

**CITY OF SPRINGDALE**  
**Committee Agendas**  
**Monday, October 5<sup>th</sup>, 2020**  
**City Council Chambers**  
**City Administration Building**  
**Meetings begin at 5:30 P.M.**

**Ordinance Committee by Chairman Mike Overton**

1. **An Ordinance** to waive competitive bidding for the purchase of Employee Insurance Coverage. Ordinance presented by Wyman Morgan, Administrative and Financial Services Director. Pgs. 2 - 4
2. **An Ordinance** calling for the annexation of land pursuant to ARK. CODE ANN. §14-40-501, *et. seq.* Ordinance presented by Ernest Cate, City Attorney. Pgs. 5 - 15

**Finance Committee by Chairman Jeff Watson**

3. **Financial Update.**
4. **A Resolution** to levy Benton County AD Valorem Taxes of the City of Springdale, Arkansas. Resolution presented by Ordinance presented by Wyman Morgan, Administrative and Financial Services Director. Pg. 16
5. **A Resolution** to levy Washington County AD Valorem Taxes of the City of Springdale, Arkansas. Resolution presented by Ordinance presented by Wyman Morgan, Administrative and Financial Services Director. Pgs. 17 & 18

**Health and Sanitation Committee by Chairman Amelia Williams**

6. **An Ordinance** ordering the razing (demolition) and removal of a certain residential structure within the City of Springdale, Arkansas, located at 1603 Westwood Avenue, Springdale, AR; to declare an emergency and for other purposes. Ordinance tabled from 8/31/20 Committee meeting. Ordinance presented by Ernest Cate, City Attorney. Pgs. 19 - 23

**Street and CIP Committee by Chairman Rick Evans**

7. **A Discussion** of the Har-Ber Avenue Project. Discussion led by Brad Baldwin, City Engineer.

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

**AN ORDINANCE TO WAIVE COMPETITIVE  
BIDDING FOR THE PURCHASE OF EMPLOYEE  
INSURANCE COVERAGE**

**WHEREAS**, the City of Springdale has provided health insurance for its employees through Arkansas Blue Cross Blue Shield since January 1, 2007, and

**WHEREAS**, Arkansas Blue Cross Blue Shield has proposed to continue coverage for City of Springdale employees with a 5% reduction in the premium, and

**WHEREAS**, the rates for dental insurance with Delta Dental will remain the same, and

**WHEREAS**, there is no change in the rate for vision insurance or life and AD&D insurance or long term disability, and

**WHEREAS**, Arkansas Code 14-58-303 states, "The governing body, by ordinance, may waive the requirements of competitive bidding in exceptional situations where this procedure is deemed not feasible or practical";

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

**Section 1.** This Council finds that due to the complexity of employee insurance competitive bidding is not feasible or practical in the purchase of health, vision insurance, dental insurance or life and AD&D insurance and long term disability insurance needed by the City of Springdale and competitive bidding on the purchase of these employee benefits for the year of 2021 is here by waived with the provision that the providers and insurance monthly premiums will be those as reflected on the attached data sheet.

**Section 2.** The City's 2021 contribution into the employees' health savings account will be made in two equal payments with the first payment in January and the second payment in July and will be the same amounts as paid in 2020.

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

**PASSED AND APPROVED** this 13<sup>th</sup> day of October, 2020

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

ATTEST:

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

APPROVED AS TO FORM

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

**2021 HEALTH BENEFITS PROPOSAL**

**HEALTH INSURANCE - BLUE CROSS BLUE SHIELD (5% decrease for 2021--No change in benefits)**

PPO - CoPay Plan	2021 Proposed		HDHP Plan w/H.S.A.	2021 Proposed	
	2020 Mo. Rates	Rates		Rates	Rates
Employee Only	\$ 483.44	\$ 459.27	Employee Only	\$ 363.24	\$ 345.08
Employee/Spouse	\$ 965.81	\$ 917.52	Employee/Spouse	\$ 725.66	\$ 689.38
Employee/Child(ren)	\$ 868.78	\$ 825.34	Employee/Child(ren)	\$ 652.76	\$ 620.12
Family	\$ 1,327.99	\$ 1,261.59	Family	\$ 997.78	\$ 947.89

**DENTAL INSURANCE - DELTA DENTAL (0% increase for 2021--No change in benefits)**

	2021 Proposed	
	2020 Mo. Rates	Rates
Employee Only	\$ 29.56	\$ 29.56
Employee/Spouse	\$ 61.66	\$ 61.66
Employee/Child(ren)	\$ 55.44	\$ 55.44
Family	\$ 94.20	\$ 94.20

**VISION INSURANCE - VSP (0% increase for 2021--No change in benefits)**

	2021 Proposed	
	2020 Mo. Rates	Rates
Employee Only	\$ 6.26	\$ 6.26
Employee/Spouse	\$ 11.57	\$ 11.57
Employee/Child(ren)	\$ 12.51	\$ 12.51
Family	\$ 17.84	\$ 17.84

