Federal Land Acquisitions, developed by The Interagency Land Acquisition Conference, makes the following statements on page 52 of the document pertaining to general and special benefits.

“The most satisfactory distinction between general and special benefits is that general benefits are those which arise from the fulfillment of the public object which justified the taking, and special benefits are those which arise from the peculiar relation of the land in question to the public improvement. Ordinarily the foregoing test is a satisfactory one, though sometimes difficult to apply. In other words, the general benefits are those which result from the enjoyment of the facilities provided by the new public work and from the increased general prosperity resulting from such enjoyment. The special benefits are ordinarily merely incidental and must result from physical changes in the land from proximity to a desirable object, or in various other ways.”
Nichols on Eminent Domain, 3rd ed., 45 §8.6203.

“We think that special benefits are those which are direct and peculiar to the particular property distinguished from the incidental benefits enjoyed to a greater or lesser extent by the lands in the area of the improvement. A special benefit is nonetheless such because other lands in like situations are similarly benefited.”

The preceding distinction between general and special benefits was described in a leading court case:

United States v. 2,477.79 Acres of Land, 259 F.2d 23,28 (5th Cir. 1958) See also *United States v. 901.89 Acres of Land*, 436 F.2d 395, 397-399 (6th Cir. 1970), cert denied, 402 U.S. 973 (1971).

The federal law provides that only special benefits should be considered in estimating the market value of the Remainder Property.

Does the new interchange project create a general benefit to properties in the area, or a special benefit to subject and other properties at the interchange? There is no question that the I-540/Don Tyson Interchange Project will result in improved accessibility to subject; however, this is also true for other properties lying west of I-540 along Dearing Road, South 56th Street, Watkins Avenue, etc.. In addition, there will be significant improved accessibility for properties lying along and near South 48th Street and Don Tyson Parkway, east of I-540. Increased demand for commercial use is expected for properties near the interchange; however, this would be true for a substantial number of properties in the area. It is also likely that there will be increased demand for residential development west of I-540 and south of U.S. 412 as a result of improvement in accessibility.

Giving consideration to all of these factors, it is my opinion that there is insufficient support for the I-540/Don Tyson Interchange Project to be considered to provide special benefits to the subject Remainder Property.

Based on the comparable land sales previously presented, it is my opinion the per SF value of the subject Remainder is as follows:

588,668± SF Unencumbered By New Permanent Utility Easement @ \$1.30	=	\$765,268
11,726± SF Encumbered By New Permanent Utility Easement @ \$.95*	=	\$ 11,140
<hr/>		
600,394± SF	=	\$776,408
	Say	\$777,000

*Represents the estimated per square foot value of the encumbered fee.

**The per square foot value of the encumbered fee is estimated to be 75% of the per square foot value of the unencumbered fee. The damages to the land due to the imposition of an easement can range from 0% to 100% of the easement area's fee value. The full impact of an easement acquisition cannot be estimated until the appraiser determines: 1) the loss of present utility; 2) the loss of future utility; 3) the accessory rights to be acquired; and, 4) the obligations of the*

parties. With respect to the subject, the property owner will not be able to build a structure on the land within the permanent easement. The permanent easement has a slightly irregular shape, and is located along a portion of the north property line. The Springdale Zoning Map indicates the property is zoned C-2, General Commercial. The easement location is within the required setback from the street right-of-way for a commercial property zoned C-2. Structures are not allowed within the setback area. In my opinion, the majority of the property owner's bundle of rights of ownership will be intact with respect to the land within the permanent easement.

The indicated per SF value of the Remainder Site is as follows:

$$\$777,000/600,394\pm \text{ SF} = \$1.29/\text{SF}$$

The per SF value of the Remainder Site is less than in the "before" analysis due to the right-of-way and the permanent easement acquisitions.

Please see the Extraordinary Assumptions previously presented.

The TCE (17E-1) is valued as the lease of land for a two-year period. An 8% return is considered appropriate. Consider the following:

$$8,286\pm \text{ SF} @ \$1.29 @ .08 @ 2 \text{ Years} = \$1,710$$

Say \$1,700

Please see the Extraordinary Assumptions previously presented.

CORRELATION AND FINAL VALUE ESTIMATE

The final value for the Remainder Property is based upon the Sales Comparison Approach. As previously discussed, application of the Cost and Income Capitalization Approaches was not considered necessary to produce credible appraisal results for subject.

The estimated market value of the fee simple estate of the Remainder Property (land only), as of July 12, 2012, was as follows:

\$777,000

Please see the Extraordinary Assumptions previously presented.

PART VII ACQUISITION ANALYSIS

RECAPITULATION

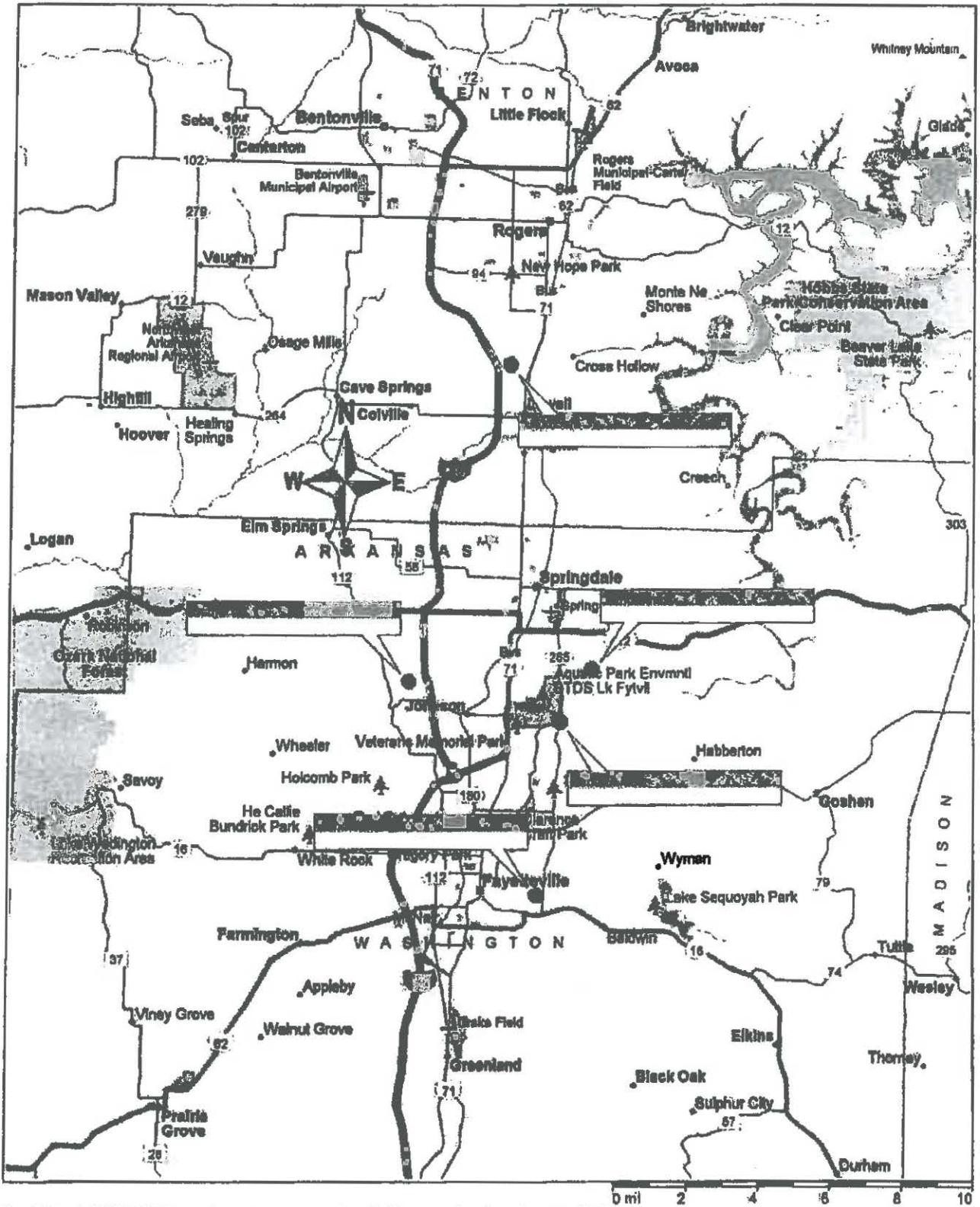
Estimated Value of Whole Property Before Acquisition	=	\$850,000
Estimated Value of Remainder Property After Acquisition	=	<u>\$777,000</u>
Subtotal	=	\$ 73,000
Plus: Temporary Construction Easement	=	<u>1,700</u>
Total Estimated Damage To Market Value	=	\$ 74,700
Less: Value of Acquisition	=	<u>\$ 74,700</u>
(53,037± SF @ \$1.30 rounded + TCE)		
(11,726± SF @ \$.35 rounded)		
Severance Damage*	=	0

*Severance damage is defined as follows:

"Generally used to mean those damages to a remainder property that are compensable."¹⁷

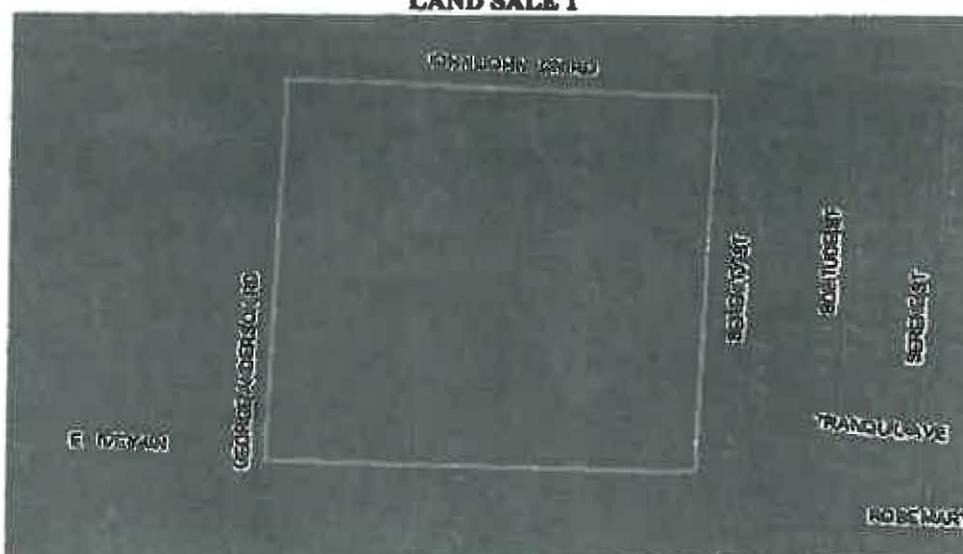
¹⁷ Appraisal Institute, *The Dictionary of Real Estate Appraisal – Fourth Edition*, (Chicago: Appraisal Institute, 2002), P. 263

COMPARABLE LAND SALES MAP



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LAND SALE 1



GENERAL INFORMATION

General/Specific Type: Special Purpose Record #: 225
Location: SBC of Don Tyson Parkway and George Anderson Road. Book/Page: 2009/26184
City: Springdale County: Washington State: AR
Parcel(s): 815-30626-000, 815-30626-100
S-T-R: 17-17-29 Lot/Block: Subdivision:
Legal: Pt NW NW

SALE INFORMATION

Sale Date: August 11, 2009 Financing: Cash to Seller
Sale Price: \$1,281,390 Exposure Time: Unknown
Adjusted Sale Price: \$1,281,390 Rights Conveyed: Fee Simple
Grantor: One Springdale, Inc. Verification: Grantor/Washington County Assessor/MLS

Grantee: Youth Bridge Properties, Inc.

PROPERTY INFORMATION

Gross Land Size: 40.000± Acres or 1,742,400± SF Indicators
Total Frontage: , George Anderson Road, Sale Price/Gross Acre: \$32,035
Southern Corridor
Zoning: P-1, Institutional Sale Price/Gross SF: \$0.74
Topography: Gently Rolling Adjusted Sale Price/Gross Acre: \$32,035
Utilities: Typical City Adjusted Sale Price/Gross SF: \$0.74

Remarks: Acreage is mostly cleared pasture land. A small pond is located in the north central area of the property. This site fronts the south side of the Southern Corridor (Don Tyson Parkway), which runs easterly from South 48th Street across the south part of Springdale.

LAND SALE 2



GENERAL INFORMATION

General/Specific Type: Special Purpose
Location: 209 North Crossover Rd.
City: Fayetteville
Parcel(s): 765-14295-002
S-T-R: 14-16-30
Legal: Part of the NW 1/4 of the SW 1/4 and part of the SW 1/4 of the SE 1/4 of Section 14, Township 16 North, Range 30 West, Washington County, Arkansas

Record #: 242
Book/Page: 2009/27921
State: AR

County: Washington

Lot/Block:

Subdivision:

SALE INFORMATION

Sale Date: August 21, 2009
Sale Price: \$1,200,000
Adjusted Sale Price: \$1,200,000
Grantor: Whitfield Painter Enterprises, LLC

Financing: Cash to Seller
Exposure Time: Unknown
Rights Conveyed: Fee Simple
Verification: Fayetteville School District No. 1 (Buyer)

Grantee: Fayetteville School District No. 1

PROPERTY INFORMATION

Gross Land Size: 30.860± Acres or 1,344,261.6±

Indicators

SF

Total Frontage: 70, Crossover Rd. (AR Hwy 265)

Sale Price/Gross Acre: \$38,885

Zoning: P-1, Institutional

Sale Price/Gross SF: \$0.89

Topography: Gently to Moderately Sloping

Adjusted Sale Price/Gross Acre: \$38,885

Utilities: Typical City

Adjusted Sale Price/Gross SF: \$0.89

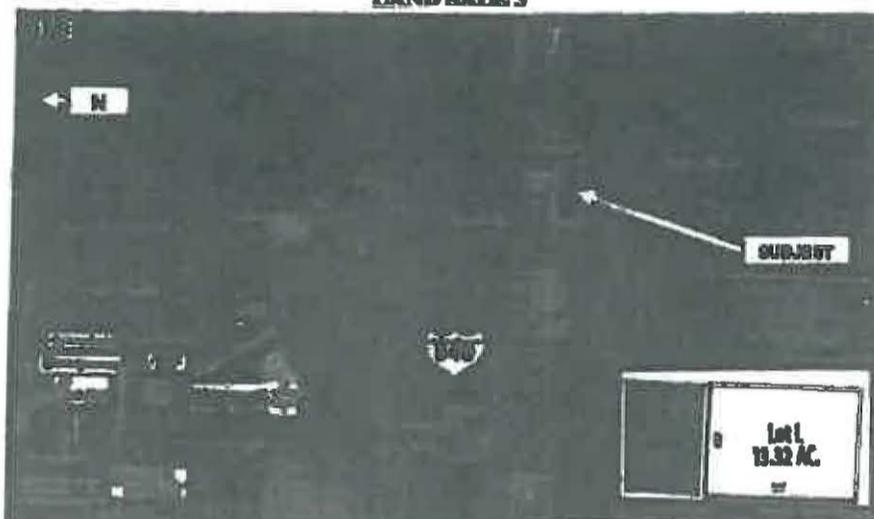
Remarks: This property is located along the west side of S. Crossover Rd. (AR Hwy 265), approximately .50 mile north of the intersection of S. Crossover Rd. and Huntville Avenue (AR Hwy 16), in the southeast quadrant of Fayetteville. The property was purchased for development of an elementary school. It should be noted that the sale included 30.86± ACS; however, subsequent to the sale, a Survey was performed and it was discovered that the property actually included approximately 33.13± ACS. The discrepancy in the acreage amount (approximately 2.27± ACS) was considered a charitable donation on behalf of the seller.