**LIFE INSURANCE - MUTUAL OF OMAHA (0% Increase for 2021--Same benefits)**

**Basic Life/ADD (\$20K)**

	2020 Mo. Rates		2021 Proposed Mo. Rates	
All Employees	\$	3.40	\$	3.40

**Voluntary Life**

Age Band	2020 Employee & Spouse Rate per \$1K		2021 Proposed Mo. Rates Employee & Spouse Rate per \$1K		2020 All Children Rate per \$1K/cov.	2021 Proposed Rate All Children Per \$1K cov.
<24	\$	0.06	\$	0.06	\$0.24	\$0.24
25-29	\$	0.07	\$	0.07		
30-34	\$	0.09	\$	0.09		
35-39	\$	0.12	\$	0.12		
40-44	\$	0.19	\$	0.19		
45-49	\$	0.32	\$	0.32		
50-54	\$	0.53	\$	0.53		
55-59	\$	0.83	\$	0.83		
60-64	\$	1.29	\$	1.29		
65-69	\$	2.32	\$	2.32		
70-74	\$	4.15	\$	4.15		
75-79	\$	6.85	\$	6.85		
80-84	\$	13.88	\$	13.88		
85-89	\$	13.88	\$	13.88		
90-100	\$	13.88	\$	13.88		

**Long Term Disability--LTD (0% increase for 2021)**

	2020 Rate (Per \$100 of Monthly Covered Payroll)	2021 Proposed Rate (Per \$100 of Monthly Covered Payroll)
All Employees	\$0.24	\$0.24

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

**AN ORDINANCE CALLING FOR THE  
ANNEXATION OF LAND PURSUANT TO  
ARK. CODE ANN. §14-40-501, *et. seq.***

**WHEREAS**, the boundaries of the city limits of the City of Springdale have changed over time, causing certain lands which are not in the City of Springdale to become surrounded by land which is located in the City of Springdale;

**WHEREAS**, given the fact that certain lands are surrounded by property in the City of Springdale, it would be in the public interest for the City of Springdale to provide municipal services, such as police protection, fire protection, etc., to these surrounded lands, and these surrounded lands qualify for annexation pursuant to Ark. Code Ann. §14-40-302;

**WHEREAS**, Ark. Code Ann. §14-40-501, *et. seq.*, provides that the governing body of a municipality may propose an ordinance calling for the annexation of land that is surrounded by the municipality;

**WHEREAS**, it is in the best interest of the City of Springdale that these surrounded lands be annexed into and be made a part of the City of Springdale, and the legal descriptions of the land to be annexed, as well as a map of the land to be annexed, are attached hereto as Exhibits "A" and "B", and made a part hereof; and

**WHEREAS**, the City Council finds that a hearing date should be set on the issue of the annexation of the surrounded lands contained in Exhibits "A" and "B";

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that December 8, 2020, at 6:00 p.m. be set as the date and time for the City Council to hear the issue of the annexation of the surrounded lands contained in Exhibit "A"; and the City Clerk shall give notice of the date and time, as required by law.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

ATTEST:

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

APPROVED AS TO FORM:

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

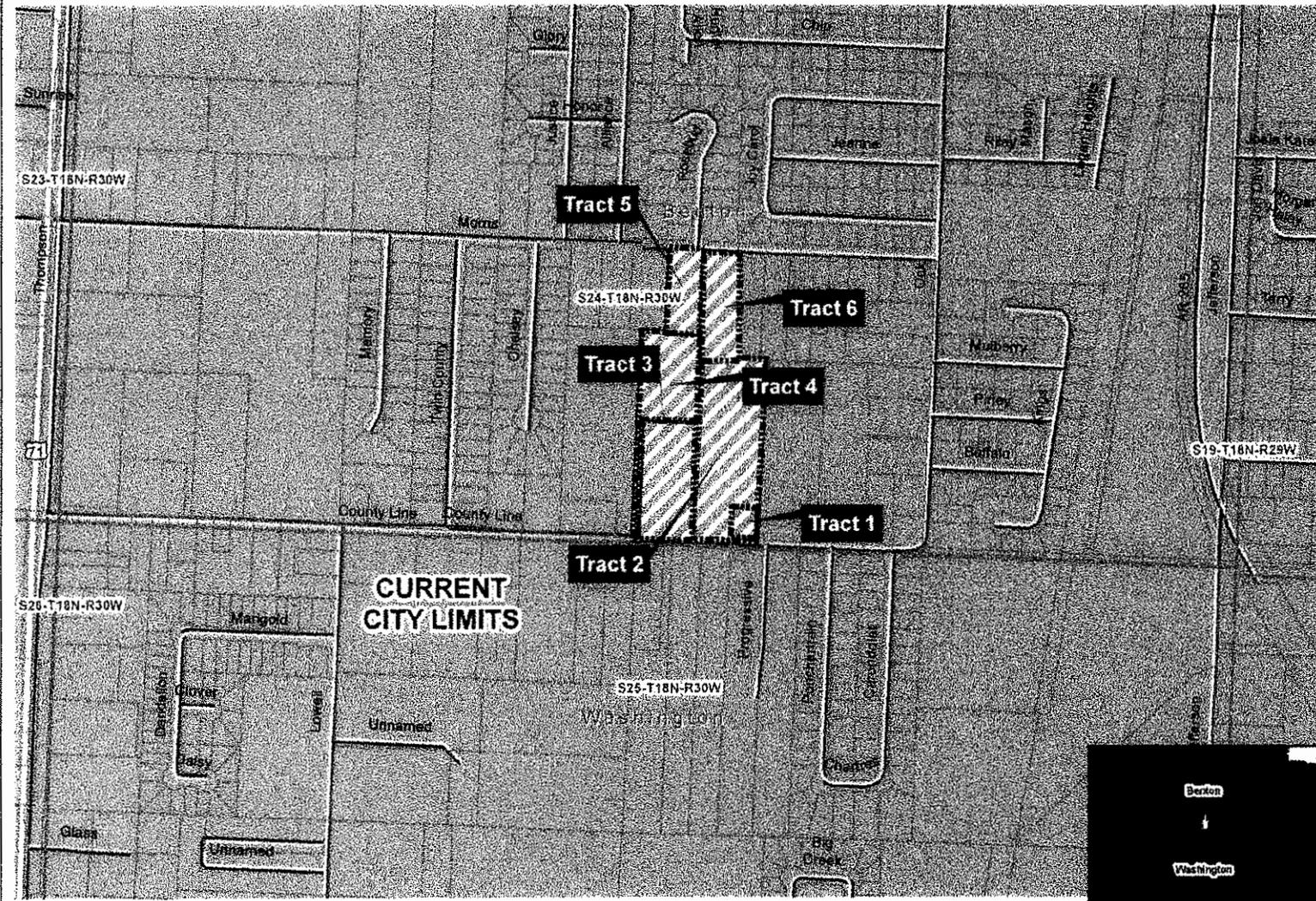
Proposed Annex: City of Springdale  
September 2020