The property included older residential improvements that provided no contributory value to the land. The residential improvements were subsequently razed.

Real Estate Market Data, Inc. 479.521.6313

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LAND SALE 3



GENERAL INFORMATION

General/Specific Type: Recreational
Location: East side of Dixieland Road, south of Pleasant Crossing Blvd.
City: Rogers County: Benton State: AR
Parcel(s): 12-00529-003 Lot/Block: Pleasant Crossing, Ph. II Subdivision: Pleasant Crossing II
S-T-R: 25-19-30
Legal: PT SW 1/4 OF THE SE 1/4, 25-19-30; TRACT 1A TRACT SPLIT RECORDED AS PLAT BOOK & PAGE 2010-172

Record #: 443
Book/Page: 2010/22706-08

SALE INFORMATION

Sale Date: May 06, 2010
Sale Price: \$396,000
Adjusted Sale Price: \$396,000
Grantor: CR Reeves Family Limited Partnership
Grantee: Golf Mountain, Inc.

Financing: Cash to Seller
Exposure Time: Unknown
Rights Conveyed: Fee Simple
Verification: Benton County Assessor/Listing Agent (Cindy Moore)

PROPERTY INFORMATION

Gross Land Size: 5,030± Acres or 131,986.8± SF
Total Frontage: 200, Dixieland Road
Zoning: R-O, Residential Office
Topography: Generally Sloping
Utilities: Typical City

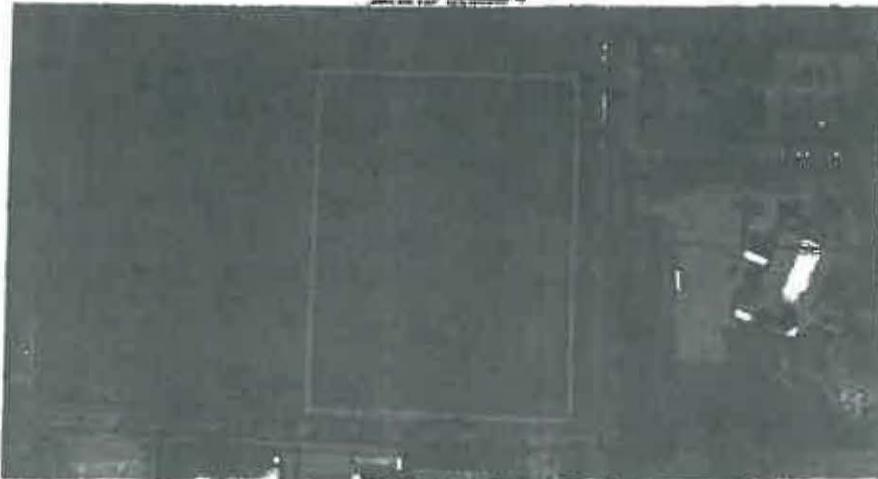
Indicators
Sale Price/Gross Acres: \$130,693
Sale Price/Gross SF: \$3.00
Adjusted Sale Price/Gross Acres: \$130,693
Adjusted Sale Price/Gross SF: \$3.00

Remarks: As of June 14, 2010 construction was in progress for a 36 hole miniature golf course. The depth of this site is 668.39' on the north and 659.37' on the south.

The address of the property is 1115 Dixieland Road.

Broker indicated the closing was actually May 7, 2010.

LAND SALE 4



GENERAL INFORMATION

General/Specific Type: Special Purpose
Location: Northwest corner of N. Crossover Rd. and E. Randal
Place, North of Zion Rd.
City: Fayetteville County: Washington State: AR
Parcel(s): 753-13215-002
S-T-R: 19-17-29 Lot/Blocks Subdivisions:
Legal: Part of the SW 1/4 of the NW 1/4 of 19-17-29

SALE INFORMATION

Sale Date: May 27, 2010
Sale Price: \$600,000
Adjusted Sale Price: \$600,000
Grantor: Hannah Ferguson Lee
Grantee: Fayetteville Assisted Living, LLC

Financing: Believed to be Cash to Seller
Exposure Time: Unknown
Rights Conveyed: Fee Simple
Verifications: Washington County Assessor

PROPERTY INFORMATION

Gross Land Size: 6.090± Acres or 265,280.4± SF
Total Frontage: 595, N. Crossover Rd. E. Randal Pl.
Zoning: R-A, Residential - Agricultural
Topography: Nearly Level
Utilities: Typical City

Indicators
Sale Price/Gross Acres: \$98,522
Sale Price/Gross SF: \$2.26
Adjusted Sale Price/Gross Acres: \$98,522
Adjusted Sale Price/Gross SF: \$2.26

Remarks: This is the sale of 6.09± acres of vacant land. An assisted living facility known as Calypso Place has subsequently been constructed on this site.

City of Springdale v. Victory Church (Dearing Street)
Case No. CV 2013-220-4

Date of Taking: 1/24/2013
Deposit: \$74,700 (\$ 1.30 per s/f + \$1,700 for TCE)
Size before taking: 15.00 acres (653,431 s/f)
Area of taking: 1.22 acres (53,037 s/f) + .19 TCE
Severance Damages: No
Landowners' Appraisals of adjoining properties:
Carlson: \$4,57,017 (\$7.00 s/f) Thurman: \$5,756,727 (8.81 s/f)

Facts: Victory Church purchased this property as a possible relocation site after it was determined that its sanctuary on 48th street was slated for demolition for this project. This property is zoned C-2 commercial, and it is undisputed that the highest and best use is for commercial or retail development. Based on the comparable sales used by Carlson for the adjoining properties, the indicated value is \$7.00 per s/f. Ted Thurman's appraisals of those properties would support a valuation of \$8.18 per s/f.

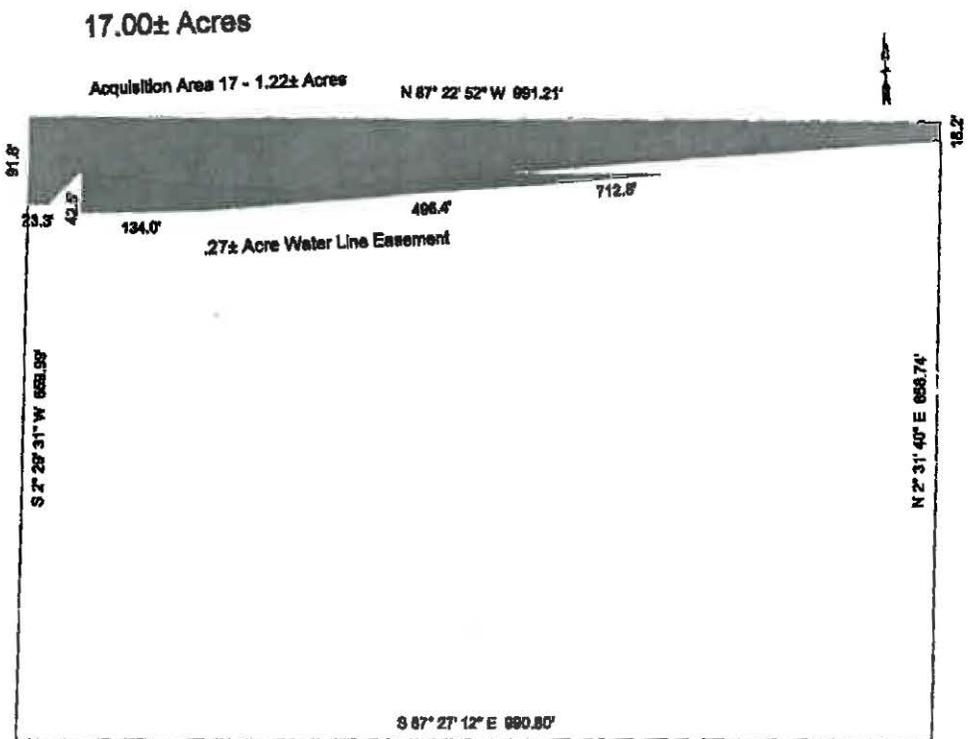
Tom Reed's appraisal did not use any C-2 comparable sales, even though the property is zoned C-2, and his own report states that the highest and best use is "future commercial/retail development." For unknown reasons, he used two properties zoned P-1, neither of which had I-540 access or visibility, for comparable sales. He also used an R-O property and an R-A property, which also were not in the location of this land and did not have highway frontage. Properties that were not zoned commercial predictably sold for lower values. He also avoided using comparable sales of property along I-540. This is significant in that his report recognizes that I-540 is the primary north-south transportation route for the entire region. Sales values along other roads are predictably much lower. The commercial sales in the I-540 corridor that are very near this site support the higher valuations found by Carlson and Thurman.

Exposure at trial:

We believe that a jury will award something between the \$371,259 supported by Carlson and the \$467,255 determined by Thurman. Victory Church will be entitled to interest, attorneys' fees and costs, which are likely to exceed six figures. They are willing to settle for \$6.00 per s/f, less than the amount of the Carlson appraisal. This figure would result in compensation of \$318,222 for the land taken, plus \$7,955 for the TCE, rounded to \$325,000.

Potential Exposure: \$600,000 +
Settlement offer: \$325,000

SITE SKETCH



RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY
TO SETTLE A CONDEMNATION LAWSUIT WHEREIN
4&P LLC ARE DEFENDANTS.**

WHEREAS, the City of Springdale filed a lawsuit against 4&P LLC to condemn a tract of land for the I-540/Don Tyson Parkway Interchange Project, AHTD Project No. 040527, Tract 3;

WHEREAS, the City of Springdale deposited the sum of \$93,500 into the Registry of the Court as estimated just compensation for 4&P LLC's property;

WHEREAS, 4&P LLC has extended an offer to settle the condemnation lawsuit for the total sum of \$560,000;

WHEREAS, it is the recommendation of the City Attorney that the City Council approve the additional sum of \$466,500 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 4&P LLC condemnation lawsuit for the total sum of \$560,000.

PASSED AND APPROVED this _____ day of _____, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:



Ernest B. Cate, CITY ATTORNEY

4&P LLC

- Set for trial September 24th in Judge Beaumont's court
- This is a partial taking, the City is taking 2.15 acres (93,574 SF)
- 26.09 acres before, 23.94 acres after
- The City's estimate of just compensation is \$93,500
- Valued at \$1.00 SF before (\$1,136,000) and \$1.00 SF after (\$1,042,500)
- No severance damages
- Relevant portions of appraisal are attached, followed by landowner's settlement proposal

APPRAISAL ANALYSIS ON

ON THE

I-540/DON TYSON PARKWAY INTERCHANGE PROJECT;
AHTD PROJECT NO. 040527,
TRACT 3; LOCATED ALONG THE EAST SIDE OF
SOUTH 56TH STREET & THE WEST SIDE OF I-540;
NORTH OF GREATHOUSE SPRINGS ROAD &
SOUTH OF U.S. 412 WEST; SPRINGDALE,
ARKANSAS; WASHINGTON COUNTY,

FOR

CITY OF SPRINGDALE, ARKANSAS
PLANNING & COMMUNITY DEVELOPMENT DIVISION
SPRINGDALE, ARKANSAS

BY

REED & ASSOCIATES, INC.
3739 N. STEELE BLVD., SUITE 140
FAYETTEVILLE, ARKANSAS 72703

File No. 4967-3

AS OF

JULY 12, 2012

Reed & Associates, Inc.

Real Estate Appraisers – Consultants

3739 N. Steele Blvd., Suite 140, Fayetteville, AR 72703 * 479-521-6313 * Fax: 479-521-6315 * www.reedappraisal.biz
Tom Reed, MAI • Barbara Rhoads • Shannon Mueller • Brian Kenworthy • Katie Hampton

September 26, 2012

City of Springdale, Arkansas
Planning & Community Development Division
Attn: Patsy Christie
109 Spring Street
Springdale, AR 72764

RE: I-540/Don Tyson Parkway Interchange Project; AHTD Project No. 040527; Tract 3;
Located Along the East Side of South 56th Street and the West Side of I-540; North
of Greathouse Springs Road and South of U.S. 412 West; Springdale, Arkansas;
Washington County

Dear Mrs. Christie:

In compliance with your request and for the purpose of estimating the market value of the above captioned property, I hereby certify that I have examined the subject property and have made a survey of matters pertinent to the estimation of its value.

I further certify that I have no interest, present or contemplated, in the property appraised and that my fee was not contingent upon the value estimate reported.

The following report contains data gathered in my investigation, information from my files, and shows the method of appraisal in detail. This report represents an Appraisal Analysis reported in a Summary Format.

Based upon an analysis of relevant data and contingent upon the Assumptions and Limiting Conditions which follow and appear later in this report, it is my opinion the market value of the fee simple interest in the subject property, as of July 12, 2012, was as follows:

Estimated Value of Whole Property Before Acquisition	=	\$1,136,000
Estimated Value Of Remainder Property After Acquisition	=	<u>\$1,042,500</u>
Total Estimated Damage To Market Value	=	\$ 93,500

The preceding values reflect terms equivalent to cash to the owner, and represent that for land only.

The following Extraordinary Assumptions are utilized in this report:

1. Subject and adjacent properties are in compliance with all applicable EPA regulations;
2. Subject land size is approximately as indicated in this report.

If either, or both, of these Extraordinary Assumptions prove to be untrue, the preceding value estimates could be influenced.

Additional Assumptions and Limiting Conditions appear in the Introduction of this report.

The appraiser is invoking the Jurisdictional Exception Rule in this appraisal. The Uniform Standards of Professional Appraisal Practice requires, under Standards Rule 1-2 (c), that when the purpose of an assignment is to develop an opinion of market value, the appraiser must also develop an opinion of reasonable exposure time linked to the value of opinion. However, the Uniform Appraisal Standards For Federal Land Acquisitions, under Section A-9, indicates that the appraiser's estimate of market value is not linked to a specific exposure time when conducting appraisals for federal acquisition purposes under these standards.

Sincerely,



Shannon Mueller, CG2302
REED & ASSOCIATES, INC.



SUMMARY OF SALIENT FACTS AND CONCLUSIONS

IDENTIFICATION OF PROPERTY: Subject property consists of a 26.09± acre unimproved site. The property is located along the east side of South 56th Street and the west side of I-540; north of Greathouse Springs Road and south of U.S. 412 West; Springdale, Arkansas; Washington County.

The subject acreage is primarily cleared and in improved grasses. The site does include a single-family dwelling in poor condition and older poultry house in poor condition in the west central part of the site. Scattered trees, as well as a wooded area located in the east part of the site. Subject site includes 656.68'± of frontage along the west right-of-way of Interstate 540 and 434.95'± along the east side of South 56th Street.

The overall topography of the site is gently rolling/sloping. It is our understanding that part of the subject site is part of a property formerly utilized as a landfill. This landfill usage was apparently many years ago, prior to construction of I-540. Soil and subsoil conditions are not believed to be adverse to building construction; however, a soil test report on the site has not been examined. The property is not located in the 100-Year Flood Zone. Please see the Flood Zone Map appearing in the Addenda. Typical city utilities, except public sewer, are available to the site. The Springdale Zoning Map appears to reflect that the subject site is zoned a mixture of C-2, Commercial District and C-5, Thoroughfare Commercial District.