City: Springdale  
Mayor: Doug Sprouse

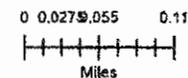
Arkansas Code 14-40-101.

Before an entity undertakes an annexation, consolidation, or detachment proceeding under this chapter, the entity shall coordinate with the Arkansas Geographic Information Systems Office for preparation of legal descriptions and digital mapping for the relevant annexation, consolidation, and detachment areas.

The map contained herein, is evidence, the entity has met requirements of Act 914 of 2015

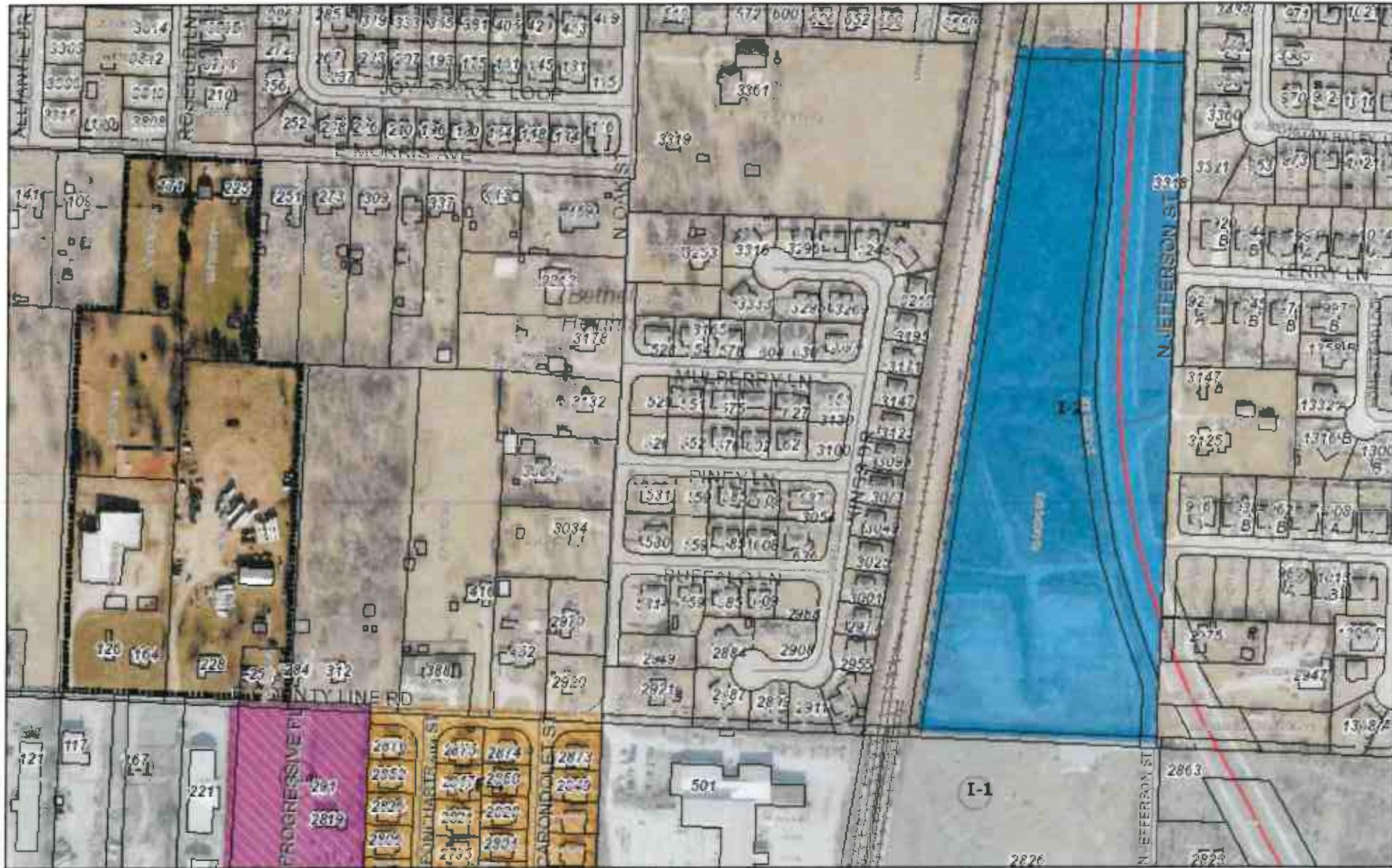


- Proposed Annex
- Sections
- Parcels
- Highway
- Minor Road
- Existing City
- County Boundary



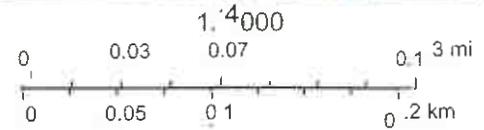
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# City of Springdale Zoning Map



September 9, 2020

- |                        |             |           |               |          |         |
|------------------------|-------------|-----------|---------------|----------|---------|
| Washington Co. Parcels | STREAMS     | LAKES     | STREETS - ALL | U.S. HWY | PRIVATE |
| Benton Co. Parcels     | MAINCHANNEL | Buildings | INTERSTATE    | AR HWY   |         |
| P.7 SCHOOLS            | TRIBUTARY   | RAILROAD  | RAMP          | LOCAL    |         |



City of Springdale, Clayton Sedberry

Clayton Sedberry City of Springdale

**Exhibit B**

**Benton County Island Annexation 2020**

Tract 1: Parcel No. 18-06389-002 (Leola Cross)

Leola Cross  
256 E. County Line Rd.  
Springdale, AR 72764

PART OF THE SW 1/4 OF THE SE 1/4 OF SECTION 24, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS S 89° 38' 42" W, 765.50 FEET FROM A FOUND IRON PIN AT THE SE CORNER OF THE SW 1/4 OF THE SE 1/4 OF SAID SECTION 24; THENCE S 89° 38' 42" W, 117.50 FEET; THENCE NORTH 137.96 FEET; THENCE N 89° 58' 52" E, 117.50 FEET; THENCE SOUTH 137.27 FEET TO THE POINT OF BEGINNING, CONTAINING 0.37 ACRES, MORE OR LESS.

Tract 2: Parcel No. 18-06389-000 (Larry Savage)

Larry Savage  
228 E. County Line Rd.  
Springdale, AR 72764

Part of the SW 1/4 of the SE 1/4 of Section 24, Township 18 North, Range 30 West described as beginning at a point 765.5 feet West of the SE corner of said 40 acre tract and running thence West 290.5 feet, thence North 825 feet, thence East 290.5 feet, thence South 825 feet to the place of beginning, LESS AND EXCEPT, PART OF THE SW 1/4 OF THE SE 1/4 OF SECTION 24, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS S 89° 38' 42" W, 765.50 FEET FROM A FOUND IRON PIN AT THE SE CORNER OF THE SW 1/4 OF THE SE 1/4 OF SAID SECTION 24; THENCE S 89° 38' 42" W, 117.50 FEET; THENCE NORTH 137.96 FEET; THENCE N 89° 58' 52" E, 117.50 FEET; THENCE SOUTH 137.27 FEET TO THE POINT OF BEGINNING, CONTAINING 0.37 ACRES, MORE OR LESS.

Tract 3: Parcel No. 18-06388-000 (Dream Structures, LLC)

Dream Structures, LLC  
P. O. Box 39  
Lowell, AR 72745-0039

Part of the SW 1/4 of the SE 1/4 of Section 24, Township 18 North, Range 30 West, Benton County, Arkansas, described as beginning 19 feet East of the Southwest corner of said SW 1/4 of the SE 1/4; thence East 245 feet; thence North 535 feet; thence West 245 feet; thence South 535 feet to the place of beginning.

Tract 4: Parcel No. 18-06387-000 (Dream Structures, LLC)

Dream Structures, LLC  
P. O. Box 39  
Lowell, AR 72745-0039

A part of the SW 1/4 of the SE 1/4 of Section 24, Township 18 North, Range 30 West, Benton County, Arkansas being more particularly described as follows: Beginning at a point located in County Line Road at the SW corner of said 40 acre tract; thence leaving said County Line Road and running N02°19'12"E 935.01' along the west line of said 40 acre tract to a 5/8" iron rebar; thence leaving said west line and running S87°53'30"E 110.55' to a 5/8" iron rebar; thence S02°06'30"W 5.00' to a 5/8" iron rebar; thence S87°53'30"E 150.00' to a 5/8" iron rebar; thence S01°31'26"W 395.89' to a 5/8" iron rebar; thence N87°54'26"W 245.13' to a 5/8" iron rebar; thence S02°31'40"W 534.08' to feet to a 5/8" iron rebar Cap #1519 located in the County Line Road; thence with County Line Road N87°53'30"W 19.00' feet to the point of beginning, containing 2.65 acres, more or less.