The City of Springdale is proposing to acquire 2.15± acres of the subject property in connection with I-540/Don Tyson Parkway Interchange Project. The 2.15± acres proposed to be acquired represents an irregular shaped area located in the east part of the Whole Property. The dimensions of the acquisition area are 70.54' on the west, 408.75' on the west, 210.18' on the west, 287.86' on the north, 103.36' on the northeast, along the west 138.73', 467.65', and 50.30', and 39.60' on the south. The acquisition area encompasses primarily a wooded/wild grassy area.

The Remainder Site will include approximately 23.94± acres.

HIGHEST AND BEST USE: The highest and best use of the subject property, "before" and "after" the acquisition, in my opinion, is to hold for future commercial service/retail development, as demand dictates. In addition, special-purpose development is also a consideration. The improvements located on the site, in my opinion, have reached the end of their economic life, and do not contribute value to the site.

VALUE INDICATED BY COST APPROACH:

Not Utilized

VALUE INDICATED BY SALES COMPARISON APPROACH:

“Before” = \$1,136,000
“After” = \$1,042,500

VALUE INDICATED BY INCOME CAPITALIZATION APPROACH: Not Utilized

FINAL ESTIMATE OF VALUE:

Estimated Value of Whole Property
Before Acquisition = \$1,136,000
Estimated Value Of Remainder Property
After Acquisition = \$1,042,500
Total Estimated Damage To Market Value = \$ 93,500

The preceding values reflect terms equivalent to cash to the owner, and represent that for land only.

The following Extraordinary Assumptions are utilized in this report:

1. Subject and adjacent properties are in compliance with all applicable EPA regulations;
2. Subject land size is approximately as indicated in this report;

If either, or both, of these Extraordinary Assumptions prove to be untrue, the preceding value estimates could be influenced.

Additional Assumptions and Limiting Conditions appear in the Introduction of this report.

The appraiser is invoking the Jurisdictional Exception Rule in this appraisal. The Uniform Standards of Professional Appraisal Practice requires, under Standards Rule 1-2 (c), that when the purpose of an assignment is to develop an opinion of market value, the appraiser must also develop an opinion of reasonable exposure time linked to the value of opinion. However, the Uniform Appraisal Standards For Federal Land Acquisitions, under Section A-9, indicates that the appraiser’s estimate of market value is not linked to a specific exposure time when conducting appraisals for federal acquisition purposes under these standards.

SUMMARY OF APPRAISAL PROBLEM

The appraisal problem in this assignment is to estimate the Total Damage to the Market Value of the subject property as a result of the acquisition of 2.15± acres of subject by the City of Springdale, Arkansas.

The proposed acquisition is in the east part of the Whole Property, and lies adjacent the existing east property boundary line. The acquisition is irregularly shaped. The dimensions of the acquisition area are 70.54' on the west, 408.75' on the west, 210.18' on the west, 287.86' on the north, 103.36' on the northeast, along the west 138.73', 467.65', and 50.30', and 39.60' on the south. The acquisition area encompasses primarily a wooded/wild grassy area.

The Remainder Property will consist of 23.94± acres of basically unimproved land. The older residential improvements appear to have reached the end of their economic life.

PART II - FACTUAL DATA - BEFORE ACQUISITION

AERIAL MAP



PROPERTY DATA

Site

Based upon the legal description obtained through Deed Records, the subject site contains approximately 26.09± acres. The square footage of the site, based on data provided by the client through the Arkansas Highway and Transportation Department, is 1,136,367± SF. The site is irregular in shape. A Survey of the site has been provided to the appraisers from right-of-way maps of the Arkansas State Highway Commission. The subject site is indicated to front the east side of South 56th Street for near 434.95'± and the west side of I-540 for near 656.68'±. South 56th Street is two-lane, asphalt paved in this area. Road frontage is slightly above grade to South 56th Street. Road frontage is above grade to I-540. I-540 is the major north-south traffic corridor in Northwest Arkansas, and is a divided highway. I-540 connects the Northwest Arkansas area with I-40, which is located some 40± miles south of Fayetteville at Alma, Arkansas. The nearest interchanges to subject are at U.S. 412 to the north and at Great House Springs Road to the south. Subject has good visibility to/from I-540. Road frontage is above grade to I-540. A private, gravel paved road runs through a portion of the central part of the property. Access onto the subject property appears to be easterly from the private road. The majority of the subject property does appear to be fenced. Overhead utility lines run along the west boundary of the subject property.

The topography is undulating to gently sloping/gently rolling, for the most part. The east part of the property includes wooded areas while the west part of the property is primarily cleared. The soil and subsoil conditions are unknown, as a soil test report on the site has not been examined. It is our understanding that part of the subject site was part of a property formerly utilized as a landfill. This landfill usage was apparently many years ago, prior to construction of I-540. The subject property is not indicated to be located within the 100-Year Flood Zone. Please see the Flood Zone Map which appears later in the report.

Utilities available to the subject site include electricity, natural gas, telephone service, cable T.V., and public water. No adverse easements or encroachments were noted on the property inspection.

Improvements

As previously stated, the subject site is improved with a 1,328± SF single-family dwelling, and various site improvements. At the time of inspection, the improvements appeared to have been vacant for some time. The improvements appeared to be in very poor condition, and, in my opinion, have reached the end of their economic life.

Use History

Subject property appears to have been utilized for residential/agricultural purposes in the past.

Sales History

My examination of Washington County Public Records revealed three transactions of the subject property within the 10-year period of time preceding the effective date of value in this report. The first transaction occurred on September 14, 2004. The Grantors were indicated to be Harold H. and Mattie J. Griffith, while the Grantee was indicated to be Neely Homes, Inc. The Warranty Deed is recorded in Book 2004 at Page 39947. The second transaction occurred on May 30, 2006. The indicated sales price was \$1,175,000. The Grantor was indicated to be the Neely Homes, Inc., while the Grantee was indicated to be the Parsley Family Limited Partnership. The Warranty Deed is recorded in Book 2006 at Page 25230. The third transaction occurred on April 27, 2007. The Grantor was indicated to be the Parsley Family Limited Partnership, while the Grantee was indicated to be 4 & P, LLC. The Warranty Deed is recorded in Book 2007 at Page 29056.

The subject property is not currently listed "For Sale".

Rental History

Subject property does not appear to be currently rented.

Assessed Value And Annual Tax Load

The subject property was appraised for property tax purposes in 2010 at \$96,250. The Assessed Value is indicated to be \$19,250. The indicated 2011 taxes are \$1,052.98. Subject is located in the Springdale School District. The applicable millage rate is reported at 52.2. The 2011 taxes are due by October 15, 2012.

No special assessments were noted.

Zoning And Other Land Use Regulations

The west 3.00± acres appear to be zoned C-2, Commercial District. The remaining 23.09± acres are indicated to be zoned C-5, Thoroughfare Commercial District.

The C-2 General Commercial District is established in order to be a broader range of retail uses, which comprise the commercial function of the city including groupings of freestanding commercial structures. Permitted uses include most types of retail activity except those involving open displays of merchandise and those which generate large volumes of vehicular traffic or are otherwise incompatible with the purpose and intent of the C-2 general commercial district. Retail areas zoned C-2 shall be generally concentrated as to geographical configuration. It is anticipated, however, that in some situations, change to another commercial or office classification may be appropriate to permit the transition of strip retail areas to other productive forms of land use. It is the intent of these regulations that the C-2 district be concentrated at the intersections of arterial streets. Extension of the district along major arterial streets in linear fashion shall be discouraged.

The C-5 Thoroughfare District is established in order to provide adequate locations for retail uses which serve the needs of the motoring public and are characterized by a high level of vehicular ingress and egress. Among these uses are transient sleeping accommodations, and eating and drinking establishments; certain limited industrial uses which are compatible with one another and do not produce objectionable environmental influences in their operation and appearance as well as storage and transfer of goods. Such uses are not generally compatible with pedestrian-oriented commercial districts and shopping centers since they tend to obstruct and interfere with pedestrian movement. Appropriate locations for this district are along heavily traveled major traffic arterials.

**PART III - DATA ANALYSIS AND CONCLUSIONS -
BEFORE ACQUISITION**

ANALYSIS OF HIGHEST AND BEST USE

The definition of highest and best use is as follows:

"The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum profitability."⁴

In estimating Highest and Best Use, the appraiser goes through essentially four stages of analysis:

- a. **Possible Use** - To what uses is it physically possible to put the site in question?
- b. **Permissible Use (legal)** - What uses are permitted by zoning and deed restrictions on the site in question?
- c. **Feasible Use** - Which possible and permissible uses will produce any net return to the owner of the site?
- d. **Highest And Best Use** - Among the Feasible Uses, which Use will produce the highest net return or the highest present worth?

Highest And Best Use As Vacant

As Vacant – The west 3.00± acres are currently zoned C-2, Commercial District, while the remaining 23.09± acres are zoned C-5, Thoroughfare District.

In my opinion, the highest and best use of the subject site as vacant is to hold for future commercial service/retail development, as demand dictates. In addition, special-purpose development is also a consideration. The residential improvements located on the site, in my opinion, have reached the end of their economic life, and do not contribute value to the site.

⁴ Appraisal Institute, *The Dictionary of Real Estate Appraisal – Fourth Edition*, (Chicago: Appraisal Institute, 2002), P. 135.

SUMMARY OF COMPARABLE LAND SALES & LISTING

Comparable No.	1	2	3	4
Date/Sale	08/11/2009	08/21/2009	05/15/2012	
Consideration/List Price	\$1,281,390	\$1,200,000	\$1,000,000	\$1,500,000
Site Size - Sq. Ft.	1,742,400	1,344,262	768,394	1,306,800
Price Per Sq. Ft.	\$.74	\$.89	\$1.30	\$1.15
Location	SEC of Don Tyson Parkway/George Anderson Road; Springdale	209 North Crossover Road; Fayetteville	319 Horsebarn Road; Bentonville	Located along the west side of Goad Springs Road, just north of AR Hwy. 264 West; Lowell
Zoning	P-1	P-1	R-3	A

ANALYSIS OF COMPARABLES

The unit of comparison is price per square foot (SF) of land area. The elements of comparison are property rights, conditions of sale, market conditions, location/zoning, and physical characteristics.

The preceding comparables indicate an unadjusted per square foot price range of \$.74 to \$1.30.

Comparables One – Three each reflect the transfer of the fee simple estate. Comparable Four is a current listing that is expected to involve the transfer of the fee simple estate upon consummation of a sale. Each of the comparables is considered similar to subject with respect to property rights.

Each of Comparables One, Two, and Three are believed to have been an arms-length transaction, with no special financing considerations. Each of these three comparables is considered similar to subject with respect to conditions of sale. Comparable Four is a current listing. The mean sales price per acre to list price per acre ratio for large acreage sites 20-50 acre in size in Springdale for the time period July 12, 2011, to July 12, 2012, was indicated to be near 65%, based on Multiple Listing Service Records. In comparison to subject, Comparable Four requires a 35% downward adjustment for conditions of sale.

Comparable One sold in August 2009, Comparable Two in August 2009, and Comparable Three in May 2012. Comparable Four represents a current listing. Comparables One and Two occurred during a time period of superior Market Conditions than subject. Based on Sales Analysis Comparables One and Two are each adjusted downward 10%. Comparable Three is considered to reflect similar market conditions as subject.

Comparable One is located northeast of subject at the southeast corner of the Don Tyson Parkway and George Anderson Road in Springdale. Comparable Two is located southeast of subject, along the west side of Crossover Road, a short distance north of AR Highway 16 in

Fayetteville. Comparable Three is located north of subject, along the west side of Horsebarn Road, in Bentonville. This located is a short distance south of AR Highway 12. Finally, Comparable Four is located north of subject, along the west side of Goad Springs Road, north of AR Highway 264, and west of I-540 in Lowell. Comparables One and Two each reflect P-1, Public, zoning, while Comparable Three reflects R-3, Medium Density Residential zoning. Comparable Four is zoned A, Agricultural. In comparison to subject, Comparables One and Two are considered to have inferior location/zoning, while Sale Three has somewhat similar location/zoning, and Comparable Four is slightly inferior in location. Paired Sales Analysis utilizing Sale Three with each of Sales One, Two and Four indicates upward adjustments of 45%, 35%, and 25%, respectively.

Lastly, physical characteristics are considered. It appears that the necessary categories of adjustment are land size and utility availability. The comparables are each reasonably similar to subject with respect to topography. First, land size is considered. The tendency in the market is that as land size increases for larger sites, price per SF typically decreases and vice versa. This is for other-wise similar properties that are at least large enough for functional utilization. Sales Analysis supports that as land size appreciates doubling price per SF decreases approximately 10%. Comparables One, Two, and Four are larger in size than subject and Comparable Three smaller in size. Based on the market tendency previously discussed, the following size adjustments are indicated: upward 5% to Comparable One, upward 2% to Comparable Two, downward 5% to Sale Three, and upward 2% to Comparable Four. With respect to utility availability, Sales One, Two and Three each require an adjustment. Comparables One, Two and Three are indicated to have sewer availability. Based on Sales Analysis, a downward adjustment of 15% is applied for sewer availability. No adjustments for utility availability can be supported to the other comparable.

In conclusion, the following adjustment grid is indicated:

Price Per SF	\$.74	\$.89	\$ 1.30	\$ 1.15
Property Rights	0	0	0	0
Conditions of Sale	0	0	0	-.40
Market Conditions	-.07	-.09	0	0
After Market Conditions	\$.67	\$.80	\$ 1.30	\$.75
Location/Zoning	+.30	+.28	0	+.19
Physical Characteristics Size	+.03	+.02	-.07	+.02
Utility Availability	-.10	-.12	-.20	0
Indicated Per SF Value	\$.90	\$.98	\$ 1.03	\$.96

The mean of the comparables is \$.97 per SF, while the median is \$.97 per SF. Each of the comparables is given consideration. There appears to be good support for a value near \$1.00 per SF.

In my opinion, the indicated per SF value of subject is:

\$1.00

1,136,367± SF @ \$1.00 = \$1,136,367

Say \$1,136,000

Please see the Extraordinary Assumptions previously presented.

PART IV - BASELINE DATA - AFTER ACQUISITION

LEGAL DESCRIPTION

The legal description of the fee simple acquisition of subject by the City of Springdale appears on the following page. The indicated fee acquisition is to consist of Tract 3 containing 2.15± acres, or 93,574± SF.

The legal description of the Remainder Property will be the legal description of the Whole Property less the legal description of the Acquisition Property.

The Remainder Property will contain approximately 23.94± acres, or approximately 1,042,793± SF. The Remainder Property will consist of one site.

PROPERTY DATA

The Remainder Property will consist of approximately 23.94± acres. As stated, subject includes residential improvements that, in my opinion, no longer contribute value to the land.

The proposed acquisition is in the east part of the Whole Property, and lies adjacent the existing east property boundary line. The acquisition is irregularly shaped. The dimensions of the acquisition area are 70.54' on the west, 408.75' on the west, 210.18' on the west, 287.86' on the north, 103.36' on the northeast, along the west 138.73', 467.65', and 50.30', and 39.60' on the south. The acquisition area encompasses primarily a wooded/wild grassy area.

The Remainder Property has 689.47'± of frontage along the new ingress ramp of I-540. The Remainder Property has the same topography, utility availability, and accessibility as the Whole Property.

The Remainder Property is considered functionally adequate for future commercial service/retail development, as demand dictates.