Tract 5: Parcel No. 18-06390-001 (Dream Structures, LLC)

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A part of the SW 1/4 of the SE 1/4 of Section 24, Township 18 North, Range 30 West, Benton County, Arkansas being more particularly described as follows: Commencing at the NW corner of said 40 acre tract, said point being located in Morris Ave.; thence S87°34'17"E 109.12 feet along both Morris Ave. and the north line of said 40 acre tract S87°34'24"E 154.88 feet to a point; thence leaving both Morris Ave. and said north line and running S02°49'30"W 390.03' to a 5/8" iron rebar; thence N87°53'30"W 150.00' to a 5/8" iron rebar; thence N02°06'30"E 390.86' to feet to the point of beginning, containing 1.37 acres, more or less.

Tract 6: Parcel No. 18-06390-000 (Antonio Araujo and Jose Araujo)

Antonio Araujo and Jose Araujo  
225 E. Morris  
Springdale, AR 72764

Part of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section 24, Township 18 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows: Commencing at a found railroad spike, said spike accepted and used as the Northeast Corner of the SW 1/4 of said SE 1/4, thence N 89°45'52" W 885.06 feet to a set cotton picker spindle and the point of beginning, thence continue N 89°45'52" W 163.49 feet to a set cotton picker spindle, thence S 1°12'43" W 495.00 feet to a found 5/8 inch diameter iron pin, thence S 89°44'27" E 171.56 feet to a found 5/8 inch diameter iron pin, thence N 0°16'40" E 495.00 feet to the point of beginning, containing 1.90 acres, more or less, and subject to the right of way of Morris Avenue along the North boundary thereof.



**ARKANSAS  
GIS OFFICE**

**Department of Transformation  
and Shared Services**  
Governor Asa Hutchinson  
Secretary Amy Fecher  
Director Shelby Johnson

September 30, 2020

Mr. Ernest B. Cate  
City Attorney/ Prosecutor  
City of Springdale  
201 Spring St.  
Springdale, AR 72764

RE: City of Springdale Annexation Coordination Requirement

Mr. Cate,

Thank you for coordinating with our office as you seek to annex property into the City of Springdale, AR located in Section 24, Township 18 North, Range 30 West. This letter represents confirmation that you have properly coordinated with our office (Arkansas GIS Office) as specified in § 14-40-101 (Act 914 of 2015) of the 90<sup>th</sup> General Assembly.

Our office will wait completion of any additional steps necessary for the proposed boundary change, which normally comes from the Arkansas Secretary of State Elections Division after any appropriate filing by your County Clerk.

Thank you,

Jennifer Wheeler, GIS Analyst

Attachments:  
GIS Office Map of Proposed Annexation  
Legal Description  
Secretary of State Municipal Change Checklist