**PART V - DATA ANALYSIS AND CONCLUSIONS -
AFTER ACQUISITION**

ANALYSIS OF HIGHEST AND BEST USE

The highest and best use of the Remainder Property, in my opinion, is the same as for the Whole Property

In my opinion, the highest and best use of the subject site as vacant is to hold for future commercial service/retail development, as demand dictates. In addition, special-purpose development is also a consideration. The residential improvements located on the site, in my opinion, have reached the end of their economic life, and do not contribute value to the land.

VALUE ESTIMATE BY SALES COMPARISON APPROACH

The same comparable sales utilized in estimating the market value of the Whole Property (land only) are also utilized in estimating the market value of the Remainder Property (land only).

Based upon the comparable sales and analysis presented earlier in this report, it is my opinion the per square foot value of the Remainder Property (land only) is:

\$1.00

Therefore:

1,042,793± SF @ \$1.00 = \$1,042,793

Say \$1,042,500

Please see the Extraordinary Assumptions previously presented.

CORRELATION AND FINAL VALUE ESTIMATE

The final value for the Remainder Property is based upon the Sales Comparison Approach. As previously discussed, application of the Cost and Income Capitalization Approaches was not considered necessary to produce credible appraisal results for subject.

The estimated market value of the fee simple estate of the Remainder Property (land only), as of July 12, 2012, was as follows:

\$1,042,500

Please see the Extraordinary Assumptions previously presented.

PART VI – ACQUISITION ANALYSIS

RECAPITULATION

Estimated Value of Whole Property Before Acquisition	=	\$1,136,000
Estimated Value of Remainder Property After Acquisition	=	<u>\$1,042,500</u>
Total Estimated Damage To Market Value	=	\$ 93,500
Less: Value of Acquisition (93,574± SF @ \$1.00 & rounded)	=	<u>\$ 93,500</u>
Severance Damage*	=	0

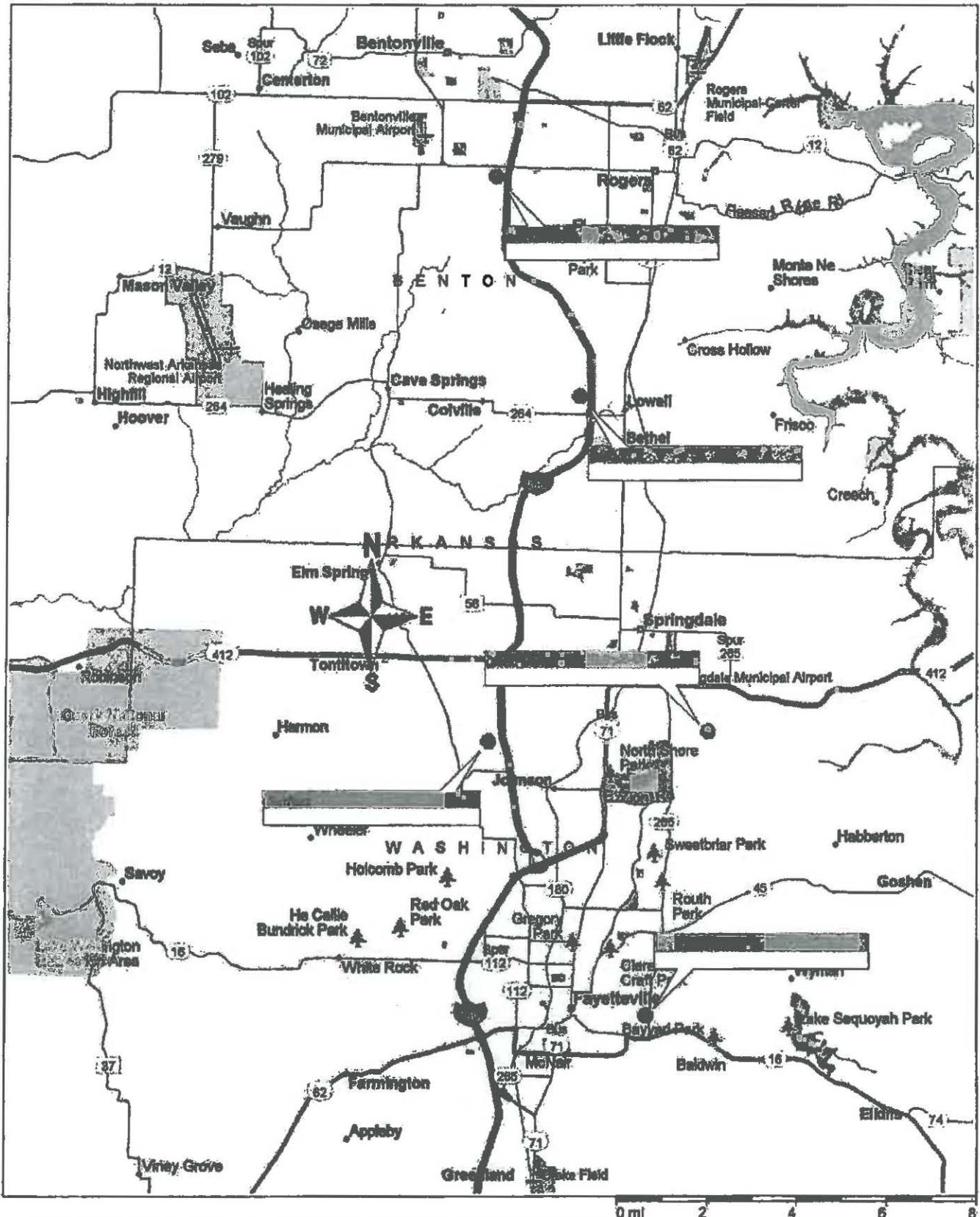
*Severance damage is defined as follows:

"Generally used to mean those damages to a remainder property that are compensable."¹⁷

¹⁷ Appraisal Institute, *The Dictionary of Real Estate Appraisal – Fourth Edition*, (Chicago: Appraisal Institute, 2002), P. 263

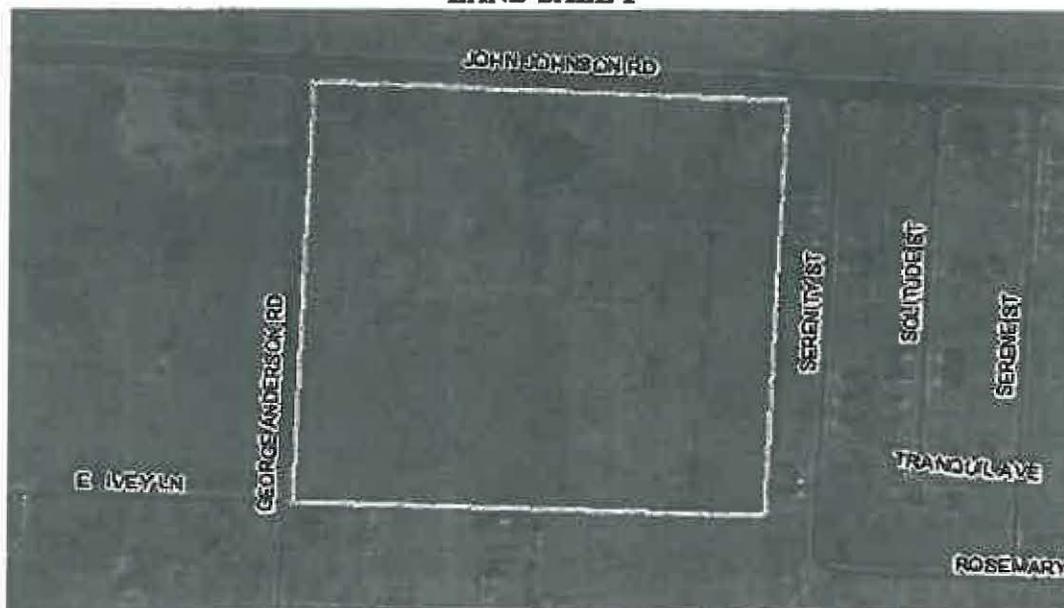
PART VII – EXHIBITS AND ADDENDA

COMPARABLE LAND SALES/LISTING MAP



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LAND SALE 1



GENERAL INFORMATION

General/Specific Type: Special Purpose
Location: SEC of Don Tyson Parkway and George Anderson Road.
City: Springdale **County:** Washington
Parcel(s): 815-30626-000, 815-30626-100
S-T-R: 17-17-29 **Lot/Block:** **Subdivision:**
Legal: Pt NW NW **Record #:** 225
Book/Page: 2009/26184
State: AR

SALE INFORMATION

Sale Date: August 11, 2009
Sale Price: \$1,281,390
Adjusted Sale Price: \$1,281,390
Grantor: One Springdale, Inc.
Grantee: Youth Bridge Properties, Inc.
Financing: Cash to Seller
Exposure Time: Unknown
Rights Conveyed: Fee Simple
Verification: Grantor/Washington County Assessor/MLS

PROPERTY INFORMATION

Gross Land Size: 40.000± Acres or 1,742,400± SF
Total Frontage: , George Anderson Road, Southern Corridor
Zoning: P-1, Institutional
Topography: Gently Rolling
Utilities: Typical City
Indicators
Sale Price/Gross Acre: \$32,035
Sale Price/Gross SF: \$0.74
Adjusted Sale Price/Gross Acre: \$32,035
Adjusted Sale Price/Gross SF: \$0.74

Remarks: Acreage is mostly cleared pasture land. A small pond is located in the north central area of the property. This site fronts the south side of the Southern Corridor (Don Tyson Parkway), which runs easterly from South 48th Street across the south part of Springdale.

Real Estate Market Data, Inc. 479.521.6313

Property of Real Estate Market Data, Inc. Any selling, duplication, reproduction, or related unauthorized use of material is strictly prohibited.

LAND SALE 2



GENERAL INFORMATION

General/Specific Type: Special Purpose
Location: 209 North Crossover Rd.
City: Fayetteville **County:** Washington
Parcel(s): 765-14295-002
S-T-R: 14-16-30 **Lot/Block:** **Subdivision:**
Legal: Part of the NW 1/4 of the SW 1/4 and part of the SW 1/4 of the SE 1/4 of Section 14, Township 16 North, Range 30 West, Washington County, Arkansas

Record #: 242
Book/Page: 2009/27921
State: AR

SALE INFORMATION

Sale Date: August 21, 2009 **Financing:** Cash to Seller
Sale Price: \$1,200,000 **Exposure Time:** Unknown
Adjusted Sale Price: \$1,200,000 **Rights Conveyed:** Fee Simple
Grantor: Whitfield Painter Enterprises, LLC **Verification:** Fayetteville School District No. 1 (Buyer)

Grantee: Fayetteville School District No. 1

PROPERTY INFORMATION

Gross Land Size: 30.860± Acres or 1,344,261.6± SF **Indicators**
Total Frontage: 70, Crossover Rd. (AR Hwy 265) **Sale Price/Gross Acre:** \$38,885
Zoning: P-1, Institutional **Sale Price/Gross SF:** \$0.89
Topography: Gently to Moderately Sloping **Adjusted Sale Price/Gross Acre:** \$38,885
Utilities: Typical City **Adjusted Sale Price/Gross SF:** \$0.89

Remarks: This property is located along the west side of S. Crossover Rd. (AR Hwy 265), approximately .50 mile north of the intersection of S. Crossover Rd. and Huntsville Avenue (AR Hwy 16), in the southeast quadrant of Fayetteville. The property was purchased for development of an elementary school. It should be noted that the sale included 30.86± ACS; however, subsequent to the sale, a Survey was performed and it was discovered that the property actually included approximately 33.13± ACS. The discrepancy in the acreage amount (approximately 2.27± ACS) was considered a charitable donation on behalf of the seller.

The property included older residential improvements that provided no contributory value to the land. The residential improvements were subsequently razed.

Real Estate Market Data, Inc. 479.521.6313

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LAND SALE 3



GENERAL INFORMATION

General/Specific Type: Speculative
Location: 319 Horsebarn Road
City: Bentonville
Parcel(s): 01-00189-010
S-T-R: 08-19-30
Legal: PT of the S/2 of the NE/4 of the SE/4 of S8-T-19N-R-30W, Benton County, Arkansas

Record #: 1068
Book/Page: 2012-17978
State: AR

County: Benton
Lot/Block: NA
Subdivision: NA

SALE INFORMATION

Sale Date: May 15, 2012
Sale Price: \$1,000,000
Adjusted Sale Price: \$1,000,000
Grantor: International Bank of Commerce

Financing: Believed to be Market Terms
Exposure Time: 658± DOM
Rights Conveyed: Fee Simple
Verification: MLS/Benton County Assessor/Circuit Clerk

Grantee: Keypoint Church Inc

PROPERTY INFORMATION

Gross Land Size: 17.640± Acres or 768,398.4± SF
Total Frontage: , Horsebarn Road
Zoning: R-3, Medium Density Residential
Topography: Undulating
Utilities: Typical City

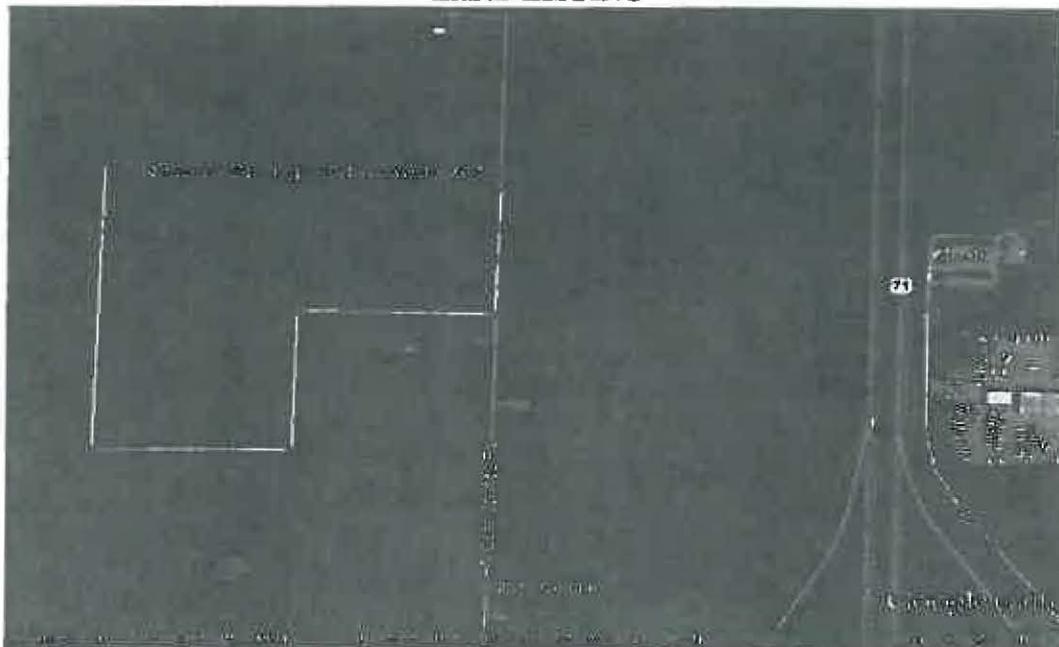
Indicators
Sale Price/Gross Acre: \$56,689
Sale Price/Gross SF: \$1.30
Adjusted Sale Price/Gross Acre: \$56,689
Adjusted Sale Price/Gross SF: \$1.30

Remarks: This represents the sale of 17.64± acres located on the west side of Horsebarn Road in Bentonville. Reported consideration was \$1,000,000 or \$1.30±/SF. The property is located in the Rogers School District.