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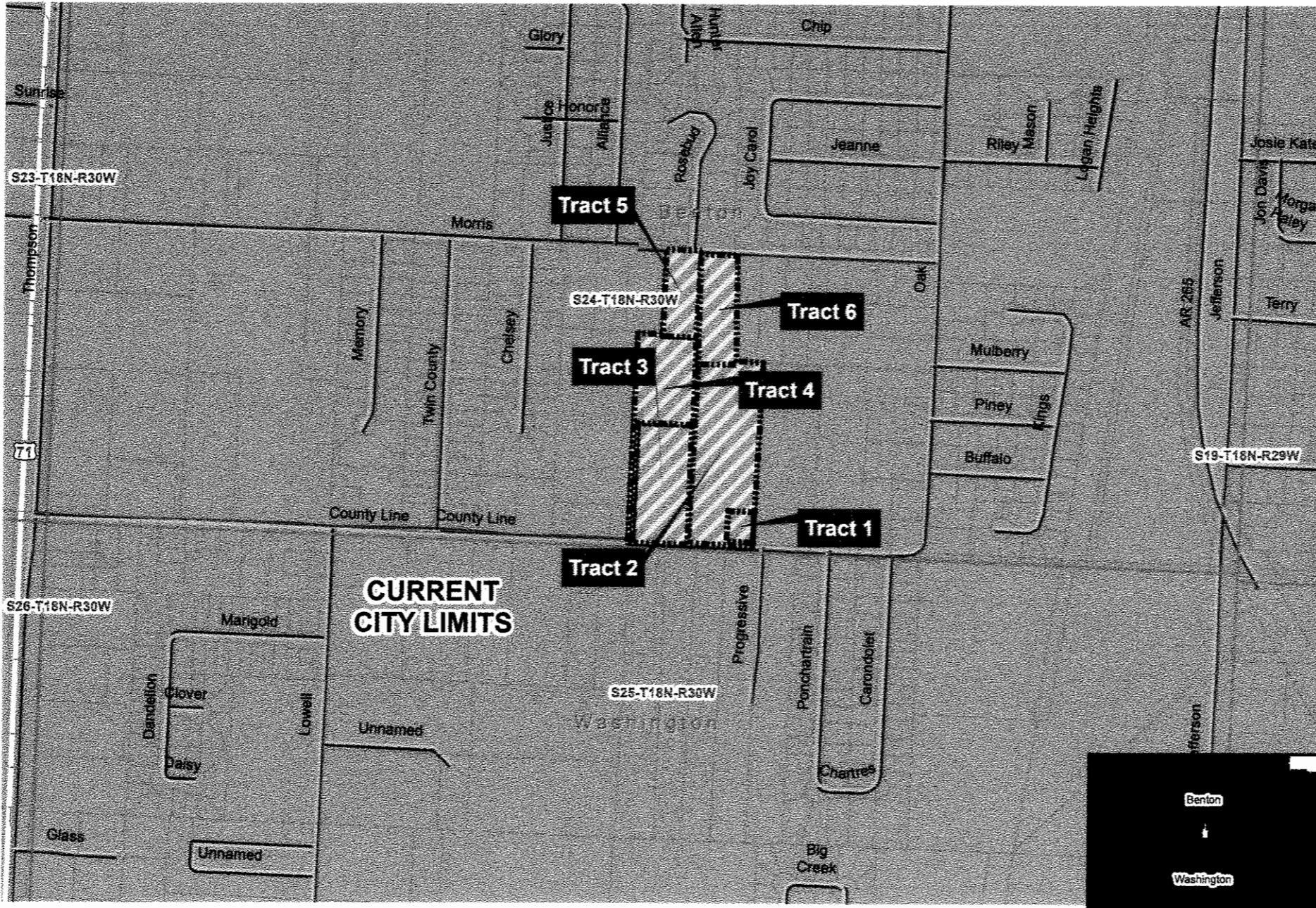
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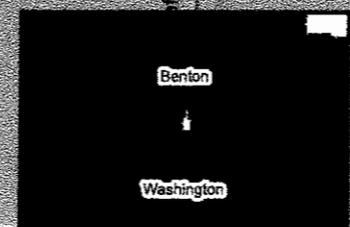
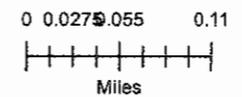
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Antonio Araujo and Jose Araujo  
225 E. Morris  
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# Arkansas Secretary of State

**John Thurston** Arkansas Secretary of State, 500 Woodlane Ave, Little Rock, AR 72201-1094

## Municipal Boundary Change Checklist

Act 655 of 2017 and A.C.A. §14-40-103

County: \_\_\_\_\_ City/Town: \_\_\_\_\_

City Ordinance/Resolution No: \_\_\_\_\_ Date approved: \_\_\_\_\_

County Court Case No: \_\_\_\_\_ Date Order Filed: \_\_\_\_\_

Type: \_\_\_\_\_  
(Choose from the list of Arkansas Code Sections located on the back)

Date Change Effective: \_\_\_\_\_ Set by:  Municipal Ordinance  Emergency Clause  Court  Default  
(Required by Act 655 of 2017)

For Circuit Court Challenge: Date Order Filed: \_\_\_\_\_  Upheld  Overturned  Other (attach explanation)

Please indicate which ward(s) the territory will be assigned to: \_\_\_\_\_  
(See A.C.A § 14-40-203)

**Initiating party:**

All Landowners  Majority Landowners  Municipal Governing Body  State  Other \_\_\_\_\_

**Supporting Documentation attached (check all that apply):**

- File marked copy of City Ordinance/Resolution (required)
- File marked copy of County Court Order or certified annexation election results (required except for A.C.A. §14-40-501)
- Copy of Arkansas GIS approved printed map and certification letter (required)
- Proof of Publication for all Legal Notices (include Hearing, Election, and City Ordinance/Resolution notices)
- File marked copy of Petition Part (if applicable)
- File marked copy of Complaint and final Circuit Court Order (Court Challenge only)

**Municipal Contact:**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ St: \_\_\_\_\_ Zip code: \_\_\_\_\_

*Complete one form per ordinance/resolution, attach it as a cover page to the supporting document set and submit to the County Clerk's Office within 45 days of the Effective Date as required by Act 655 of 2017*

**County Official:**

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

Date: \_\_\_\_\_

*Pursuant to Act 655 of 2017, County Officials must submit a file-marked copy of municipal boundary change documents within 30 days of receipt to: Arkansas Secretary of State, Attn: Municipal Boundary Filing, 500 Woodlane Ave Suite 256, Little Rock, AR 72201-1094*