Real Estate Market Data, Inc. 479.521.6313

Property of Real Estate Market Data, Inc. Any selling, duplication, reproduction, or related unauthorized use of material is strictly prohibited.

LAND LISTING



GENERAL INFORMATION

General/Specific Type: Speculative	Record #: 1077
Location: West side of Goad Springs Road, just north of AR Hwy. 264 West	Book/Page:
City: Lowell	County: Benton
Parcel(s): 12-00229-041	State: AR
S-T-R: 03-18-30	Lot/Block:
Legal: N/2 NE SE, & SW NE SE	Subdivision:

SALE INFORMATION

Sale Date: August 31, 2012	Financing: Believed to be Market Terms
Sale Price: \$1,500,000	Exposure Time: 1082
Adjusted Sale Price: \$1,500,000	Rights Conveyed: Fee Simple
Grantor: Randall C. & Dorothy Springer, Co-Trustees ETAL	Verification: Roger Wingert-Listing Agent
Grantee:	

PROPERTY INFORMATION

Gross Land Size: 30.000± Acres or 1,306,800± SF	Indicators
Total Frontage: 660, Goad Springs Road	Sale Price/Gross Acre: \$50,000
Zoning: A, Agricultural	Sale Price/Gross SF: \$1.15
Topography: Undulating	Adjusted Sale Price/Gross Acre: \$50,000
Utilities: Typical, except sewer	Adjusted Sale Price/Gross SF: \$1.15

Remarks: This is a current listing. The property is zoned A, Agricultural. The Lowell Future Land Use Plan shows Office/Retail for the east 7 1/2 acres along Goad Springs Road, while the back (west) 15 acres is proposed to be zoned residential.

The site has an older pole barn on the property that is considered to not provide contributory value to the land.

Real Estate Market Data, Inc. 479.521.6313

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City of Springdale v. 4 & P, LLC

Case No. CV 2012-3110-4

Date of Taking: 12/27/2012

Deposit: **\$93,500** (\$ 1.00 land value)

Size before taking: 26.09 acres (1,136,367 s/f)

Area of taking: 2.15 acres (93,574 s/f)

Size After taking: 23.94 acres (1,042,793 s/f)

Severance Damages: No

Landowners' Appraisals: Carlson: **\$7,954,569** (\$7.00 s/f) - **\$655,018** for land taken

Facts: 4 & P, LLC purchased this property in 2006 for investment purposes in anticipation of growth on the West side of I-540 following the announcement of the bond issue and the plans to build Arvest Ballpark. It should be noted that the Springdale City officials and Chamber of Commerce representatives who supported the development of the ballpark made numerous public predictions about the boon that it would be for real estate development in the area.

Tom Reed's appraisal did not use any C-2 comparable sales, even though the property is zoned C-5, Thoroughfare District, and C-2, General Commercial. The Zoning Code defines C-5 Thoroughfare District as follows:

"The C-5 Thoroughfare District is established in order to provide adequate locations for retail users which serve the needs of the motoring public and are characterized by a high level of vehicular ingress and egress. Among these uses are transient sleeping accommodations, and eating and drinking establishments; certain limited industrial uses which are compatible with one another and do not produce objectionable environmental influences in their operation and appearance as well as storage and transfer of goods. Such uses are not generally compatible with pedestrian-oriented commercial districts and shopping centers since they tend to obstruct and interfere with pedestrian movement. Appropriate locations for this district are along heavily traveled major traffic arterials."

The City approved the C-5 and C-2 zoning of this property in recognition of its suitability for a wide range of retail and commercial development, including restaurants, hotels, and many other high-value uses.

Reed's appraisal indicates the commercial potential of this property. However, when he evaluated the property, he used inferior comparable sales, including agricultural property, residential property, and P-1 properties without highway frontage or even street frontage. It should also be noted that the property appraised for more than double the Reed appraised amount in 2007, after the downturn in the real estate market. According to the Reed appraisal, the recession ended in June of 2009, so we can clearly expect higher values as of late 2012 and early 2013, when this land was taken.

Exposure at trial:

We believe that a jury will award the \$7.00 per s/f value determined by Carlson. The landowner will testify that the property is worth considerably more than that amount, so the jury will have support for an even higher evaluation. An award of \$7.00 per s/f would equal \$655,018. We do not feel that the jury will consider the Reed appraisal that is a fraction of the other appraisals, including the financing appraisal. 4 & P, LLC will be entitled to attorneys' fees and costs, which are likely to exceed six figures. They are willing to settle for \$560,000 (\$5.98 per s/f), which is considerably less than the amount of the Carlson appraisal and does not include any payment of interest, attorneys' fees or costs and could potentially save the City more than \$200,000.

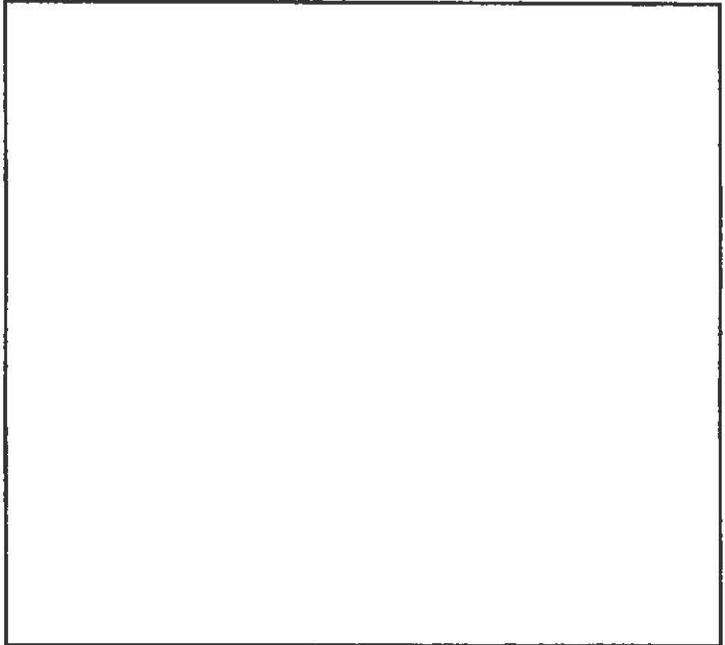
Potential Exposure: \$750,000 + (for interest, attorneys' fees, and costs)

Settlement offer: \$560,000

ORDINANCE NO. _____

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

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



PROPERTY OWNER: Leo McCuistian, Bertha McCuistian, and Donald McCuistian
LEGAL DESCRIPTION: Part of the NW 1/4 of the NE 1/4 of Section 35, Township 18 North, Range 30 West, and being more particularly described as follows, to-wit: Beginning at a point 382 feet East of the Northwest corner of said 40 acre tract, thence South 156 feet, thence West 75 feet, thence North 156 feet, thence East 75 feet to the point of beginning, subject to easements and right of ways on record.
LAYMAN'S DESCRIPTION: 1511 Backus Ave.
Springdale, Arkansas
PARCEL NO.: 815-28002-000

PROPERTY OWNER: Nancy L. Bolin
LEGAL DESCRIPTION: Lot 4, Block 2, Mayes 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.
LAYMAN'S DESCRIPTION: 1009 Mayes Ave.
Springdale, Arkansas
PARCEL NO.: 815-23489-000

PROPERTY OWNER: Cecil Pollock and Pauline Pollock
LEGAL DESCRIPTION: Lot No. 7 in Block No. 1 in H.C. Waggoner's Addition to the City of Springdale, Arkansas as per plat of said addition on file in the office of the Circuit Clerk of Washington County, Arkansas.
LAYMAN'S DESCRIPTION: 517 Mountain View Ave.
Springdale, Arkansas
PARCEL NO.: 815-26159-000

PROPERTY OWNER: Preston P. Cox and Charlene L. Cox

LEGAL DESCRIPTION: Lot 37, Sonoma Subdivision to the City of Springdale, Arkansas, as shown on plat of record in plat book 23A at page 140, plat records of Washington County, Arkansas

LAYMAN'S DESCRIPTION: 3003 Napa Ln.
Springdale, Arkansas

PARCEL NO.: 815-36857-000

PROPERTY OWNER: Johnny Rogers, Justin Smith, Roger Smith and Quentin Smith

LEGAL DESCRIPTION: Lot 10, Block 3 of the revised plat of R.L. Hayes Park Addition to the City of Springdale, Arkansas

LAYMAN'S DESCRIPTION: 901 Shipley St.
Springdale, Arkansas

PARCEL NO.: 815-22569-000

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:

\$1,016.45 clean-up costs and \$27.22 administrative costs – 1511 Backus Ave.
\$140.00 clean-up costs and \$33.33 administrative costs – 1009 Mayes Ave.
\$778.39 clean-up costs and \$21.11 administrative costs – 517 Mountain View Ave.
\$80.00 clean-up costs and \$33.33 administrative costs – 3003 Napa Ln.
\$242.91 clean-up costs and \$33.33 administrative costs – 901 Shipley St.

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

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

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

\$1043.67, plus 10% for collection – 1511 Backus Ave. (Parcel No. 815-28002-000)
\$173.33, plus 10% for collection – 1009 Mayes Ave. (Parcel No. 815-28439-000)
\$799.50, plus 10% for collection – 517 Mountain View Ave. (Parcel No. 815-26159-000)
\$113.33, plus 10% for collection – 3003 Napa Ln. (Parcel No. 815-36857-000)
\$276.24, plus 10% for collection – 901 Shipley St. (Parcel No. 815-22569-000)

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

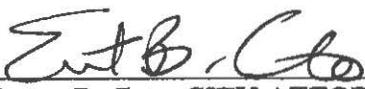
PASSED AND APPROVED this ____ day of _____, 2013.

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:
sparkman@springdalear.gov

July 26, 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Guardian of the Estate
of Bertha McCuistian
Richard Atkinson
Office of the Public Guardian
P.O. Box 1437, Slot W102
Little Rock, AR 72203

Bank of America, N.A.
c/o E. Wilson Moore, Sr., Senior
Banking Executive & Registered Agent
200 W. Capitol Avenue
Little Rock, AR 72201

RE: Notice of clean-up lien on property located at 1511 Backus
Avenue, Springdale, Washington County, Arkansas, Tax Parcel
No. 815-28002-000.

Dear Property Owner/Lienholder:

On September 20, 2010, May 9, 2011, April 17, 2012, September 17, 2012 and
May 30, 2013, notice was posted on property located at 1511 Backus Avenue,
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 October 30, 2010, June 6, 2011, May
2, 2012, June 12, 2012, September 17, 2012 and June 3, 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 November 2, 2010, June 30, 2011, September 11, 2011, June 11, 2012,
October 1, 2012, December 5, 2012 and June 17, 2013. As of this date, the total
costs incurred and paid by the City of Springdale to clean this property are
\$1,016.45. I have enclosed copies of invoices 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

- Ernest B. Cate
City Attorney
Brooke Lockhart
Deputy City Attorney
Taylor Samples
Deputy City Attorney
Sarah Sparkman
Deputy City Attorney
Lynda Belvedrest
Case Coordinator
Steve Helms
Investigator
Cindy Horlick
Administrative Asst.

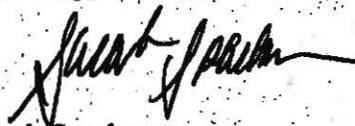
in the amount of \$6.11 per letter and a filing fee in the amount of \$15.00 to the Washington County Circuit Court.

This is to notify you that in the event this amount is not paid to the City of Springdale on or before September 3, 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, September 10, 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 \$1,028.67, which includes \$1,016.45 for cleaning up the property and \$12.22 for certified mailings to the City of Springdale by the date listed above. If you fail to pay this amount before the hearing, then an additional \$15.00 will be added for the costs of filing the ordinance with the Circuit Clerk's Office. Please provide me with a copy of any payment you make so that I will be aware of it.

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

Sincerely,



Sarah Sparkman
Deputy City Attorney

enclosures
SS:ch



Bellis Lawn & Gardens

PO BOX 406

Fayetteville, AR 72702

Ph: 479-790-7607

Email: bellis_lawns@cox.net

Invoice

Due Date	Date	Invoice #
11/2/2010	11/2/2010	278

Bill To

Code Enforcement/Springdale
 107 Spring Street
 Springdale AR 72762
 Gary S

Please check box if address is incorrect or has changed, and indicate changes on reverse side.

Balance Due >>> \$236.70

New e-mail address? Enter here: _____

Bellis Lawn & Gardens

PO BOX 406

Fayetteville, AR 72702

OR RETURN TOP PORTION WITH YOUR PAYMENT.

PAY TO	Terms	Project	Rep

Item	Description	Qty	Rate	Serviced	Amount
	Tontitown Landfill Fee		26.70	11/2/2010	26.70
Haul Off	Haul off - debris, trash, wood, tree debris		150.00		150.00
Lawn Care	Lawn Care - 1511 Backus Springdale AR		60.00	10/31/2010	60.00

There will be a \$25.00 charge for all returned checks. All payments due 10 days from invoice date. Payments received after invoice due date are subject to \$10.00 late fee.

Total	\$236.70
Payments/Credits	\$0.00
Balance Due	\$236.70

Bellis Lawn & Gardens

Bellis

Bellis Lawn & Gardens
 PO BOX 106
 FAYETT, IVILLE, AR 72702
 (479)790-7607
 bellis_lawns@cox.net

Invoice

DATE	INVOICE #
06/30/2011	1100
TERMS	DUE DATE
Net 10	07/10/2011

Complete Lawn Care and Restoration

Bill to:

Code Enforcement/Springdale, AR
 107 Spring St
 Springdale, AR 72762
 Mike S

Leaf

AMOUNT DUE ENCLOSED
\$175.00

Please detach this portion and return with your payment.

Service	Amount	Quantity	Rate	Amount
Haul Off		0.5	150.00	75.00
Lawn Service		1	100.00	100.00
<p>Transaction # _____ Date _____ Account # <u>101-0403-423.70-35</u> Project # _____ Invoice # <u>1100</u> Amount \$ <u>175.00</u> Description <u>1151 Brooks Ave</u> <u>Haul off - Tree Debris-Lawn Service</u> Approved By <u>Maxine Alvarez</u> <u>7.13.11</u></p>				



Bellis Lawn & Gardens
 PO BOX 406
 Fayetteville AR 72702

Invoice

Due Date	Date	Invoice #
9/21/2011	9/11/2011	35

bellis_lawns@cox.net

Bill To

Code Enforcement/Springdale AR
 107 Spring St
 Springdale, AR 72762
 Gary S

Please check box if address is incorrect or has changed, and indicate change(s) on reverse side.

New e-mail address? Enter here:

Balance Due \$65.00

Bellis Lawn & Gardens
 PO BOX 406
 Fayetteville AR 72702

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT.

P.O. No.	Terms	Project	Rep
	Net 10		

Item	Description	Qty	Rate	Serviced	Amount
Lawn Service	Lawn Service & Tree Debris haul off - 1511 Backus Springdale AR -	1	65.00	9/9/2011	65.00

Transaction # _____
 Date _____
 Account # 101-0403-423-70-35
 Project # _____
 Invoice # 35
 Amount \$65.00
 Description 1511 Backus Ave. Lawn Service + tree debris
 Approved By Manuel Alvarez
MBH

There will be a \$15 charge for all returned checks. 10% interest will be assessed on all unpaid balances after 45 days. For billing inquiries: 479-790-7607

Total	\$65.00
Payments/Credits	\$0.00
Balance Due	\$65.00

Lien



Bellis Lawn & Gardens
PO BOX 406
Fayetteville AR 72702

Invoice

Due Date	Date	Invoice #
6/22/2012	6/12/2012	242

bellis_lawns@cox.net

Bill To
Code Enforcement/Springdale AR
107 Spring St
Springdale, AR 72762
Bobby N

Please check box if address is incorrect or has changed, and indicate change(s) on reverse side.

Balance Due **\$85.00**

New e-mail address? Enter here: _____

Bellis Lawn & Gardens
PO BOX 406
Fayetteville AR 72702

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT.

P.O. No.	Terms	Project	Rep
	Net 10		

Item	Description	Qty	Rate	Serviced	Amount
Lawn Service	Lawn Service - 1511 Backus Springdale AR	1	85.00	6/11/2012	85.00

Transaction # _____
 Date _____
 Account # 101-0403-423.70-35
 Project # _____
 Invoice # 242
 Amount \$85.00
 Description lawn serv @ 1511 backus

Approved By Phil Ull
6/11/12

*Rec'd
6/12/12
MLB*

There will be a \$15 charge for all returned checks. 10% interest will be assessed on all unpaid balances after 45 days. For billing inquiries: 479-790-7607

Total	\$85.00
Payments/Credits	\$0.00
Balance Due	\$85.00

Please attach to
existing lien

Evans Construction and Remodeling LLC
1123 Crutcher St
Springdale, AR 72764
479-530-0801

Date
12/5/12
Invoice
12512

Job Name and Address

City of Springdale
1511 Backus Bob Nivens
Springdale, AR
Attn: Mike Chamlee

<u>Description</u>	<u>Cost</u>
Remove limbs from front, back, and side yard	
Total cost	\$100.00

Thank You
Randy

Transaction # _____
Date _____
Account # 101-0403-423,70-35
Project # _____
Invoice # 12512
Amount \$100.⁰⁰
Description Remove brush @ 1511 Backus Ave

Approved By Mike Ull
12/11/12



Bellis Lawn & Gardens
PO BOX 406
Fayetteville AR 72702

Invoice

Due Date	Date	Invoice #
6/27/2013	6/17/2013	562

bellis_lawns@cox.net

Bill To

Code Enforcement/Springdale AR
 107 Spring St
 Springdale, AR 72762
 Debi J

Please check box if address is incorrect or has changed, and indicate change(s) on reverse side.

Balance Due	\$204.75
--------------------	-----------------

New e-mail address? Enter here: _____

Bellis Lawn & Gardens
 PO BOX 406
 Fayetteville AR 72702

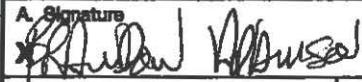
PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT.

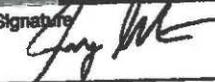
P.O. No.	Terms	Project	Rep
	Net 10		

Item	Description	Qty	Rate	Serviced	Amount
Lawn Service	Lawn Service - 1511 Backus Springdale AR	1	150.00	6/17/2013	150.00
Haul Off	Haul Off - Tree Debris - Sales Tax	1	50.00 9.50%	6/17/2013	50.00T 4.75
Transaction # _____ Date _____ Account # <u>101-0403-423.70-35</u> Project # _____ Invoice # <u>562</u> Amount <u>204.75</u> Description <u>Lawn Service/dbris removal @</u> <u>1511 Backus</u> Approved By <u>Mike Oly</u> <u>6/18/13</u>					

There will be a \$15 charge for all returned checks. 10% interest will be assessed on all unpaid balances after 45 days. For billing inquiries: 479-790-7607

Total:	\$204.75
Payments/Credits:	\$0.00
Balance Due	\$204.75

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  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
	B. Received by (Printed Name)	C. Date of Delivery 7 30 B
1. Article Addressed to: Mr. Richard Atkinson Public Guardian for Adults Department of Human Services P.O. Box 1437, Slot W102 Little Rock, AR 72203-1437	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 8936		
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 X  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
	B. Registered (CERTIFIED)	C. Date of Delivery AUG - 1 2013
1. Article Addressed to: Bank of America, N.A. c/o E. Wilson Moore, Sr., Senior Banking Executive & Registered Agent 200 W. Capitol Avenue Little Rock, AR 72201	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 8943		
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		

EM COPY

ARKANSAS DEPARTMENT OF HEALTH
Division of Vital Records
CERTIFICATE OF DEATH

256949

TYPE PRINT IN PERMANENT BLACK INK FOR INSTITUTIONS SEE HANDBOOK
RECORDS
NAME OF DECEDENT: SEE INSTRUCTIONS ON OTHER SIDE

PARENTS
INFORMANT

DISPOSITION
SEE INSTRUCTIONS ON OTHER SIDE

CAUSE OF DEATH

INJURY AT WORK RECORD

CERTIFIED

REGISTRAR

1. DECEASED'S NAME (First, Middle, Last) DONALD EUGENE McGUISTIAN			2. SEX MALE		3. DATE OF DEATH (Month, Day, Year) NOVEMBER 30, 1994	
4. SOCIAL SECURITY NUMBER 429-58-7765		5a. AGE - Last Birthday (Years) 58		5b. UNDER 1 YEAR Months: Days: Hours: Minutes:		6. DATE OF BIRTH (Month, Day, Year) JUNE 7, 1936
7. BIRTHPLACE (City and State or Foreign Country) ALABAMA, ARKANSAS			8. PLACE OF DEATH (Check only one) HOSPITAL: <input type="checkbox"/> Inpatient <input type="checkbox"/> Outpatient <input type="checkbox"/> DCA OTHER: <input type="checkbox"/> Nursing Home <input type="checkbox"/> Residence <input type="checkbox"/> Other (Specify)			
9a. FACILITY NAME (If not institution, give street and number) SPRINGDALE MEMORIAL HOSPITAL			9b. CITY, TOWN, OR LOCATION OF DEATH SPRINGDALE			9c. COUNTY OF DEATH WASHINGTON
10. MARITAL STATUS - Married, Never Married, Widowed, Divorced (Specify) NEVER MARRIED		11. SURVIVING SPOUSE (If wife, give maiden name)		12a. DECEASED'S USUAL OCCUPATION (Give kind of work done during most of working life. Do not use retired.) CARPENTER		12b. KIND OF BUSINESS/INDUSTRY CONSTRUCTION
13a. RESIDENCE - STATE ARKANSAS		13b. COUNTY WASHINGTON		13c. CITY, TOWN, OR LOCATION SPRINGDALE		13d. STREET AND NUMBER 1511 BACKUS STREET
14. INSURE CITY LIMITS? (Yes or No) YES		15. ZIP CODE 72764		16. RACE - American Indian, Black, White, etc. (Specify) WHITE		17. DECEASED'S EDUCATION (Specify only highest grade completed) Elementary/Secondary (9-12) <input type="checkbox"/> College (1-4 or 5-6) <input checked="" type="checkbox"/> 10
18. FATHER'S NAME (First, Middle, Last) WILLIAM STEVE McGUISTIAN			19. MOTHER'S NAME (First, Middle, Maiden Surname) MYRTIE ALTA DENNIS			
20. INFORMANT'S NAME (Type-Print) LEO McGUISTIAN			21. MAILING ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code) 1511 BACKUS STREET, SPRINGDALE, ARKANSAS 72764			
22. MANNER OF DISPOSITION <input checked="" type="checkbox"/> Natural <input type="checkbox"/> Circumstances <input type="checkbox"/> Removal from State <input type="checkbox"/> Drowned <input type="checkbox"/> Other (Specify)						
23a. DATE OF DISPOSITION (Month, Day, Year) DECEMBER 3, 1994		23b. PLACE OF DISPOSITION (Name of cemetery, crematory, or other place) ALABAM CEMETERY		23c. LOCATION - City or Town, State ALABAMA, ARKANSAS		
24. SIGNATURE OF FUNERAL DIRECTOR <i>Charles R. Shinn</i>		25. LICENSE NUMBER 1560		26. NAME AND ADDRESS OF FUNERAL HOME (Street and Number or Rural Route Number, City or Town, State, Zip Code) BRASHEARS FUNERAL HOME, INC. P. O. DRAWER 3 HUNTSVILLE, ARKANSAS 72740-0040		27. LICENSE NUMBER 188
28. PART I. Enter the disease, injuries, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line. IMMEDIATE CAUSE: (If not disease or condition resulting in death) DUE TO (OR AS A CONSEQUENCE OF): Cardiac Ventricular Fibrillation DUE TO (OR AS A CONSEQUENCE OF): Acute Coronary Artery Disease DUE TO (OR AS A CONSEQUENCE OF): Adult Onset Diabetes Mellitus						Approximate Interval Between Onset and Death Minutes Hours Years Years
PART II. Other significant conditions contributing to death but not resulting in the underlying cause given in Part I.						29. WAS AN AUTOPSY PERFORMED? (Yes or No) NO
30. MANNER OF DEATH <input checked="" type="checkbox"/> Natural <input type="checkbox"/> Accident <input type="checkbox"/> Homicide <input type="checkbox"/> Suicide <input type="checkbox"/> Could not be Determined <input type="checkbox"/> Pending Investigation			31. DATE OF INJURY (Month, Day, Year)		32. TIME OF INJURY	
33. INSCRIBE HOW INJURY OCCURRED						
34. PLACE OF INJURY - Is by road, home, street, factory, office, business, etc. (Specify)			35. LOCATION (Street and Number or Rural Route Number, City or Town, State)			
36. TIME OF DEATH 1:40 P.M.		37. DATE PHONOUNCED DEAD (Month, Day, Year) November 30, 1994		38. WAS CASE REFERRED TO MEDICAL EXAMINER/CORONER? (Yes or No) No		
39. MEDICAL EXAMINER or CORONER Only On the basis of observation and/or investigation, in my opinion, death occurred at the time, date and place and due to the cause(s) and manner as stated. Signature and Title: <i>Don Schenkel MD</i>						40. DATE SIGNED (Month, Day, Year) 12-5-94
41. CITY/ZIP PHYSICIAN To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner as stated. Signature and Title: <i>Don Schenkel MD</i>						42. DATE SIGNED (Month, Day, Year) 12-5-94
43. NAME AND ADDRESS OF PERSON WHO CONTACTED CAUSE OF DEATH (Type-Print) Lynne Schenkel, MD 415 2 Thompson Springdale, AR 71704						44. DATE FILED (Month, Day, Year) Dec. 13, 1994
45. REGISTRAR'S SIGNATURE <i>Penda G. Clark, D.R.</i>						46. DATE FILED (Month, Day, Year) Dec. 13, 1994

THIS IS TO CERTIFY, that the above is an exact reproduction of the original death certificate in my possession on this date and of which I have authority to issue copies under Act 120 of 1981. IN TESTIMONY, WHEREOF, witness my hand and seal of office in Washington County.

(SEAL) Date DEC 13 1994 County Registrar Rick Johnson

VR-109

95002021

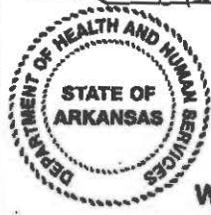
STATE OF ARKANSAS

ARKANSAS DEPARTMENT OF HEALTH Division of Vital Records CERTIFICATE OF DEATH

SEE INSTRUCTIONS ON OTHER SIDE

1. DECEDENT'S NAME (Print, Month, Last) McCUISTIAN		8. SEX MALE	3. DATE OF DEATH (Month, Day, Year) NOVEMBER 26, 2006
2. AGE - Last Birthday 80	4. UNDER 1 YEAR None Days Hours Minutes	5. DATE OF BIRTH (Month, Day, Year) JULY 23, 1926	7. BIRTHPLACE (City and State or Foreign Country) ALABAMA, ARKANSAS
9. WAS DECEDENT EVER IN U.S. ARMED FORCES (The or by) YES			
10. FACILITY NAME (If not residence give street and number) NORTHWEST MEDICAL CENTER-SPRINGDALE			
11. SURVIVING SPOUSE (If wife, give maiden name) NEVER MARRIED		12a. DECEDENT'S USUAL OCCUPATION (Give kind of work done during most of working life. Do not use related) CARPENTER	12b. KIND OF BUSINESS INDUSTRY CONSTRUCTION
13a. RESIDENCE - STATE ARKANSAS	13b. COUNTY WASHINGTON	13c. CITY, TOWN OR LOCATION SPRINGDALE	13d. STREET AND NUMBER 1511 BACKUS AVENUE
14. INSIDE CITY LA8879 (Yes or No) YES	15. ZIP CODE 72764	16. WAS DECEDENT OF HISPANIC ORIGIN? (Specify No or Yes - If yes specify Cuban, Mexican, Puerto Rican, etc.) NO	17. RACE - American Indian, or Black, White, etc. (Specify) WHITE
18. DECEDENT'S EDUCATION (Specify only highest grade completed) (Elementary Secondary 10-12) College (1-4 or 5) 6		19. FATHER'S NAME (Print, Month, Last) WILLIAM STEVE McCUISTIAN	
20. MOTHER'S NAME (Print, Month, Last) MIRTRIE ALTA DENNIS		21. INFORMANT'S NAME (Type Print) MISS BERTHA L. McCUISTIAN	
22. MAILING ADDRESS (Street and Number or Rural Route Number, City, Town, State, Zip Code) 1511 BACKUS AVENUE, SPRINGDALE, ARKANSAS 72764			
23. METHOD OF DISPOSITION 23a. Burial 23b. Cremation 23c. Removal from State 23d. Donation 23e. Other (Specify)			
24. DATE OF DISPOSITION (Month, Day, Year) NOVEMBER 29, 2006		25. PLACE OF DISPOSITION (Name of cemetery, ossuary, or other place) ALABAM CEMETERY	
26. LOCATION - City or Town, State ALABAMA, ARKANSAS		27. SIGNATURE OF EMBALMER <i>[Signature]</i>	
28. LICENSE NUMBER 1501		29. NAME AND ADDRESS OF FUNERAL HOME WASHKAM FUNERAL HOME, INC. POST OFFICE DRAWER 8 HORTONVILLE, ARKANSAS 72740-0040	
30. LICENSE NUMBER 188		31. PART I: Enter the diseases, injuries or complications that caused the death. Do not enter the signs of injury, such as contusion or respiratory tract shock, or related failure. List only one cause on each line. Cardiogenic Shock DUE TO (OR AS A CONSEQUENCE OF) Multiorgan Failure DUE TO (OR AS A CONSEQUENCE OF) Arteriosclerotic Heart Disease DUE TO (OR AS A CONSEQUENCE OF) Ischemic Cardiomyopathy	
32. PART II: Other significant conditions contributing to death but not resulting in the underlying cause given in Part I.		33. APPROXIMATE INTERVAL BETWEEN DEATH AND DISPOSITION 24 Hours	
34. MANNER OF DEATH 34a. Natural 34b. Accidental 34c. Homicide 34d. Suicide 34e. Could not be Determined 34f. Pending Investigation		35. WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? (Yes or No) No	
36. DATE OF INJURY (Month, Day, Year)		37. TIME OF INJURY	
38. INJURY AT WORK? (Yes or No)		39. DESCRIBE HOW INJURY OCCURRED	
40. PLACE OF INJURY - At home farm street factory office building etc. (Specify)		41. LOCATION (Street and Number or Rural Route Number, City or Town, State)	
42. TIME OF DEATH 9:05 A.M.		43. DATE PRONOUNCED DEAD (Month, Day, Year) November 26, 2006	
44. MEDICAL EXAMINER or CORONER Only On the basis of examination and investigation in my opinion, death occurred at the time, date and place and due to the disease(s) and manner as stated. Signature and Title: <i>[Signature]</i>		45. DATE SIGNED (Month, Day, Year) November 26, 2006	
46. CERTIFYING PHYSICIAN, REGISTERED NURSE (Nurses only) or other health care provider To fill out if any health care provider was present at the time, date and place and due to the disease(s) and manner as stated. Signature and Title: <i>[Signature]</i>		47. DATE SIGNED (Month, Day, Year) November 26, 2006	
48. NAME AND ADDRESS OF PERSON WHO COMPLETED CAUSE OF DEATH (Type Print) Michael D. Green, M. D., 601 West Maple Avenue, Suite 703, Springdale, Arkansas 72764		49. REGISTRAR'S SIGNATURE <i>[Signature]</i>	
50. DATE FILED (Month, Day, Year) December 12, 06		51. REV 4-05 VRL	

Doc ID: 0107980001 Type: REL
 Recorded: 12/20/2006 at 01:35:27 PM
 Fee Amt: \$9.00 Page 1 of 1
 Washington County, AR
 Bette Starnes Circuit Clerk
File 2006-00051135



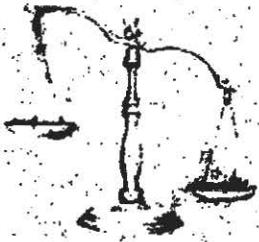
THIS IS TO CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE CERTIFICATE ON FILE IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

DEC 12 2006

[Signature]
Michael A. Adams
State Registrar

WARNING: A REPRODUCTION OF THIS DOCUMENT RENDERS IT VOID AND INVALID. DO NOT ACCEPT UNLESS EMBOSSED SEAL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES IS PRESENT IT IS ILLEGAL TO ALTER OR COUNTERFEIT THIS DOCUMENT.