*Office of the Arkansas Secretary of State use only*

Received by: \_\_\_\_\_

**Municipal Annexation, Detachment, and Incorporation Reference**

- Annexation of Territories Contiguous to County Seat A.C.A §14-40-201
- Annexation of Territories in another Judicial District (multiple county seats) A.C.A. §14-40-202
  - Annexation of City Park or Airport (automatic) A.C.A §14-40-204
- Annexation of building on boundary of two municipalities (written notice) A.C.A. §14-40-207
  - Annexation by Election (contiguous land) A.C.A. §14-40-302
  - Annexation of land in adjoining County A.C.A §14-40-401
- Annexation of surrounded unincorporated area (island/doughnut holes) by ordinance A.C.A. §14-40-501
  - Annexation by Petition of majority of Landowners A.C.A. §14-40-602
  - Annexation by Petition of all Landowners A.C.A §14-40-609
  - Consolidation of two municipalities by Election A.C.A §14-40-1201
- Annexation with Detachment from another municipality at landowner request A.C.A §14-40-2001
  - Annexation with Detachment from adjoining city at city request A.C.A §14-40-2101
  - Detachment of Land annexed by petition under §14-40-601 A.C.A §14-40-608
  - Detachment of municipal lands back to County by election A.C.A. §14-40-1801
  - Detachment of unsuitable land by municipal resolution A.C.A §14-40-1901
  - Incorporation by direct petition of landowners A.C.A §14-38-101
  - Incorporation by petition for special election A.C.A §14-38-115
  - Surrender of Charter (Disincorporation) by second class city A.C.A §14-39-101

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

**A RESOLUTION TO LEVY BENTON COUNTY AD VALOREM TAXES OF THE CITY OF SPRINGDALE, ARKANSAS.**

**WHEREAS**, governing bodies of the municipalities of the State of Arkansas are required by law to levy ad valorem taxes at their regular meeting in October of each year; and,

**WHEREAS**, certain levies are needed to properly finance the operation of the City of Springdale, Arkansas.

**WHEREAS**, all property taxes will be collected by the County Clerk and Tax Collector of Benton County.

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

**SECTION 1:** That the following levies be approved for collection in the year 2021 and that copies of this Resolution be sent to the County Clerk and Tax Collector of Benton County.

The 2020 property tax levy to be collected by the Benton County Tax Collector are as follows:

	<b>REAL ESTATE</b>	<b>PERSONAL PROPERTY</b>
<b>GENERAL FUND</b>	.0047	.0047
<b>FIREMEN'S PENSION</b>	.0005	.0005
<b>POLICEMEN'S PENSION</b>	.0005	.0005
<b>TOTAL</b>	<u>.0057</u>	<u>.0057</u>

**PASSED AND APPROVED** this \_\_\_\_\_ day of October, 2020.

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

ATTEST:

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

APPROVED AS TO FORM:

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

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

**A RESOLUTION TO LEVY WASHINGTON  
COUNTY AD VALOREM TAXES OF THE CITY  
OF SPRINGDALE, ARKANSAS.**

**WHEREAS**, governing bodies of the municipalities of the State of Arkansas are required by law to levy ad valorem taxes at their regular meeting in October of each year; and,

**WHEREAS**, certain levies are needed to properly finance the operation of the City of Springdale, Arkansas.

**WHEREAS**, all property taxes and voluntary taxes will be collected by the Tax Collector of Washington County.

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

**SECTION 1:** That the following levies be approved for collection in the year 2021 and that copies of this Resolution be sent to the County Clerk and Tax Collector of Washington County.

The 2020 property tax levy to be collected by the Washington County Tax Collector are as follows:

	<b>REAL ESTATE</b>	<b>PERSONAL PROPERTY</b>
<b>GENERAL FUND</b>	.0047	.0047
<b>FIREMEN'S PENSION</b>	.0005	.0005
<b>POLICEMEN'S PENSION</b>	.0005	.0005
<b>TOTAL</b>	<u>.0057</u>	<u>.0057</u>

**SECTION 2:** The 2020 voluntary taxes to be collected by the Washington County Tax Collector are as follows:

	<b>REAL ESTATE</b>	<b>PERSONAL PROPERTY</b>
<b>CITY FIRE FUND</b>	.0015	.0015
<b>LIBRARY</b>	.001	.001
<b>TOTAL</b>	<u>.0025</u>	<u>.0025</u>

**SECTION 3:** The voluntary taxes will be printed in the Washington County Tax Collector's office and shall be billed and collected by the Washington County Tax Collector's office.

**PASSED AND APPROVED** this \_\_\_\_\_ day of October, 2020.

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

ATTEST:

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

APPROVED AS TO FORM:

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

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

**AN ORDINANCE ORDERING THE RAZING (DEMOLITION) AND REMOVAL OF A CERTAIN RESIDENTIAL STRUCTURE WITHIN THE CITY OF SPRINGDALE, ARKANSAS, LOCATED AT 1603 WESTWOOD AVENUE, SPRINGDALE AR; TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES.**

**WHEREAS**, Lee Johnson and Janice Johnson are the owners of certain real property situated in Springdale, Washington County, Arkansas, more particularly described as follows:

The East Seventy-five (75) feet of the West One hundred Twenty-six and Seventy-five hundredths (126.75) feet of Lots One (1), Two (2), and Three (3), in Block Three (3) in Westwood Subdivision of Springdale, Arkansas, and being part of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of Section 35, Township 18 North, Range 30 West, as per plat of said Subdivision on file in the office of the Circuit Clerk of Washington County, Arkansas.