0992611
VR-112



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

Taylor Samples
Deputy City Attorney

Sarah Sparkman
Deputy City Attorney

Lynda Belvedresi
Case Coordinator

Steve Helms
Investigator

Cindy Horlick
Administrative Asst.

July 26, 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Nancy Bolin
1003 Mayes Ave.
Springdale, AR 72764

CitiMortgage, Inc.
1000 Technology Dr., MS 321
O'Fallon, MO 63368-2240

CitiMortgage, Inc.
P.O. Box 29071
Glendale, CA 91209-9071

RE: Notice of clean-up lien on property located at 1009 Mayes Ave.,
Springdale, Washington County, Arkansas, Tax Parcel No. 815-
23489-000

Dear Property Owner/Lienholder:

On June 18, 2013, notice was posted on property located at 1009 Mayes Avenue,
Springdale, Arkansas, that the property was in violation of Springdale City
Ordinance 42-77 and 42-78, and needed to be remedied within seven (7) days.
Notice was mailed to the owner of record on June 28, 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.

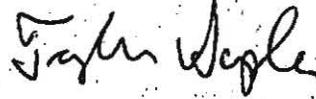
No action was taken by the owner to clean up the property within seven (7)
business days. As a result, the City of Springdale took action to remedy the
violations on the property, as is allowed by Ark. Code Ann. §14-54-903, on or
about July 9, 2013. As of this date, the total costs incurred and paid by the City of
Springdale to clean this property are \$140.00. 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 September 3, 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, September 10, 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 \$158.33, which includes \$140.00 for cleaning up the property and \$18.33 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,



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

*LIEN
7/15/13*

Invoice No: 272
Date: Jul 9, 2013
Terms: NET 30
Due Date: Aug 8, 2013

Description	Quantity	Rate	Amount
Initial mow and trash haul off and disposal at 1709 Mayes M. Sidney	1.00	\$140.00	\$140.00

Transaction # _____
Date _____
Account # 101-0403-423. 70-35
Project # _____
Invoice # 272
Amount 140.⁰⁰
Description lawn care & debris removal @
1009 Mayes
Approved By Mike Chandler
7/15/13

* Indicates non-taxable item

Subtotal	\$140.00
TAX (10.00%)	\$0.00
Total	\$140.00
Paid	\$0.00
Balance Due	\$140.00

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 <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee	
	B. Received by (Printed Name) Nancy L. Bolin	C. Date of Delivery 7/27/13
1. Article Addressed to: <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;"> Nancy Bolin 1003 Mayes Ave. Springdale, AR 72764 </div>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
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		
2. Article Number (Transfer from service label) 7011 1570 0000 8219 8752		
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 <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee	
	B. Received by (Printed Name) [Signature]	C. Date of Delivery 7-29-2013
1. Article Addressed to: <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;"> CitiMortgage, Inc. 1000 Technology Dr., MS 321 O'Fallon, MO 63368-2240 </div>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
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		
2. Article Number (Transfer from service label) 7011 1570 0000 8219 8769		
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 <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee	
	B. Received by (Printed Name) MICHAEL MERCHANT	C. Date of Delivery 7/30/13
1. Article Addressed to: <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;"> CitiMortgage, Inc. P.O. Box 29071 Glendale, CA 91209-9071 </div>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
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		
2. Article Number (Transfer from service label) 7011 1570 0000 8219 8776		
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540		



Office Of The City Attorney

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

Writer's Email:
ssparkman@springdalear.gov

Ernest B. Cate
City Attorney

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Deputy City Attorney

Taylor Samples
Deputy City Attorney

Sarah Sparkman
Deputy City Attorney

Lynda Belvedresi
Case Coordinator

Steve Helms
Investigator

Cindy Horlick
Administrative Asst.

July 26, 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Richard Atkinson
Public Guardian for Adults
Department of Human Services
P.O. Box 1437, Slot W102
Little Rock, AR 72203-1437

RE: Notice of clean-up lien on property owned by Pauline Pollock and
located at 517 Mountain View, Springdale, Washington County,
Arkansas, Tax Parcel No. 815-26159-000

Dear Mr. Atkinson:

On June 15, 2012 and April 23, 2013, notice was posted on property located at
517 Mountain View, 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 Pauline Pollock on June 15, 2012 and May
6, 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.

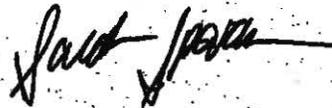
No action was taken by Mrs. Pollock to clean up the property within seven (7)
business days. As a result, the City of Springdale took action to remedy the
violations on the property, as is allowed by Ark. Code Ann. §14-54-903, on or
about July 8, 2012, September 10, 2012, December 21, 2012 and June 13, 2013.
As of this date, the total costs incurred and paid by the City of Springdale to clean
this property are \$778.39. 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 September 3, 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, September 10, 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 \$784.50, which includes \$778.39 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,



Sarah Sparkman
Deputy City Attorney

enclosures
SS:ch



Bellis Lawn & Gardens
PO BOX 406
Fayetteville AR 72702

Dean

Invoice

Due Date

7/18/2012

Date

7/18/2012

Invoice #

290

bellis_lawns@cox.net

Bill To

Code Enforcement/Springdale AR
107 Spring St
Springdale, AR 72762
Tina H

Please check box if address is incorrect or has changed, and indicate change(s) on reverse side.

Balance Due

\$383.39

New e-mail address? Enter here: _____

Bellis Lawn & Gardens
PO BOX 406
Fayetteville AR 72702

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT.

P.O. No.

Terms

Project

Rep

Net 10

Item	Description	Qty	Rate	Serviced	Amount
	Landfill fee		83.39	7/18/2012	83.39
Haul Off	Haul Off	1	200.00	7/18/2012	200.00
Lawn Service	Lawn Service - 517 Mountain View Springdale AR -	1	100.00	7/18/2012	100.00

Transaction # _____
 Date _____
 Account # 161-0463-423.70-35
 Project # _____
 Invoice # 290
 Amount \$383.39
 Description debit received & lawn service @ 517 Mountain View
 Approved By Mike [Signature]
7/18/12

There will be a \$15 charge for all returned checks. 10% interest will be assessed on all unpaid balances after 45 days. For billing inquiries: 479-790-7607

Total	\$383.39
Payments/Credits	\$0.00
Balance Due	\$383.39



Bellis Lawn & Gardens
 PO BOX 406
 Fayetteville AR 72702

Complete Lawn Care and Restoration

Invoice

Due Date
 9/20/2012

Date
 9/10/2012

Invoice #
 364

bellis_lawns@cox.net

Bill To

Code Enforcement/Springdale AR
 107 Spring St
 Springdale, AR 72762
 Tina H

Please check box if address is incorrect or has changed, and indicate change(s) on reverse side.

New e-mail address? Enter here: _____

Balance Due \$65.00

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT.

Bellis Lawn & Gardens
 PO BOX 406
 Fayetteville AR 72702

P.O. No.

Terms

Project

Rep

Net 10

Item	Description	Qty	Rate	Serviced	Amount
Lawn Service	Lawn Service - 517 Mt View Springdale AR	1	65.00	9/10/2012	65.00

Transaction # _____
 Date _____
 Account # 101-0403-413 70-35
 Project # _____
 Invoice # 364
 Amount 665.00
 Description Lawn service @ 517 Mt. View
 Approved By [Signature]
9/11/12

There will be a \$15 charge for all returned checks. 10% interest will be assessed on all unpaid balances after 45 days. For billing inquiries: 479-790-7607

Total	\$65.00
Payments/Credits	\$0.00
Balance Due	\$65.00

Invoice

Green Pastures Lawn Care
9007 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: 138
Date: 21 Dec 2012

Description	Quantity	Rate	Amount
Trash removal and disposal at: 517 Mt. View Officer T. Haden	1.00	\$80.00	\$80.00*

Transaction # _____
Date _____
Account # [01-0403-423, 70-35]
Project # _____
Invoice # 138
Amount \$80.00
Description clean up trail @ 517 Mt. View
Approved By *MJ*
12/21/12

2012

Thank you for your business!

Total	\$80.00
Paid	\$0.00
Balance Due	\$80.00

Evans Construction and Remodeling LLC
1123 Crutcher St
Springdale, AR 72764
479-530-0801

Date
6/13/13
Invoice
661313

Job Name and Address

City of Springdale
517 Mt. View (Bobby Nivens)
Springdale, AR
Attn: Mike Chamlee

<u>Description</u>	<u>Cost</u>
Remove junk and trash and mow tall grass	\$250.00

Thank You
Randy

Transaction # _____
Date _____
Account # 101-0402-423,70-35
Project # _____
Invoice # 661313
Amount 250.⁰⁰
Description remove junk / lawn service @
517 Mt. View
Approved By Phil [Signature]
6/17/13

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. Richard Atkinson
 Public Guardian for Adults
 Department of Human Services
 P.O. Box 1437, Slot W102
 Little Rock, AR 72203-1437

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 X *Richard Atkinson* Addressee

B. Received by (Printed Name)

C. Date of Delivery

7 30 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

2. Article Number
 (Transfer from service label)

7011 1570 0000 8219 8820



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

July 26, 2013

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Preston & Charlene Cox
P.O. Box 8003
Fayetteville, AR 72702

Bank of America, N.A.
1800 Tapo Canyon Rd.
Simi Valley, CA 93063

Dyke, Henry, Goldsholl & Winzerling, P.L.C.
415 N. McKinley, Suite 1177
Little Rock, AR 72205

RE: Notice of clean-up lien on property located at 3003 Napa Lane,
Springdale, Washington County, Arkansas, Tax Parcel No. 815-
36857-000

Dear Property Owner/Lienholder:

On May 7, 2013, notice was posted on property located at 3003 Napa 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 May 17, 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 property owner received this notice on May 20, 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 June 24, 2013. As of this date, the total costs incurred and paid by the City of Springdale to clean this property are \$80.00. 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.

Ernest B. Cate
City Attorney

Brooke Lockhart
Deputy City Attorney

Taylor Samples
Deputy City Attorney

Sarah Sparkman
Deputy City Attorney

Lynda Belvedere
Case Coordinator

Steve Helms
Investigator

Cindy Horlick
Administrative Asst.

This is to notify you that in the event this amount is not paid to the City of Springdale on or before September 3, 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, September 10, 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 \$98.33, which includes \$80.00 for cleaning up the property and \$18.33 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,



Taylor Samples
Deputy City Attorney

enclosures
TS:ch



Bellis Lawn & Gardens
 PO BOX 406
 Fayetteville AR 72702

Complete Lawn Care and Restoration

Invoice

Due Date	Date	Invoice #
7/5/2013	6/25/2013	586

bellis_lawns@cox.net

Bill To

Code Enforcement/Springdale AR
 107 Spring St
 Springdale, AR 72762
 Mike S

Please check box if address is incorrect or has changed, and indicate change(s) on reverse side.

New e-mail address? Enter here: _____

Balance Due	\$80.00
--------------------	----------------

Bellis Lawn & Gardens

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT.

PO BOX 406
 Fayetteville AR 72702

P.O. No.	Terms	Project	Rep
	Net 10		

Item	Description	Qty	Rate	Serviced	Amount
Lawn Service	Lawn Service - 3003 Napa Springdale AR -	1	80.00	6/24/2013	80.00
Transaction # _____ Date _____ Account # <u>101-0403-423.70-35</u> Project # _____ Invoice # <u>586</u> Amount <u>80.00</u> Description <u>Lawn care @ 3003 Napa</u> Approved By <u>Mike S</u> <u>6/25/13</u>					

There will be a \$15 charge for all returned checks. 10% interest will be assessed on all unpaid balances after 45 days. For billing inquiries: 479-790-7607

Total:	\$80.00
Payments/Credits:	\$0.00
Balance Due	\$80.00

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. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> Agent Preston Cox <input checked="" type="checkbox"/> Addressee</p> <p>C. Date of Delivery 7/30/13</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>
1. Article Addressed to:	
Preston & Charlene Cox P.O. Box 8003 Fayetteville, AR 72702	
2. Article Number (Transfer from service label)	7011 1570 0000 8219 8202
PS Form 3811, February 2004 Domestic Return Receipt 102585-02-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. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> Agent X [Signature]</p> <p>C. Date of Delivery</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>
1. Article Addressed to:	
Dyke, Henry, Goldsholl & Winzerling, P.L.C. 415 N. McKinley, Suite 1177 Little Rock, AR 72205	
2. Article Number (Transfer from service label)	7011 1570 0000 8219 8677
PS Form 3811, February 2004 Domestic Return Receipt 102585-02-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. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> Agent David Quintavilla <input checked="" type="checkbox"/> Addressee</p> <p>C. Date of Delivery</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>
1. Article Addressed to:	
Bank of America, N.A. 1800 Tapo Canyon Rd. Simi Valley, CA 93063	
2. Article Number (Transfer from service label)	7011 1570 0000 8219 8684
PS Form 3811, February 2004 Domestic Return Receipt 102585-02-M-1540	



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

Taylor Samples
Deputy City Attorney

Sarah Sparkman
Deputy City Attorney

Lynda Belvedere
Case Coordinator

Steve Helms
Investigator

Cindy Horlick
Administrative Asst.

July 26, 2013

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Johnny Rogers, Justin Smith,
Quentin Smith and David Smith
P.O. Box 58
Hillsdale, OK 73743

Johnny Rogers, Justin Smith
Quentin Smith and David Smith
213 Westwood Ave.
Springdale, AR 72764

Bank of America, N.A.
9000 Southside Blvd.
Jacksonville, FL 32256

RE: Notice of clean-up lien on property located at 901 Shipley St.,
Springdale, Washington County, Arkansas, Tax Parcel No. 815-
22569-000

Dear Property Owners/Lienholder:

On April 24, 2013, notice was posted on property located at , 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. Also, on May 7, 2013, notice was mailed to the property owner 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 May 8, 2013.

No action was taken by you 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 May 17, 2013, and an ordinance was passed by the Springdale City Council on July 9, 2013, placing a lien on the property to recover the total sum of \$158.33 spent by the City of Springdale to clean this property. In accordance with Ark. Code Ann. §14-54-903(c)(4), administrative fees in the amount of \$33.33 (\$18.33 for certified letters and \$15.00 filing fee to Washington County Circuit Clerk) were added to the costs incurred for cleaning the property by the City of Springdale.

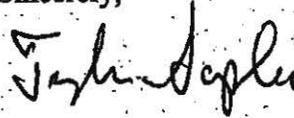
In the interim, the City of Springdale had to clean this property a second time, this time on June 17, 2013. The City expended the sum of \$242.91 to clean this property. I have enclosed a copy of the invoice evidencing this cost.

This is to notify you that in the event this amount is not paid to the City of Springdale on or before September 3, 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, September 10, 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 \$261.24, which includes \$242.91 for cleaning up the property and \$18.33 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,



Taylor Samples
Deputy City Attorney

enclosure
TS:ch



Bellis Lawn & Gardens
 PO BOX 406
 Fayetteville AR 72702

Complete Lawn Care and Restoration

to existing item

Invoice

Due Date	Date	Invoice #
6/27/2013	6/17/2013	567

bellis_lawns@cox.net

Bill To

Code Enforcement/Springdale AR
 107 Spring St
 Springdale, AR 72762
 Bobby N

Please check box if address is incorrect or has changed, and indicate change(s) on reverse side.

Balance Due	\$207.91
--------------------	-----------------

New e-mail address? Enter here: _____

Bellis Lawn & Gardens
 PO BOX 406
 Fayetteville AR 72702

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT.

P.O. No.	Terms	Project	Rep
	Net 10		

Item	Description	Qty	Rate	Serviced	Amount
	Tontitown Landfill Fee		33.41	6/17/2013	33.41
Haul Off	Haul Off	1	100.00	6/17/2013	100.00
Lawn Service	Lawn Service - 901 Shipley Springdale AR -	1	100.00	6/17/2013	100.00
	Sales Tax		9.50%		9.50
Transaction # _____ Date _____ Account # <u>101-0403-423.70-35</u> Project # _____ Invoice # <u>567</u> Amount <u>242.91</u> Description <u>lawn service/debris removal @</u> <u>901 Shipley</u> Approved By <u>Mike Gaudin</u> <u>6/18/13</u>					

(Signature)
 242.91

There will be a \$15 charge for all returned checks. 10% interest will be assessed on all unpaid balances after 45 days. For billing inquiries: 479-790-7607

Total:	207.91
Payments/Credits:	\$0.00
Balance Due	\$242.91

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> <i>Johnny Rogers</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Johnny Rogers</i></p> <p>C. Date of Delivery <i>JUL 26 2013</i></p>
<p>1. Article Addressed to:</p> <p><i>Johnny Rogers, Justin Smith Quentin Smith and David Smith 213 Westwood Ave. Springdale, AR 72764</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <i>JUL 29 2013</i></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)</p>	<p><i>7011 1570 0000 8219 8707</i></p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> <i>June</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Non return</i></p> <p>C. Date of Delivery <i>JUL 29 2013</i></p>
<p>1. Article Addressed to:</p> <p><i>Bank of America, N.A. 9000 Southside Blvd. Jacksonville, FL 32256</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>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)</p>	<p><i>7011 1570 0000 8219 8714</i></p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE PURCHASE
OF PROPERTY IDENTIFIED AS TRACTS 1 & 2
NORTH OF COOPER DRIVE AND WEST OF
THOMPSON STREET, SPRINGDALE, ARKANSAS**

WHEREAS, the acquisition of this property, consisting of approximately 3.44 acres, is needed for construction of fire station number 3, and

WHEREAS, the property includes Tracts 1 and 2 north of Cooper Drive and west of Thompson Street as described by the attached legal description and site plan, and

WHEREAS, the property has been appraised for \$384,000, and

WHEREAS, the owners have agreed to sell this property for \$180,000, and

WHEREAS, a comprehensive study of calls for service and response times indicated a fire station number 3 should be relocated 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 purchase price of \$180,000 is approved and 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 3.44 acres identified as tract 1 & 2 and described by the attached legal description and site plan upon the successful completion of the required lot split.

PASSED AND APPROVED this _____ day of September, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

1.81 ACRE TRACT

A PART OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 26, TOWNSHIP 18 NORTH, RANGE 30 WEST OF THE 5TH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID NE ¼ OF THE NE ¼; THENCE S87°41'39"E A DISTANCE OF 750.79 FEET TO THE **POINT OF BEGINNING**; THENCE N01°09'41"E A DISTANCE OF 661.54 FEET TO A POINT; THENCE S87°34'11"E A DISTANCE OF 198.77 FEET TO A POINT; THENCE S01°09'41"W A DISTANCE OF 361.11 FEET; THENCE N87°41'38"W A DISTANCE OF 173.76 FEET TO A POINT; THENCE S01°09'41"W A DISTANCE OF 300.00 FEET TO A POINT; THENCE N87°41'39"W A DISTANCE OF 25.00 FEET TO THE **POINT OF BEGINNING**.

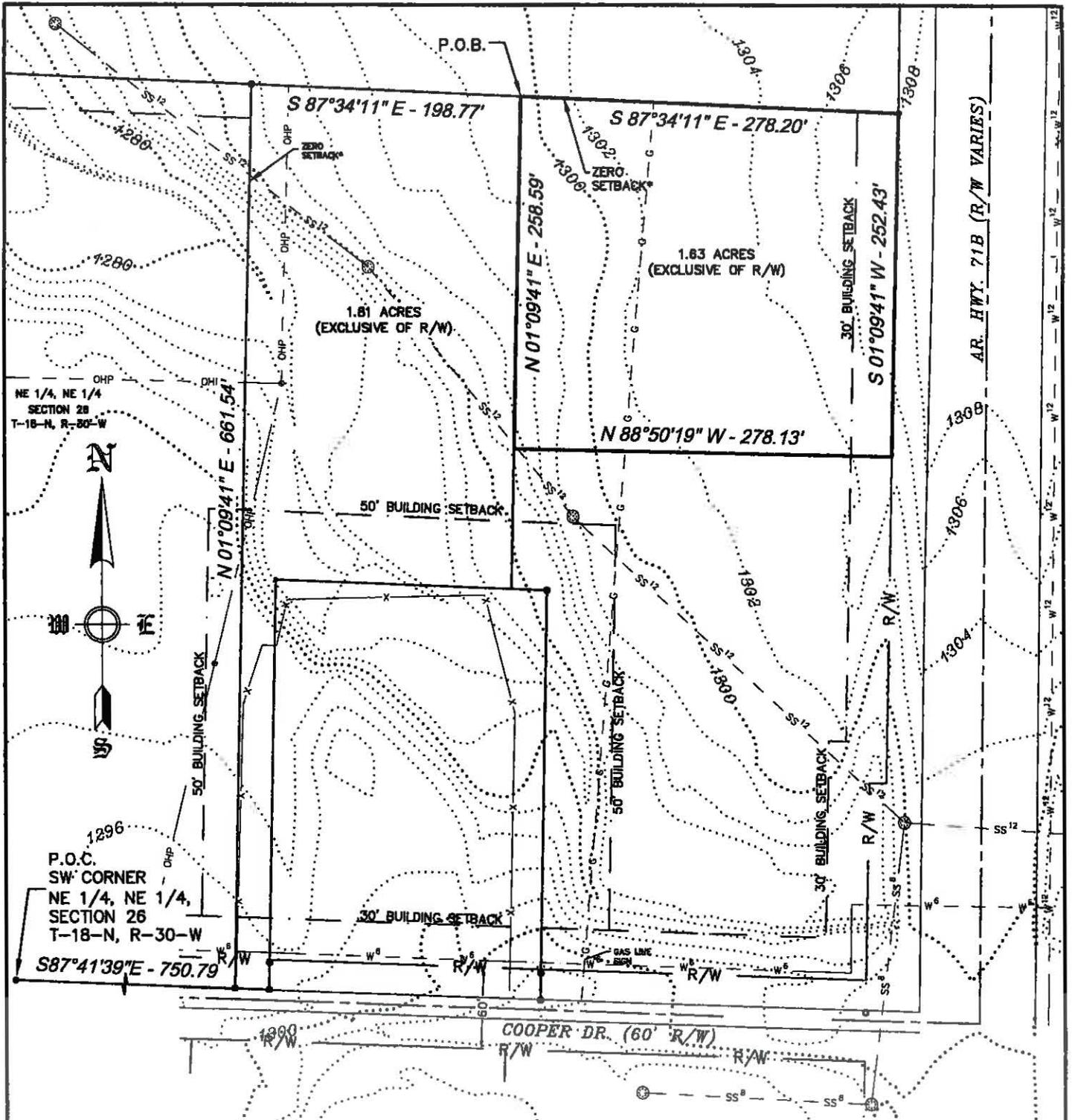
SAID TRACT OR PARCEL OF LAND CONTAINING 1.81 ACRES, MORE OR LESS.

1.63 ACRE TRACT

A PART OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 26, TOWNSHIP 18 NORTH, RANGE 30 WEST OF THE 5TH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID NE ¼ OF THE NE ¼; THENCE S87°41'39"E A DISTANCE OF 750.79 FEET TO A POINT; THENCE N01°09'41"E A DISTANCE OF 661.54 FEET TO A POINT; THENCE S87°34'11"E A DISTANCE OF 198.77 TO THE **POINT OF BEGINNING**; THENCE S87°34'11"E A DISTANCE OF 278.20 FEET TO A POINT; THENCE S01°09'41"W A DISTANCE OF 252.43 FEET TO A POINT; THENCE N88°50'19"W A DISTANCE OF 278.13 FEET TO A POINT; THENCE N01°09'41"E A DISTANCE OF 258.59 FEET TO THE **POINT OF BEGINNING**.

SAID TRACT OR PARCEL OF LAND CONTAINING 1.63 ACRES, MORE OR LESS.



1.63 ACRE TRACT

A PART OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 26, TOWNSHIP 18 NORTH, RANGE 30 WEST OF THE 5TH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID NE ¼ OF THE NE ¼; THENCE S87°41'39"E A DISTANCE OF 750.79 FEET TO A POINT; THENCE N01°09'41"E A DISTANCE OF 661.54 FEET TO A POINT; THENCE S87°34'11"E A DISTANCE OF 198.77 TO THE POINT OF BEGINNING; THENCE S87°34'11"E A DISTANCE OF 278.20 FEET TO A POINT; THENCE S01°09'41"W A DISTANCE OF 252.43 FEET TO A POINT; THENCE N88°50'19"W A DISTANCE OF 278.13 FEET TO A POINT; THENCE N01°09'41"E A DISTANCE OF 258.59 FEET TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 1.63 ACRES, MORE OR LESS.

1	SCALE: 1" = 100' DATE: AUG, 2013 W.O. #: 12950	SITE PLAN DEWEY JOHNSON PROPERTY 1.63 ACRES SPRINGDALE, ARKANSAS	
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RESOLUTION NO. _____

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

WHEREAS, Janet Edwards, Special Events Program Director from the Rodeo of the Ozarks has requested permission to conduct a Carnival entertainment event at the Parsons Stadium Rodeo Arena located at 1423 Emma Avenue, put on by Pride of Texas; and

WHEREAS, Pride of Texas Carnival dates will be Wednesday, October 2nd thru Sunday, October 6th, 2013, and

WHEREAS, the carnival's hours of operation will be Wednesday, October 2nd thru Sunday, October 6th, 2013 from noon – Midnight; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that Janet Edwards, Special Events Program Director with the Rodeo of the Ozarks and the Pride of Texas, is hereby authorized to conduct a carnival entertainment event in Parsons Stadium Rodeo Arena located at 1423 Emma Avenue, October 2nd through October 6th, 2013, with the carnival opening and closing times listed above. In case of a rain out, the Mayor has the authority to reschedule this event.

PASSED AND APPROVED this 10th, day of September, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

**CITY OF SPRINGDALE
APPLICATION FOR CIRCUS/EVENT**

DATE OF APPLICATION: September 5, 2013

BUSINESS NAME: Rodeo of the Ozarks for Pride of Texas

OWNER: Ed Burlingame

BUSINESS ADDRESS: 1/6 Rodeo of the Ozarks, Pobox 1909, Spdl 72705

BUSINESS PHONE: 479-256-0464

EMERGENCY PHONE: Denny Upton 841-7414

DATE OF EVENT(7 day maximum): October 2-6, 2013

PHYSICAL LOCATION OF EVENT: Parsons Stadium, 1423 E. Emma

HOURS OF OPERATION(Limited hrs. 10 a.m. to midnight): noon-midnight

ARKANSAS SALES & USE TAX NUMBER: 1909 12-72002

VERIFICATION OF ZONING (C-2, C-5): Rodeo Grounds


(SIGNATURE OF APPLICANT)

OFFICE USE ONLY

1. APPLICATION FEE OF \$100.00 COLLECTED:

2. PROOF OF \$1 MIL PUBLIC LIABILITY INSURANCE:(Non-profits exempt)

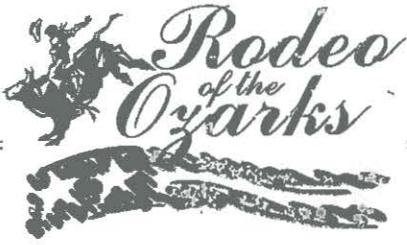
3. COPY OF WRITTEN PERMISSION FROM PROPERTY OWNER:

*******Please complete the following inspections after Council Approval*******

DATE OF COUNCIL APPROVAL:

FIRE MARSHAL'S SIGNATURE:(Call 479-751-4510)

BUILDING OFFICIAL'S SIGNATURE:(Call 479-750-8557)



September 5, 2013

City of Springdale
100 N. Spring
Springdale, AR 72764

The Rodeo of the Ozarks will be hosting the Pride of Texas Carnival here at Parsons Stadium for a Fall Carnival Celebration. The event will held October 2-6, 2013.

RODEO OF THE OZARKS

A large, stylized handwritten signature in black ink, which appears to read "Janet Edwards".

Janet Edwards
Special Events Program Director

P.O. Box 1909 • Springdale, AR 72765-1909 • 1-479-756-0464 • Fax 1-479-756-6582
www.rodeooftheozarks.com



CITY OF SPRINGDALE
201 Spring Street, Room 203
Springdale, AR 72764
479-750-8118

*** CUSTOMER RECEIPT ***

Batch ID: CITYCLERK 9/06/13 01 Receipt no: 9045

Type	SvcCd	Description	Amount
MP		MISC/ACCT # REQUIRED	\$100.00

RODEO OF OZARKS
LICENSES & PERMITS 10101013210000

CK Ref#: 26497 \$100.00
Total payment: \$100.00
Trans date: 9/06/13 Time: 9:30:05

THANK YOU FOR YOUR PAYMENT

COPY