Commonly known as 1603 Westwood Avenue, Springdale, Washington County, Arkansas  
Tax Parcel No. 815-26882-000

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

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

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

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

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

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

**Section 1.** That the structure located at 1603 Westwood Avenue, Springdale, Arkansas, is dilapidated, unsightly, and unsafe; and it is in the best interests of the City of Springdale to proceed with the removal of this dilapidated, unsightly, and unsafe structure.

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

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

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

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

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

Ernest B. Cate  
City Attorney  
ecate@springdalear.gov

Taylor Samples  
Senior Deputy City Attorney  
tsamples@springdalear.gov

Sarah Sparkman  
Deputy City Attorney  
sparkman@springdalear.gov

David D. Phillips  
Deputy City Attorney  
dphillips@springdalear.gov



**OFFICE OF CITY ATTORNEY**

201 Spring Street • Springdale, Arkansas 72764  
Phone (479) 750-8173 • Fax (479) 750-4732  
[www.SpringdaleAR.gov](http://www.SpringdaleAR.gov)

Lourdes Peredo  
Case Coordinator/Victim Advocate  
lperedo@springdalear.gov

Steve Helms  
Investigator  
shelms@springdalear.gov

Lynda Belvedresi  
Administrative Legal Assistant  
lbelvedresi@springdalear.gov

Jacque Roth  
File/Discovery Clerk  
jroth@springdalear.gov

July 31, 2020

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

Lee and Janice Johnson  
1603 Westwood  
Springdale, AR 72762

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Simmons Bank  
Marty Casteel, Registered Agent  
P.O. Box 7009  
Pine Bluff, AR 71611-7009

RE: Property located at 1603 Westwood, Springdale, Washington County, Arkansas,  
Tax Parcel No. 815-26882-000

Dear Property **Owner/Lienholder**:

The Chief Building Inspector for the City of Springdale, Arkansas, has posted notice at 1603 Westwood Springdale and has mailed notice in writing to you, via certified mail, that a structure located on property owned by you at 1603 Westwood, Springdale, Arkansas, was unsafe and could not be occupied until the property had been repaired. Furthermore, the owner was instructed to obtain a demolition or repair permit within thirty (30) days and to begin work within ten (10) days of obtaining the permit.

As of this date, you have taken no efforts to demolish or repair the structure on this property. As such, please be advised that the City Council for the City of Springdale will be reviewing the enclosed ordinance at a Committee Meeting that will take place at 5:30 p.m. on Monday, August 31, 2020, in the multi-purpose room located on the second floor of the City Administration Building at 201 N. Spring Street, Springdale, Arkansas. Also, the enclosed ordinance will be

placed on the Council Agenda to be considered on Tuesday, September 8, 2020. This meeting will take place in the Council chambers on the first floor of the City Administration Building. I strongly encourage you to **attend** these meetings.

Should the City adopt the enclosed ordinance, you will be given a final opportunity to repair or remove the structure. Should you **not** take advantage of this opportunity, the City of Springdale will have the right to raze and remove the structure, and then charge the **costs** of such as a lien against the property. The **amount** of any such lien would be determined by the City Council, and you would have **the** opportunity to be **notified** and be heard **at** this meeting. If you should have any questions, please let me know. I am also sending this letter to you via regular mail as well.

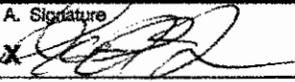
Sincerely,



Sarah Sparkman  
Deputy City Attorney

enclosure  
SS:lb

cc: Chief Building Inspector  
Chief Building Official

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Lee R. Johnson</u> C. Date of Delivery <u>8.5.20</u></p>
<p>1. Article Addressed to:</p> <p><b>Lee &amp; Janice Johnson 1603 Westwood Springdale, AR 72762</b></p>  <p>9590 9402 5215 9122 2296 13</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>
<p>2. Article Number (Transfer from service label) <b>7019 1120 0000 5848 5092</b></p>	<p>3. Service Type</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Adult Signature</li> <li><input type="checkbox"/> Adult Signature Restricted Delivery</li> <li><input checked="" type="checkbox"/> Certified Mail®</li> <li><input type="checkbox"/> Certified Mail Restricted Delivery</li> <li><input type="checkbox"/> Collect on Delivery</li> <li><input type="checkbox"/> Collect on Delivery Restricted Delivery</li> <li><input type="checkbox"/> Registered Mail</li> <li><input type="checkbox"/> Priority Mail Express®</li> <li><input type="checkbox"/> Registered Mail™</li> <li><input type="checkbox"/> Registered Mail Restricted Delivery</li> <li><input checked="" type="checkbox"/> Return Receipt for Merchandise</li> <li><input type="checkbox"/> Signature Confirmation™</li> <li><input type="checkbox"/> Signature Confirmation Restricted Delivery</li> </ul>

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

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Certified Mail Fee	
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$ _____	
<input type="checkbox"/> Return Receipt (electronic) \$ _____	
<input type="checkbox"/> Certified Mail Restricted Delivery \$ _____	
<input type="checkbox"/> Adult Signature Required \$ _____	
<input type="checkbox"/> Adult Signature Restricted Delivery \$ _____	
Postage	
Total Postage and Fees	

Postmark  
Here

1120 0000 5848 5092